

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Protection and Permanency
(Amendment)

922 KAR 1:495. Training requirements for foster parents, adoptive parents, and respite care providers for children in the custody of the cabinet.

RELATES TO: KRS ~~[61.870,]~~ 158.135(1)(c), 194A.005(1), ~~[194A.050(1),]~~ 199.011, 199.464, ~~[199.472(1), 199.640,]~~ 311.720(12), 311.840(3), 314.011(5), (7), 600.020, ~~[605.100(1), 605.150(1), 620.360, 45 C.F.R. Parts 160, 164,]~~ 42 U.S.C. 671(a), 675

STATUTORY AUTHORITY: KRS 194A.050(1), 199.472(1), 199.640(5), 605.100(1), 605.150(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the ~~secretary of~~~~Secretary for~~ the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate the programs and fulfill the responsibilities vested in the cabinet. KRS 199.472(1) requires the cabinet to promulgate administrative regulations to establish the process of determining an applicant's capacity for adoptive parenthood. KRS 199.640(5)(a) requires the ~~secretary~~~~Secretary~~ of the Cabinet for Health and Family Services to promulgate administrative regulations establishing basic standards of care and service for child-caring facilities and child-placing agencies. KRS 605.100(1) requires the cabinet to arrange programs designed to provide for classification, segregation, and specialized treatment of children according to their respective problems, needs, and characteristics. KRS 605.150(1) authorizes the cabinet to promulgate administrative regulations to implement the provisions of KRS Chapter 605. In addition, 42 U.S.C. 671(a) (24) includes a certification that, before a child in foster care under the responsibility of the state is placed with prospective foster parents, the prospective foster parents ~~shall~~~~will~~ be prepared adequately with the appropriate knowledge and skills to provide for the needs of the child, and that such preparation ~~shall~~~~will~~ be continued, as necessary, after the placement of the child. This administrative regulation establishes minimum training requirements for foster parents, adoptive parents, and respite care providers caring for foster or adoptive children in the custody of the cabinet.

Section 1. Definitions.

- (1) "Adoptive parent" means an individual who is seeking to adopt a child placed in the custody of the cabinet.
- (2) "Applicant" means an individual or family, subject to approval by the cabinet, or by a private child-placing agency, as a foster or adoptive home.
- (3) "Cabinet" is defined by KRS 194A.005(1) and 600.020(7).
- (4) "Care Plus" means a foster care program for a child who is determined to have specialized care needs as specified in 922 KAR 1:350, Section 5.
- (5) ~~["Child specific foster home" means an individual or family subject to approval by the cabinet as a foster family home for a relative or fictive kin placement.]~~
- ~~[(6)]~~ "Foster home" means:
 - (a) A "foster family home" as defined by KRS 199.011(10) and 600.020(30), if referring to a physical structure; or
 - (b) If referring to an individual, any individual approved as a foster parent by:
 1. A child-placing agency in accordance with 922 KAR 1:310; or
 2. The cabinet in accordance with 922 KAR 1:350.
- ~~[(7)]~~ "Health professional" means a person actively licensed as a:
 - (a) Physician as defined by KRS 311.720(12);
 - (b) Physician assistant as defined by KRS 311.840(3);

- (c) Advanced practice registered nurse as defined by KRS 314.011(7); or
- (d) Registered nurse as defined by KRS 314.011(5) under the supervision of a physician.
- (7) ~~[(8)]~~ "Medically complex" means a foster care program for a child who is determined to have a medical condition as specified in 922 KAR 1:350, Section 4.
- (8) ~~[(9)]~~ "Professional experience" means paid employment or volunteer work in a setting where there is supervision or periodic evaluation.
- (9) ~~[(10)]~~ "Reasonable and prudent parent standard" is defined by 42 U.S.C. 675(10).
- (10) ~~[(11)]~~ "Respite care" means temporary care provided by another individual or family:
 - (a) To meet the needs of the child or provide relief to a foster or adoptive parent approved in accordance with 922 KAR 1:310 or 922 KAR 1:350; and
 - (b) With the expectation of a child's return to the current foster or adoptive home.
- (11) ~~[(12)]~~ "Therapeutic foster care" is defined by KRS 158.135(1)(c).
- (12) ~~[(13)]~~ "Trauma informed care" means training developed using an organizational strengths-based framework to recognize and respond to the impact of traumatic stress on children, caregivers, and service providers with a goal to facilitate and support the recovery and resiliency of the child and family.

Section 2. General Training Requirements.

