CHILD WELFARE OVERSIGHT AND ADVISORY COMMITTEE

Minutes

November 16, 2020

Call to Order and Roll Call

The Child Welfare Oversight and Advisory Committee meeting was held on Monday, November 16, 2020, at 10:00 AM, in Room 171 of the Capitol Annex. Senator Tom Buford, Co-Chair and Representative David Meade, Co-Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Tom Buford, Co-Chair; Representative David Meade, Co-Chair; Senators Julie Raque Adams, Denise Harper Angel, Reginald Thomas, and Whitney Westerfield; Representatives Lynn Bechler, Joni L. Jenkins, and Nancy Tate.

Guests: Dr. David Sanders, Executive Vice President of Systems Improvement, Casey Family Programs; Kennedy Robertson, Kentucky Citizen; Michael Rodenberg, Kentucky Citizen; Jini Payne, Kentucky Citizen; Jessie Kolb, Kentucky Citizen; Desiree Krank, Kentucky Citizen; and Kelli Rodman, Executive Director, Office of Legislative and Regulatory Affairs, Cabinet for Health and Family Services.

LRC Staff: Ben Payne, Samir Nasir, Becky Lancaster, and Shyan Stivers.

Approval of Minutes

A motion to approve the minutes of the October 14, 2020, meeting was made by Senator Raque Adams, seconded by Representative Bechler, and approved by voice vote.

Data-Driven and Evidence-Based Approaches to Improving Child Welfare in Kentucky

Dr. David Sanders, Executive Vice President of Systems Improvement, Casey Family Programs, stated that Casey Family Programs is the nation's largest operating foundation focused on safely reducing the need for foster care. Casey Family Programs works to influence long-lasting improvements to the safety and success of children, families, and the communities where they live. Kentucky was one of the first states to gain federal approval of a Family First Prevention Services Plan. The Family First Prevention Services Plan is the first step in receiving reimbursement for prevention services. The Family First Prevention Services Act is bipartisan federal legislation and was signed into law in February 2018. The Family First Prevention Services Act extends the federal Title IV-E reimbursement to children at risk for placement in foster and for payment of prevention services.

Dr. Sanders stated that a child protection agency goal should be to ensure the safety, permanency, and well-being of children and their families. Infants and toddlers have a high risk of an abuse or neglect fatality compared to other age groups. In 2018, 42 percent of children in Kentucky foster care were five years of age or younger. A call to a child protective services (CPS) hotline is the best predictor of a later child abuse or neglect fatality. He stated that there are three measures to know if children are safe in Kentucky; the numbers of recurrences of child maltreatment, child maltreatment fatalities, and re-entry in to foster care.

The recurrence of maltreatment rate is counted if the child experiences a repeat maltreatment within six months. Kentucky has a higher percentage of recurrence of maltreatment rate than the national rate, however, various states have different definitions of abuse or neglect. In 2018, Kentucky's rate of child maltreatment fatalities were lower than the national rate. Kentucky has a higher percentage of children that re-enter care within 12 months of timely permanency than the national percentage. He shared a graph comparing Kentucky and national percentages by the reasons why children are removed and enter into foster care.

Dr. Sanders stated that Kentucky has developed evidence-based alternatives such as the Family Preservation Program, the Kentucky Strengthening Ties and Empowering Parents (KSTEP) program, and the Kentucky Sobriety Treatment and Recovery Team (START) program to help safely keep families together. The average cost of foster care for a child in Kentucky is approximately $52,481. The Kentucky Family First Prevention Program average costs per child is approximately $12,628. The federal government Family First Act supports services that were previously only paid for by Kentucky. He shared a graph that displayed the ratio of how many children are entering and exiting foster care. He stated that when a child enters foster care they need to leave care with a stable, loving, caring family in a timely manner. He stated that fewer children are leaving foster care within a year than are entering foster care in a year which means children are languishing in foster care. He stated there was a decrease in the number of children that entered care from 2018 to 2019.

