

#### **620.090 Temporary custody orders.**

- (1) If, after completion of the temporary removal hearing, the court finds there are reasonable grounds to believe the child is dependent, neglected or abused, the court shall:
  - (a) Issue an order for temporary removal and shall grant temporary custody to the cabinet or other appropriate person or agency. Preference shall be given to available and qualified relatives of the child considering the wishes of the parent or other person exercising custodial control or supervision, if known. The order shall state the specific reasons for removal and show that alternative less restrictive placements and services have been considered. The court may recommend a placement for the child;
  - (b) Inquire as to an existing child support order; and
  - (c) If there is no existing order, or if the order is to be amended, the court shall:
    1. Make specific findings, either written or on the record, as to:
      - a. The child support obligation in the best interest of the child;
      - b. The action to be taken by the payee, payor, or any other party by making an application for services to the child support office who shall take all appropriate action; or
      - c. Setting a hearing as soon as practicable; and
    2. Require proper service before establishing a new child support order.
- (2) In placing a child under an order of temporary custody, the cabinet or its designee shall use the least restrictive appropriate placement available. Preference shall be given to available and qualified relatives of the child considering the wishes of the parent or other person exercising custodial control or supervision, if known. The child may also be placed in a facility or program operated or approved by the cabinet, including a foster home, or any other appropriate available placement. However, under no circumstance shall the child be placed in a home, facility, or other shelter with a child who has been committed to the Department of Juvenile Justice for commission of a sex crime as that term is defined in KRS 17.500, unless the child committed for the commission of a sex crime is kept segregated from other children in the home, facility, or other shelter that have not been committed for the commission of a sex crime.
- (3) If the court finds there are not reasonable grounds to believe the child is dependent, neglected or abused, or if no action is taken within seventy-two (72) hours, the emergency custody order shall be dissolved automatically and the cabinet or its designee shall return the child to the parent or other person exercising custodial control or supervision. A request for a continuance of the hearing by the parent or other person exercising custodial control or supervision shall constitute action precluding automatic dissolution of the emergency custody order.
- (4) When the court issues a temporary order for the custody of a child, the court may order that, within two (2) weeks, arrangements be made for the child to receive a thorough medical, visual, and dental examination by a professional authorized by the Kentucky Revised Statutes to conduct such examinations. The costs of the

examination shall be paid by the cabinet.

- (5) The child shall remain in temporary custody with the cabinet for a period of time not to exceed forty-five (45) days from the date of the removal from his home. The court shall conduct the adjudicatory hearing and shall make a final disposition within forty-five (45) days of the removal of the child. The court may extend such time after making written findings establishing the need for the extension and after finding that the extension is in the child's best interest.
- (6) If custody is granted to a grandparent of the child pursuant to this section, the court shall consider granting reasonable visitation rights to any other grandparent of the child if the court determines the grandparent has a significant and viable relationship with the child as established in KRS 405.021(1)(c).

**Effective:** July 14, 2022

**History:** Amended 2022 Ky. Acts ch. 122, sec. 3, effective July 14, 2022. -- Amended 2021 Ky. Acts ch. 47, sec. 5, effective June 29, 2021. -- Amended 2018 Ky. Acts ch. 197, sec. 2, effective July 14, 2018. -- Amended 2006 Ky. Acts ch. 182, sec. 51, effective July 12, 2006. -- Amended 1988 Ky. Acts ch. 350, sec. 49, effective April 10, 1988. -- Created 1986 Ky. Acts ch. 423, sec. 70, effective July 1, 1987.