- (1) The purpose of the foster or adoptive parent training shall be to:
 - (a) Orient the applicant to the philosophy and process of the foster care or adoption programs;
 - (b) Develop greater self-awareness on the part of the applicant to determine strengths and needs;
 - (c) Sensitize the applicant to the kinds of situations, feelings, and reactions that are apt to occur with a child in the custody of the cabinet;
 - (d) Effect behavior so that an applicant may better fulfill the role as a foster or adoptive parent to a child; and
 - (e) Emphasize:
 - 1. Self-evaluation; and
 - 2. Experiential learning.
- (2)
 - (a) A foster or adoptive parent applicant shall complete the training ~~[a minimum of fifteen (15) hours of]~~ curricula required by the cabinet, including ~~[in]~~ the following topic areas:
 - 1. Information about the rights, responsibilities, and expectations of a foster or adoptive parent;
 - 2. The importance of birth parents and culture;
 - 3. The process of a child entering foster care;
 - 4. Types of child maltreatment;
 - 5. Impact of childhood trauma;
 - 6. Stages of grief;
 - 7. Long term effects of separation and loss;
 - 8. Permanency planning for a child, including independent living for transitioning youth;
 - 9. Importance of attachment on a child's growth and development and the way a child maintains and develops a healthy attachment;
 - 10. Family functioning, values, and expectations of a foster or adoptive home;
 - 11. Cultural competency;
 - 12. Emergency preparedness;
 - 13. Child development;

14. Basic discipline and behavior management skills; and

15. Reasonable and prudent parent standard.

(b) The cabinet shall waive ~~the pre-service~~^{up to twelve (12) hours of preservice} training curricula for an applicant seeking approval as a ~~relative or fictive kin~~^{child specific} foster home unless the cabinet identifies an unmet need that ~~necessitates~~^{necessitates} training.

(c) The cabinet shall not waive the required electronic courses required by subsection (3) of this section.

(d) Training curricula specified in paragraph (a) of this subsection shall be:

1. Provided by the cabinet; or

2. Approved by the cabinet in accordance with Section 8 of this administrative regulation.

(e) Unless justification is documented pursuant to paragraphs (f) and (g) of this subsection, foster or adoptive parent training for placement of a child in the custody of the cabinet shall be completed in a group setting by each adult who resides in the household and may provide routine care to a child in the custody of the cabinet.

(f) A justification to provide foster or adoptive parent training other than in a group setting pursuant to paragraph (e) of this subsection shall:

1. Include the circumstance that prevents the foster or adoptive parent training from occurring in a group setting; and

2. Be documented utilizing the DPP-113, Request for Applicant or Adult Household Member to Attend Individualized Training.

(g) A justification completed in accordance with paragraph (f) of this subsection shall be placed in the foster or adoptive parent's case file.

(h) An applicant shall not receive more than eight (8) hours of individualized training during a twenty-four (24) hour period.

(3) In addition to initial training requirements in subsection (2)(a) of this section, a foster or adoptive parent applicant shall complete the following electronic courses provided by the cabinet prior to approval:

(a) Pediatric Abusive Head Trauma;

(b) First Aid and Universal Precautions;

(c) Medication Administration;

(d) Medical Passports; and

(e) Reasonable and Prudent Parenting.

(4) First aid certification may substitute for the training requirement provided within subsection (3)(b) of this section if the foster or adoptive parent applicant provides documentation of current certification.

Section 3. General Annual Training Requirements.

(1) Prior to or during the month of the second anniversary date of a foster or adoptive parent's initial approval, the foster or adoptive parent shall complete a minimum of thirty (30) hours of training in the following areas:

(a) Trauma informed care curriculum provided or approved by the cabinet in accordance with Section 8 of this administrative regulation;

(b) Psychotropic medications curriculum provided by the cabinet;

(c) Sexual abuse curriculum provided or approved by the cabinet in accordance with Section 8 of this administrative regulation; ~~and~~

(d) Behavior management and skill development;

(e) Advocacy and self-care; and

(f) Culture and maintaining connections.

(2) If a private child-placing agency provides training in accordance with subsection (1) of this section prior to a foster or adoptive home's approval, the thirty (30) hours shall be

in addition to the ~~fifteen (15) hours of~~ pre-service training required by Section 2(2) of this administrative regulation.

(3) If training requirements of subsections (1) and (2) of this section are met, a foster or adoptive parent shall complete the following prior to or during each subsequent anniversary of the foster or adoptive parent's initial approval:

(a) Ten (10) hours of private child-placing agency or cabinet-sponsored training related to knowledge or skills relevant to foster parenting, or training approved in advance by the private child-placing agency or the cabinet; and

(b) If applicable, training as specified in Section 2(3)(a) of this administrative regulation once every five (5) years in accordance with KRS 199.464.

(4)

(a) The cabinet may waive annual ongoing training requirements for a relative or fictive kin foster home ~~[approved as a]~~~~[child specific foster home]~~.

(b) The cabinet shall assess the need for ongoing training for the relative or fictive kin~~[child specific]~~ foster home during the re-evaluation.

Section 4. Medically Complex Foster Parent Training Requirements.