Dr. Sanders shared a graph that reviews the rate that Kentucky children enter into foster care by race or ethnicity. Multi-racial and black African American children have much higher rates of entries into foster care. He shared comparison graphs that review where children are placed after removal in Kentucky and nationally. He stated that 65 percent of Kentucky children that are removed from their homes are placed into foster care. Kentucky has a much lower percentage of children going to kinship care than the national rate. He stated that placement with kin potentially reduces the trauma for children who are in out-of-home care.

Dr. Sanders stated that the legislature as an oversight body can decide what defines success and how that is measured. Safety and moving children quickly to permanency are two of the most important measures. The use of prevention services in Kentucky appears to be an avenue for keeping children safe and with their families. He stated data that monitors key outcomes for children and families is important as well as data being disaggregated by race, age, regions, counties, and communities. The return on investment of state dollars remains a critical area of review.

In response to questions and comments from Senator Thomas, Dr. Sanders stated that the number of children in out of home care differs in communities across the country. In Kentucky, 52 percent of children that are in out of home care because of neglect and the definitions of neglect can easily be confused with poverty. In some situations, what is described as neglect is an inability of parents to obtain the necessary supports for their children versus an unwillingness on their part to do so. He stated that the referrals that come into a child protection agency come primarily from law enforcement, schools, neighbors, and hospitals. There is a disproportionate percentage of children of color referred to the child protection agencies. He stated that the data he presented does lead to questions about why children are entering out of home care and should they be entering out of home care. He stated that removing children from their homes is a serious intervention that could have long-term side effects but could also be necessary to save children's lives.

In response to questions and comments from Representative Bechler, Dr. Sanders stated that a when child is returned to their home safely, safely is defined as not having another incidence of abuse or neglect within six months. If the child was abused or neglected within six months of return, then safety was comprised and it would not have been counted as a safe return. Many states choose a different length of time but any abuse or neglect within six months is reported by all states to the federal government.

Foster Care and Adoption Experiences in Kentucky

Kennedy Robertson, a Kentucky Citizen, stated that in 2019 she, her husband, and two children began the process of becoming foster parents in Kentucky. They had previously completed training in Indianapolis, Indiana prior to moving to Kentucky. They began their training process with Heritage Children Services in Campbellsville, Kentucky. The foster parent training in Kentucky was much different than what she had experienced in Indiana. She was given black and white training materials copyrighted in the 1990s, materials were read to them verbatim with no interaction or further explanation from the trainers, and often the trainings did not last the required time. In February 2019 they were licensed for three children but in May 2019 received a call for four siblings. They were told this was an emergency placement, there were no other homes available, the children had good skills, and no behavioral needs. They prepared an extra bed and supplies and accepted the placement. They took the children to appointments and worked to help them adjust to being in their home.

Mrs. Robertson stated that after their initial time together, the children started to show strong behaviors toward her biological children. The foster children did have behavioral issues and low skill levels. She advocated strongly for each child to receive more services such as occupational therapy, physical therapy, trauma counseling, First Steps, medical attention, and dental work. Within 2 months of services, she saw vast improvements in the foster children. However, behaviors with one of the children were still difficult and dangerous to the other children and herself. Heritage Children Services provided in-house therapy once a week with a therapist that cancelled, showed up late, brought other people, or just watched the children play with toys. She later received a new therapist that seemed to be a better fit with the children. As more therapy was completed and the children had increased interactions with their parents, the foster children's behaviors worsened. She realized that her biological children and some of the younger foster children were not safe with one of the foster siblings.

