

**620.360 Rights and responsibilities of foster parents -- Training of person investigating abuse or neglect in foster homes -- Foster parent approval -- Nonliability of cabinet.**

- (1) Persons who provide foster care services to children who have been committed to the custody of the state shall be considered a primary partner and member of a professional team caring for foster children. Foster parents shall have the following rights:
  - (a) To be treated with respect, consideration, and dignity;
  - (b) To fully understand the role of the cabinet and the role of other members of the child's professional team;
  - (c) To receive information and training about foster parents' rights, responsibilities, and access to local and statewide support groups, including but not limited to the Kentucky Foster/Adoptive Care Association, the Kentucky Foster and Adoptive Parent Network, and Adoption Support of Kentucky;
  - (d) To receive information and training to improve skills in the daily care and in meeting the special needs of foster children;
  - (e) To receive timely and adequate financial reimbursement for knowledgeable and quality care of a child in foster care within budgetary limitations;
  - (f) To maintain the foster family's own routines and values while respecting the rights and confidentiality of each foster child placed in their home;
  - (g) To receive a period of respite from providing foster care, pursuant to cabinet policies;
  - (h) To receive, upon an open records request, a copy of all information contained in the cabinet's records about the family's foster home and the foster care services provided by the family consistent with KRS 605.160;
  - (i) To access cabinet support and assistance as necessary twenty-four (24) hours per day, seven (7) days per week;
  - (j) To receive, prior to a child being placed in the foster home pursuant to KRS 605.090, information relating to the child's behavior, family background, or health history that may jeopardize the health or safety of any member of the foster family's household, including other foster children, and similar information that may affect the manner in which foster care services are provided, consistent with KRS 605.160. In an emergency situation, the cabinet shall provide information as soon as it is available;
  - (k) To refuse placement of a child within the foster home and to request, with reasonable notice to the cabinet, the removal of a child from the foster home without fear of reprisal;
  - (l) To communicate, with an appropriate release of information consistent with KRS 605.160, with other professionals who work directly with the foster child, including but not limited to teachers, therapists, and health care practitioners and to notify the cabinet within twenty-four (24) hours of the

communication;

- (m) To assist the cabinet in the development of the child's plan of care;
  - (n) To receive an explanatory notice from the cabinet, consistent with KRS 620.130 and when it is in the best interest of the child, when a foster child's case plan has changed and, except in an immediate response to a child protective services investigation involving the foster home, an explanatory notice of termination or change in placement affecting the foster home within fourteen (14) days of the change or termination in placement;
  - (o) To have priority consideration for placement if a child who has previously been placed in the foster home reenters foster care, consistent with KRS 605.130 and 620.130 and to the extent it is in the best interest of the child;
  - (p) To have priority consideration for adoption if a foster child who has been placed in the foster home for a period of at least twelve (12) consecutive months becomes eligible for adoption consistent with KRS 605.130 and 620.130 and to the extent it is in the best interest of the child;
  - (q) To maintain contact with the foster child after the child leaves the foster home, unless the child, a biological parent, the cabinet when the cabinet retains custody of the child, or other foster or adoptive parent refuses such contact; and
  - (r) To receive notice of, have a right to attend, and have a right to be heard in, either verbally or in writing, any cabinet or court proceeding held with respect to the child currently placed in their care, provided the cabinet has no concerns related to maltreatment of the child while in the foster parent's care. The notice required by this paragraph shall be provided to the foster parent by an attorney for the Cabinet for Health and Family Services. This paragraph shall not be construed to require that a foster parent caring for the child be made a party to a proceeding solely on the basis of the notice and rights to attend and be heard.
- (2) The responsibilities of foster parents shall include but not be limited to the following:
- (a) To maintain an orderly and clean home;
  - (b) To ensure that the child has adequate resources for personal hygiene and clothing;
  - (c) To provide recreational and spiritual opportunities for the child, in accordance with cabinet policies;
  - (d) To attend all school and case planning meetings involving a foster child placed in their home whenever possible, subject to KRS 620.130 and the confidentiality requirements of 42 U.S.C. sec. 671;
  - (e) To abide by cabinet policies relating to discipline of a foster child; and
  - (f) To support the involvement of a foster child's biological family whenever possible and in accordance with cabinet policies.
- (3) The cabinet shall provide specific training on investigations of alleged child abuse

or neglect in a foster home to a person appointed by the Kentucky Foster/Adoptive Care Association. The training shall include the rights of a foster parent during an investigation. Training shall be consistent with 42 U.S.C. sec. 5106(a).

- (4) The cabinet shall promulgate administrative regulations to establish that foster parent approval shall be effective for a minimum of three (3) years before reevaluation is required.
- (5) Nothing in this section shall be construed to establish monetary liability of or cause of action against the cabinet.

**Effective:** July 14, 2022

**History:** Amended 2022 Ky. Acts ch. 182, sec. 4, effective July 14, 2022. -- Amended 2021 Ky. Acts ch. 180, sec. 3, effective June 29, 2021. -- Amended 2019 Ky. Acts ch. 132, sec. 4, effective June 27, 2019. -- Amended 2018 Ky. Acts ch. 159, sec. 45, effective July 14, 2018. -- Created 2006 Ky. Acts ch. 45, sec. 1, effective July 12, 2006.