(1) In addition to the general training requirements established in Section 2 of this administrative regulation and annual training requirements established in Section 3 of this administrative regulation, a medically complex foster parent applicant shall:

(a) Complete twelve (12) hours of cabinet-provided medically complex training in the following topic areas specific to children with medical complexity:

1. Growth and development;

2. Nutrition;

3. Documentation of provided care;

4. Medical conditions; and

5. Standards of practice related to the medically complex home type; and

(b) Hold a current certification in infant, child, and adult CPR and first aid.

(2) Prior to or during the anniversary month of the foster parent's initial approval as a foster parent and annually thereafter, an approved medically complex foster parent shall:

(a) Meet the requirements in subsection (1)(b) of this section;

(b) Complete the annual training requirements as specified in Section 3 of this administrative regulation; and

(c) Complete twelve (12) hours of ongoing cabinet-provided training related to the care of children with medical complexity.

(3) Professional experience related to the care of a child with medical complexity may substitute for the initial and annual medically complex training requirements specified in subsections (1)(a) and (2)(c) of this section if approved by designated cabinet staff based on the foster or adoptive parent:

(a) Being a health professional; and

(b) Having completed twelve (12) hours of continuing education focusing on pediatrics within the past year that will assist the parent in the care of a child with medical complexity.

Section 5. Therapeutic Foster Care Training Requirements.

(1) In addition to the general training requirements specified in Section 2 of this administrative regulation and annual training requirements specified in Section 3 of this administrative regulation, a therapeutic foster care applicant in accordance with 922 KAR 1:310 shall complete twelve (12) hours of private agency-sponsored training or training approved in advance by the child-placing agency in the following topic areas:

(a) Specific requirements and responsibilities of a therapeutic foster care home;

(b) Crisis intervention and behavior management;

(c) De-escalation techniques;

- (d) Communication skills;
 - (e) Skill development;
 - (f) The dynamics of a child who has experienced sexual abuse or human trafficking; and
 - (g) The effect of substance use, abuse, or dependency by either the child or the child's biological parent.
- (2) An approved therapeutic foster parent shall:
- (a) Complete the annual training requirements as specified in Section 3 of this administrative regulation; and
 - (b) Prior to or during the anniversary month of the foster parent's initial approval as a foster parent and annually thereafter, complete twelve (12) hours of private agency-sponsored training or training approved in advance by the private agency in topic areas relevant to therapeutic foster care.
- (3) A therapeutic foster care applicant may concurrently complete general training requirements as specified in Section 2 of this administrative regulation and training requirements established in subsection (1) of this section.

Section 6. Care Plus Training Requirements.

- (1) In addition to the general training requirements specified in Section 2 of this administrative regulation and annual training requirements specified in Section 3 of this administrative regulation, a care plus applicant in accordance with 922 KAR 1:350 shall complete twelve (12) hours of cabinet-sponsored training or training approved in advance by the cabinet in the following topic areas:
- (a) Specific requirements and responsibilities of a care plus foster home;
 - (b) Crisis intervention and behavior management;
 - (c) De-escalation techniques;
 - (d) Communication skills;
 - (e) Skill development;
 - (f) Cultural competency;
 - (g) The dynamics of a child who has experienced sexual abuse or human trafficking; and
 - (h) The effect of substance use, abuse, or dependency by either the child or the child's biological parent.
- (2) An approved care plus foster parent shall:
- (a) Complete the annual training requirements as specified in Section 3 of this administrative regulation; and
 - (b) Prior to or during the anniversary month of the foster parent's initial approval as a foster parent and annually thereafter, complete twelve (12) hours of ongoing cabinet-sponsored training or training approved in advance by the cabinet prior to or during the anniversary month of initial approval as a foster parent in the topic areas described in subsection (1) of this section.

Section 7. Respite Care Providers. If a respite provider is not approved as a foster or adoptive parent in accordance with 922 KAR 1:350 or 922 KAR 1:310, prior to initial approval as a respite care provider, the individual shall complete a minimum of two (2) hours of cabinet or private child-placing agency provided curriculum including an overview of the department and the policies and procedures of the agency related to the care of the child.

Section 8. Preapproval of Training Curricula.

- (1) If a private child-placing agency intends to offer curricula other than curricula provided by the cabinet as specified in Sections 2(2) or 3(1) of this administrative

regulation, the private child-placing agency shall submit its curricula to the cabinet or its designee for consideration.

(2) The cabinet shall approve curricula that are:

- (a) Comparable in content to curricula provided by the cabinet; or
- (b) Recognized evidence-based practices.

(3) The cabinet shall make a determination:

- (a) Within thirty (30) calendar days; or
- (b) As a part of the child-placing agency's initial application to provide services to a child in the custody of the cabinet.

Section 9. Incorporation by Reference.