Mrs. Robertson stated that when she asked what her options were and in reply she was immediately asked if they were putting in their notice on these children. She answered no and told the agency worker one specific child needed more than she or the agency had to offer but they wanted to help this child. She was told by the agency workers that there weren't any other options. She was told to ignore the negative behaviors and to only pay attention to the positive behaviors because the negative behaviors would probably never change or go away. During this time they had two different therapists and three case workers. Mrs. Robertson tried everything to help the foster children with consistency and behaviors. She used sensory equipment, coping strategies, calming toys, time-outs, time-ins, meditations, and parent dates for each individual child. She had consistent routines, physical activities, and a plethora of food available. Her family maintained a relationship with the birth parents and advocated for communication when it was safe to maintain connections. However, she was labeled reactive by her agency when she would stop dangerous behaviors of the children and call the crisis line for help or advice.

Mrs. Robertson reached out to the state social worker for advice and options and was told that any therapies the children needed would be approved. Her agency told her that wasn't allowed and that she should not contact the state worker. As behaviors continued, she advocated for more help and received more pushback from her agency. Instead of helping the situation, the agency would send the foster children on respite and advise her family to calm down and re-center. The foster children would return to her home with escalated behaviors and fears of being sent away again. Behaviors again worsened and it was unsafe for her children to be with the foster children. Mrs. Robertson put in her two week notice for removal for the safety and well-being of her biological children. The agency had a family that accepted the kids before her notice was given. She received a call the next day and stated that the children would be going on respite immediately until placed in their new home. She asked that the agency not do this so they would have time to explain

what was happening and to spend time with the children. The agency told her it was not up for discussion and to have the foster children ready to leave immediately.

Mrs. Robertson stated that while preparing the children to leave she found a horrific bruise on one of the foster children that was said to be from one of the other foster children. Mrs. Robertson reported the bruise to the case worker who did not sound concerned but stated she would type a report about the bruise. The respite mom called Mrs. Robertson that night to tell her of more bruising she found that was said to be caused by the same foster sibling. The respite mom reported the bruising to the agency and they stated it was already take care of. The next day the agency called to say the children would be coming back to their home that day to stay until they would be moved to their new home. With the foster children returned she found more bruising and called to report it. The agency called her back to tell her to have the children at the agency within 45 minutes to return to respite. Mrs. Robertson did not understand what was happening and felt her family was being punished for reporting the injuries. She was told that her reactiveness was a trigger that caused the dangerous behaviors. At the six month mark, she had even been asked by the state worker if her family was willing to adopt the children. She told the state worker yes because she knew that once adopted she could provide every service possible for the children.

Mrs. Robertson stated that a few days after the foster children's removal she received a call from the Department for Community Based Services (DCBS) office that allegations had been made against her and her husband of abuse to one of the foster children. At the time she was in Indiana and was told that if she was not home by that night, she had to provide the address and names of those she was with so the local DCBS officers could do a safety check on her children and begin the investigation. She complied and gave her location however by 6:00 PM no one had shown up. The Kentucky investigator advised her to return home and the investigator would come the next morning. Mrs. Robertson and her family were home and ready at 8:00 AM. The investigator heard Mrs. Robertson's side of the story and told her that it was believed that her biological children were not safe around them and that she and her husband would have to be supervised all day and night. Mrs. Robertson was told that supervision was voluntary but if they chose not to sign, the investigator would get a court order from the judge, at which point a supervisor would be assigned or her children could be removed, if deemed necessary.

Mrs. Robertson stated that both of her biological daughters had to submit to a body exam to check for bruising which again was voluntary but the investigator would also get a court order for if she did not comply. She complied with the investigator while her daughter screamed and cried while having to strip naked in front of a stranger. Mrs. Robertson had gone back on everything she had taught her daughters about body boundaries and made them feel unsafe for someone else's peace of mind. The investigator did not tell them that it would take up to 45 days to get a court order. At the direction of her father, they contacted an attorney, discussed the situation, and agreed to sign a

document of supervision for 14 days. Her father, Michael Rodenberg, had to return from a business trip to act as a supervisor for her and her husband. Mrs. Robertson's daughters moved in with her parents, she and her husband had to be in sight line of her father when in his home. She could not take them to the restroom, bathe them, feed them, or do bedtime without her father in the room. It was extremely confusing to the girls and her father had to realign his entire life and work schedule to be there every second.

Mrs. Robertson stated that after the foster children were removed, the agency requested that they to come in for a meeting. The agency stated that it was required, she refused and referred the agency to her attorney. During the two week supervision period there was little contact with the agency, the Robertsons were asked to sign an extension for supervision and after discussing it with their attorney they refused. In the early stages of this investigation they were visited by a Kentucky State Trooper. Her family was preparing to move to Tennessee because her husband's job was transferred. The trooper stated he had been told she and her family were fleeing the state. She and her husband gave their statements on the case and the wrong doing of the agency. Her attorney clearly communicated to the agency that her husband had a job transfer and they would continue to cooperate with the investigation.

Mrs. Robertson stated that two weeks ago she received a call from her attorney that CPS had another investigation regarding a past report and false claim by one of the foster children that she had submitted to the agency. Upon reviewing the case file, the investigator realized the agency had not reported any of the critical incidents to the state, which the agency is mandated to do so. Therefore CPS had to open another investigation. Mrs. Robertson compiled very detailed journals for each child. She was required to have daily behavioral and medical logs for each child and was diligent to detail every day the children were with her family. She remains in the dark as to where the investigation is at this point. She panics any time she receives a call from the attorney or investigator. She is scared of more bad news or another false allegation. She wanted a large part of her life to foster and advocate for those that could not do it for themselves but this experience has left her with a pit of guilt for putting her family through such a trial. She stated that she will continue to advocate for foster children but in ways that does not include fostering.

Mrs. Robertson would like to see training updated throughout the state and to be required equally across the board. Foster agencies held responsible, audited frequently, and not allowed to retaliate against families. She knows of families in similar situations that are too scared to submit their experiences for fear of losing their foster children or a disruption with their biological or adopted children. Foster parents need protective rights. She stated that there has been no due process for her family. She stated that fighting for the well-being of foster children compromised the safety of her own children.

In response to questions and comments from Senator Buford, Mrs. Robertson stated that her total legal fees are unknown, at this point, but there was a $500 deposit with their lawyer.

Michael Rodenberg, a Kentucky Citizen, father of Kennedy Robertson, stated that his purpose in testifying is to support his daughter and her testimony. Many people are concerned and fearful of being retaliated against by foster care agencies and workers. He hopes that sharing her experience will help others through the foster care process. He saw that Kennedy and Tyler Robertson were adamant that the foster children in her home received the best care possible. He stated that she did everything to the letter of the law in terms of making sure that she was doing what was required of her. When Mrs. Robertson received a call from CPS, she went to her father for advice. He assured her that everything would be fine, he then left for a business trip but had to abruptly end his business trip to supervise and be a guardian for his daughter and her husband. He, his daughter, and family tried to work through the process as a means to hopefully help the foster children. He stated that the treatment received by his daughter and her family was horrible. The reason they hired an attorney was to protect his daughter and her family. He stated that they were fortunate to have the means to hire an attorney and that others in similar situations are not as fortunate. The intimidation that was extended towards his daughter was very frustrating. He stated that to have an agency not follow protocol or cooperate with the state is unacceptable.

In response to questions and comments from Senator Buford, Mr. Rodenberg stated that he appreciated Sen. Buford's offer to facilitate a meeting on neutral ground with Mrs. Robertson, Mr. Rodenberg, the assigned social worker, and a lead from CHFS for Health and Family Services (CHFS), without legislators, to try to get a determination regarding the case and for the Robertsons to express their concerns. Mr. Rodenberg requested that the case be expedited because there has been no feedback on the status of his daughter's case. Mrs. Robertson's case should be resolved and closed immediately.

In response to questions and comments from Senator Thomas, Mrs. Robertson stated that the foster children were placed with her family in May 2020 and removed in August 2020.