(1) "DPP-113, Request for Applicant or Adult Household Member to Attend Individualized Training", 11/15, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Community Based Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be viewed on the department's Web site at <https://chfs.ky.gov/agencies/dcbs/Pages/default.aspx>.

LESA DENNIS, Commissioner

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: November 27, 2023

FILED WITH LRC: December 6, 2023 at 1:20 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on February 26, 2024, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by February 19, 2024, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until February 29, 2024. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; Phone: 502-564-7476; Fax: 502-564-7091; CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Krista Quarles

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes minimum training requirements for foster parents, adoptive parents, and respite care providers caring for foster or adoptive children in the custody of the cabinet.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to distinguish and establish training requirements for foster parents, adoptive parents, and respite care providers caring for children in the custody of the cabinet.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

This administrative regulation is necessary to establish the policies and procedures for minimum training requirements for foster parents, adoptive parents, and respite care providers caring for foster or adoptive children in the custody of the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation is necessary to establish the policies and procedures for minimum training requirements for foster parents, adoptive parents, and respite care providers caring for foster or adoptive children in the custody of the cabinet.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The amendment to this administrative regulation establishes training requirements for relative or fictive kin foster homes eligible to become subsidized permanent custodians, a new guardianship assistance program being implemented by the cabinet through which a nonparental relative or fictive kin caregiver and foster parent of a child may receive permanent custody of a child and financial assistance in caring for the child. "Child specific" language is also being deleted as these foster homes will be referred to as relative or fictive kin foster homes. The specific number of pre-service training hours required in this administrative regulation is being removed. The cabinet shall continue to waive pre-service training for relative or fictive kin caregivers unless a specific need for training is identified.

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary to update the administrative regulation for consistency with other regulatory actions that establish the new subsidized permanent custody permanency option.

(c) How the amendment conforms to the content of the authorizing statutes:

The amendment conforms to the content authorizing statutes through the establishment of training requirements for relative or fictive kin care providers as foster parents as subsidized permanent custodians, a guardianship assistance program as authorized by 42 U.S.C. 673 and funded with Title IV-E and state general funds.

(d) How the amendment will assist in the effective administration of the statutes:

The amendment will assist in the effective administration of a new permanency option available for children and their relative or fictive kin caregivers referred to as subsidized permanent custody pursuant to 922 KAR 1:145.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

As of October 1, 2023, there were 437 children in the cabinet's custody placed in a foster home with a relative or fictive kin caregiver. Once a child has been in a relative or fictive kin foster home for at least six months, they may be eligible for subsidized permanent custody. Also, as of this date, there were 2,743 children placed in public (cabinet) foster homes.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

There will be no new or additional action required on the part of regulated entities as a result of this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There is no additional cost to those impacted by this amendment to the administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

There will be oversight and assessment to ensure compliance of training requirements for foster parents, adoptive parents, and respite care providers for foster or adoptive children in the custody of the cabinet.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

This amendment will be enacted through practices and contacts that are already a part of existing services provision so that there will be no additional costs.

(b) On a continuing basis:

This amendment is technical and conforming in nature and is not projected to entail a new or additional ongoing cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

Federal Titles IV-B and IV-E of the Social Security Act funds, the federal Temporary Assistance for Needy Families (TANF) Block Grant, the federal Social Services Block Grant, restricted or agency funds derived from Medicaid, and state funds are the funding sources for these broad administrative regulation programs.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

An increase in fees or funding will not be necessary to implement this amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied?

Tiering is not applied, because this administrative regulation is applied in a like manner statewide.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate.

42 U.S.C. 671(a), 675

(2) State compliance standards.

KRS 194A.050(1), 199.472(1), 199.640(5), 605.100(1), 605.150(1)

(3) Minimum or uniform standards contained in the federal mandate.

42 U.S.C. 671(a), 675

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?

This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

This administrative regulation does not impose a stricter standard or additional or different responsibilities or requirements.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Cabinet for Health and Family Services is impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 194A.050(1), 199.472(1), 199.640(5), 605.100(1), 605.150(1), 45 C.F.R. Parts 160, 164, 42 U.S.C. 671(a), 675

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

This administrative regulation will generate no new revenues for state or local government in its first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

This administrative regulation will generate no new revenues for state or local government in subsequent years.

(c) How much will it cost to administer this program for the first year?

There will be no new or additional costs to the agency to implement this administrative regulation.

(d) How much will it cost to administer this program for subsequent years?

There will be no new or additional costs to the agency to implement this administrative regulation for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

There are no cost savings.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

There are no cost savings.

(c) How much will it cost the regulated entities for the first year?

There are no costs to regulated entities.

(d) How much will it cost the regulated entities for subsequent years?

There are no costs to regulated entities.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This administrative regulation will not have a major economic impact.