In response to questions and comments from Representative Meade, Kelli Rodman, Executive Director, Office of Legislative and Regulatory Affairs, Cabinet for Health and Family Services, stated that she is listening and taking notes on behalf of CHFS. CHFS will be glad to answer questions by email. Ms. Rodman will take Senator Buford's comments regarding a meeting to the staff to see how CHFS can work with this family and other families in similar situations.

Jini Payne, a Kentucky Citizen, stated that she lives in Barren County and that three of her children came to their family through foster care. Her three foster daughters, ages

25, 23, and 22, all have special needs and now live in her home. In 2008, Mrs. Payne became a Court Appointed Special Advocate (CASA). By 2010, she had become a foster parent and planned to adopt her only CASA case. She immediately had issues with her initial agency and made the decision to change agencies. She then received a call to pack her three foster daughters for five days while her family was investigated for abuse. The agency she left filed the report against her. During the investigation she was told her other children could be removed if they fought having her three foster daughters removed. All abuse claims were unsubstantiated but the girls were not returned. She was not allowed to see or talk to the girls but never stopped fighting for them to return to her home.

Her oldest foster daughter turned 18 in May 2013 and was recommitted to foster care. In July 2013, she called Mrs. Payne on the phone hysterical because she had been thrown out of her foster home. In August 2015, the middle foster daughter turned 18 and was left in her agency's parking lot for Mrs. Payne to pick up. Her youngest foster daughter remained in a residential facility for four and a half years. Mrs. Payne was contacted by a representative of the former Kentucky First Lady, Mrs. Glenna Bevin, regarding a story in the Courier Journal about her situation. Mrs. Bevin wanted to help the girls achieve permanency with Mrs. Payne. It was still a long road with CHFS making things more difficult than necessary. All three girls have changed their names and Mrs. Payne and her husband are their legal guardians. Mrs. Payne stated that the girls were never adopted and that CHFS cheated them of that experience.

In July 2019, Mrs. Payne received a call asking for placement of a 10 month old, 20 month, and a four year old for three weeks. Mrs. Payne's home would have been the children's fourth home in 11 days. She accepted the placement and three weeks later the judge did not send the children home. The parents moved three hours away that day. The judge stated that services needed to be in place for the children before reuniting them with their parents. All three children were extremely delayed. The children's social worker told her many times that there was a plan to move the children with a relative but that plan would fall through. Mrs. Payne was still advocating for services and educational continuity for the children. She was later told that the children would be moved on the Monday before the scheduled court date on Tuesday. Mrs. Payne begged for CHFS to wait to get clarification from the judge.

Mrs. Payne stated that CHFS refused and the children were moved on Monday. The attorneys and social workers tried to have Mrs. Payne removed from the courtroom on Tuesday, but the judge insisted she stay and tell her recount of what the children had experienced. The judge told CHFS the children had been shuffled unnecessarily and because service had not been in place previously that it would likely be late January until the children received the services they needed. Mrs. Payne stated a CHFS supervisor said that she forgotten that the oldest child should not have been moved during the school year. The judge replied that CHFS needed to start putting the children's interests first.

Mrs. Payne stated that in June 2020 she applied to be a state foster home but received a call from a state worker that told her she would not be licensed. The worker asked if Mrs. Payne had been investigated. She stated that she had been investigated in 2010 but all claims were found to be unsubstantiated. The social worker told Mrs. Payne that it did not matter that the claims were unsubstantiated and that she was not allowed to file a service appeal. In July 2020, Mrs. Payne received a call from her foster agency asking for an immediate placement of a 16 year old girl with diabetes who had been abandoned. This would be her first placement since the three young children had been moved from her home in December. She waited for over three hours and no one came with the child. She called the social worker that had asked for the placement and the social worker only told Mrs. Payne that she was sorry. Mrs. Payne stated that there was no explanation as to why the child could not or should not be placed with her. Mrs. Payne felt she was being retaliated against because she disagreed and challenged the social workers in regards to the three young children previously in her home.

Mrs. Payne stated that retaliation is real and that all foster parents fear it. Children are moved from foster homes with no input from judges, therapists, Guardian Ad Litems, or the foster parents. She stated that many times children are removed from their current foster home because the foster parent made the social worker mad or created extra work for them. She stated that sometimes, like in her case, CHFS will retaliate by not allowing you to foster children in your home.

Mrs. Payne stated that many foster children have been in care far longer than 15 months. Federal law requires that once a child has been in foster care for a total of 15 months that the child must begin reunification or the termination of parental rights (TPR) process must begin. Kentucky state law repeats this requirement. She knows of a four year old boy that has been in foster care for a total of 33 months. In the past 25 months, the boy's parents have not been allowed unsupervised visits. Suddenly, the social worker wants the child returned to the parents as soon as possible. She stated that it is illegal for the state to allow a child to languish in the foster care system for 25 months, 33 months, four years, or longer without starting the TPR process. She stated that CHFS fails children by not following its own regulations. If a foster parent does not follow the rules they are reprimanded, given a corrective action, investigated, or their license is revoked. She stated there is no accountability in CHFS if the social workers do not follow policies or state laws. She stated that calling the Ombudsman's Office with complaints is a completely ineffective process.

Mrs. Payne would like to see foster parents be considered as part of the child's team. Many foster parents only want to give children a safe home and are not out to destroy families. Many foster parents offer help and support to the biological families. She stated that foster parents' concerns are often ignored by social workers. She stated that it would be more beneficial and productive for the children if foster parents were treated as part of the child's team instead of a hurdle for CHFS. She is concerned with the number of times

children are moved between foster homes. Her three daughters were in more than 20 homes and in at least six schools. When a child forms an attachment to a caregiver and that attachment is severed, it is harmful to the child. The broken attachment adds another layer of trauma to an already traumatized child. Children are emotionally hurt, confused, and many times angry. She believes the social workers discount the harm done to children when they are moved from home to home. Barring an emergency, the child's team including foster parents, should meet and decide what is best for the child. Social workers should be more trained in trauma informed care and attachment.

Mrs. Payne stated that CHFS is losing foster homes and there is a foster parent retention work group. She stated that CHFS seems to only want foster parents that do not ask for services for the children, do not question when rules are not followed, and that do not fight for the rights of foster children. She stated that she considers fostering children a calling and that she feels a void not being able to foster despite being licensed. She is not allowed to advocate for children without repercussions. She feels that her testimony today will mean that she will never receive another placement. However, she feels that the issues discussed are too important to sit quietly while children continue to be harmed by the system that is supposed to provide them safety and permanency.

In response to questions and comments from Senator Thomas, Mrs. Payne stated that the three younger children came to her family in July 2019 and removed in December 2019. She stated that the children have been in four other homes since the removal with a total of eight homes in just over a year.

In response to questions and comments from Senator Buford, Mrs. Payne stated that she would be willing to attend a meeting with CHFS leadership to discuss her experiences.

In response to comments from Senator Raque Adams, Mrs. Payne stated that many foster parents are not invited to court, not told of court dates, and with Zoom teleconferenced court dates, many foster parents are not being given the link to the Zoom meeting. The foster parents are being told they are not needed there, so the judge is not able to hear from foster parents. In some cases, the foster parents are the child's only representation or advocate for what is actually happening in their life.

Jessie Kolb, a Kentucky Citizen, stated that she is a certified social worker and works as a protection and permanency worker in Trimble County. In 2016, a post termination case was transferred to her caseload. The girl was 13 years old, had been in foster care for three and a half years, gone through 11 homes, and was separated from her five siblings with no sibling visits. She was referred to the special needs adoption program in an effort to locate an adoptive home for her. Ms. Kolb spent a lot of time with the girl taking her to adoption matching events, photo shoots, and just getting to know to better help the girl find a forever home. In July 2017, Mrs. Kolb transferred jobs to Oldham County but requested to maintain the girl's case because she was making progress with the

girl. Over the next year, the girl moved between five foster homes that also included stays at multiple emergency respite homes. The girl was severely abused and neglected that caused a lot of emotional issues and acting out. The girl has also been in and out of the hospital frequently.

In March 2018, after the girl's fourteenth foster home was disrupted, Mrs. Kolb and her husband agreed to begin the process of trying to adopt the girl. Mrs. Kolb did not have any children and could focus all of her attention to the girl, which is what she needed. The girl was placed in a home with a total of nine other people. Mrs. Kolb transferred back to Trimble County. Mrs. Kolb's request to pursue adoption of the girl was approved in May 2018. Also in May 2018, it was decided that the girl's case would transfer to Oldham County. Mrs. Kolb was not comfortable with the case transfer with the overlapping roles and relationships because the girl's social worker had previously worked on her team. Mrs. Kolb was told that as long as they didn't talk about the case that it would be fine. Later in May 2018, there was an incident where the girl needed to be assessed for hospitalization. After calling the Oldham County office eight times for consent with no answer, the girl's case manager reached out to her for help. Mrs. Kolb sent a text to the supervisor advising them of the situation, then stepped out of the situation because that was no longer her role in the case. The same day her contact with the girl was stopped. Mrs. Kolb was told she should not have unlimited access to the child. She was not given a way to request or schedule contact with the girl.

Mrs. Kolb stated that in June 2018, she was visiting another child at a hospital and saw the girl. The girl asked why she couldn't talk to her, but Mrs. Kolb changed the subject because she didn't know the reason. This incident was later cited as part of the reason the case was transferred and the contact stopped however the contact was stopped before this specific event. The girl was then placed in residential treatment. The girl's therapist recommended that there be no contact with Mrs. Kolb so the girl could settle into the placement. Mrs. Kolb stated there was no plan to resume contact with the child she intended to adopt. Mrs. Kolb was allowed to continue the foster parent approval process. Mrs. Kolb contacted the Ombudsman's office who told her they would send her complaints to human resources as an ethical concern but that also did nothing for Mrs. Kolb or the girl. Mrs. Kolb was put in touch with someone in Frankfort at CHFS for Health and Family Services. In July 2018, Mrs. Kolb was allowed to meet with the residential facility. The facility questioned why there was no contact but Mrs. Kolb did not know the reasoning. The facility had no idea that she was actively pursuing the opportunity to adopt the girl. No one at CHFS told the facility why contact with the girl was stopped. Despite the lack of reasons, the no contact recommendation remained.

In August 2018, Mrs. Kolb participated in a meeting with the residential facility therapist, case supervisor, clinical associate, administrative associate, and the service region administrator (SRA). Only the SRA advocated for her to have some contact with the girl. After the primary meeting, she met with just CHFS. In the meeting, the case

supervisor stated that contact was stopped because the girl's previous foster home identified that they were interested in adopting the girl. However, Mrs. Kolb maintained a good relationship with that foster family and knew that CHFS only asked about potential adoption after the girl was in the residential facility. Mrs. Kolb's intentions to adopt were made clear well before the girl went the facility. Mrs. Kolb was told that the previous foster family had also not yet confirmed they were willing to adopt the girl.

Mrs. Kolb was approved to foster through Saint Joseph Children's Home and it was decided in November 2018 that the girl would be placed with Mrs. Kolb. Mrs. Kolb was disappointed that she could not give the news to the girl and to better explain the situation. The girl was previously told that she was certainly going to be placed in the previous foster home. The girl liked the previous foster home but it was not good fit for her individual needs. The girl was initially angry, depressed, and confused about the change because their bond had been irreparably damaged. After six months of hard work, the girl was adopted by Mrs. Kolb and her husband after six years in foster care.

Mrs. Kolb stated there is no accountability or consequences for the agency or CHFS. She stated her family was lied to, manipulated, concerns were ignored, and the child's best interests were brushed aside. She no longer trusts her employer, her regional staff, or any worker outside of her county. She stated that like many social workers, she no longer has the desire to pursue a long-term career with CHFS. The issues in her case were not due to lack of legislation but caused by lack of consequences for unethical actions, lack of real guidance, and lack of true leadership within CHFS. Her daughter's social worker in Oldham County or her special needs adoption program worker had no say in what was happening in the girl's case. She has seen Cabinet leadership force workers into filing petitions the workers do not believe in filing. Mrs. Kolb has seen CHFS return children to parents that are actively using drugs. She stated that the good social workers are exhausted and holding on by a thread, or have already left CHFS.

In response to questions and comments from Senator Thomas, Mrs. Kolb stated that she is employed with CHFS in Trimble County.

Desiree Krank, a Kentucky Citizen, stated that she has been a foster parent for seven years. The journey of fostering has not always been easy or joyful but she never thought she would face such horrific experiences. Ms. Krank was retaliated against because she fought for the best interests of the children entrusted to her care. In May 2019, she received a call for a placement of two girls, a newborn and a four year old. The girls were removed from the birth mother due to dependency issues. After a short time, the four year old girl disclosed that the birth mother's boyfriend, the father of the newborn, had repeatedly molested and hit her. The four year old girl stated that she was sharing a bed with the mother's boyfriend on the overnight visits. The Guardian Ad Litem for the girls brought the allegations to the judge and visitation was suspended. Ms. Krank continually made reports of the claims as they were made by the child after the home visits were reinstated.

Ms. Krank was never given any notice of court dates, an opportunity to attend court, or was allowed her right as a foster parent to be heard in court. Her requests to be informed were ignored by DCBS.

Ms. Krank is not aware of what was told to the judge when the visitation reinstated. Ms. Krank did find out that DCBS was ordered by the judge to see both of the children after every home visit but that did not happen. The first time a social worker came to visit the children was February 2020, after Ms. Krank made a report to the hotline. CHFS did not come to back check on the children until August of 2020, which is a violation of state and federal law. The judge repeatedly ordered the social worker to submit records and a report to the court, a CHFS attorney was forced to be involved because the social worker had failed to submit the required the documents. Shortly after visitation was reinstated the four year old girl once again began to disclose sexual abuse by the mother's boyfriend. The child was very detailed in describing the abuse that occurred. Ms. Krank stated that by law it is her duty as a foster parent to report each occurrence to the child's social worker. Ms. Krank also made reports to the DCBS hotline. The child's social worker became angry with her because she was making reports to the hotline. The social worker informed her that it was court ordered that Ms. Krank no longer had permission to discuss visits with the child. Ms. Krank called the child's guardian ad litem out of concern and confusion. Ms. Krank was told that was untrue and the social worker had lied.

Ms. Krank stated that her foster daughter also disclosed abuse multiple times to her therapist. The therapist made multiple attempts to contact the social worker regarding the disclosure but eventually made hotline reports of the sexual abuse. The four year child disclosed the sexual abuse to three social workers, a therapist, and Ms. Krank. Instead of discussing the allegations and reports, the child's therapist was contacted by the social worker and told she was no longer given permission to provide therapy to the child. After many reports, DCBS opened an investigation into the sexual abuse allegations. Instead of the investigation going to a non-biased worker, the investigation was given to the same on-going social worker who told Ms. Krank to stop reporting the abuse. The same week the allegations were being investigated, the same social worker made an allegation that caused an investigation to be opened on Ms. Krank's foster home. The social worker claimed that Ms. Krank's five year old adopted son had been hitting and sexually abusing the four year foster child.

Ms. Krank stated that the case against her son was opened on July 23, 2020. The first week of August 2020, she was informed that the two foster children were being removed from her home as a result of the allegations. She was told her son was an eminent risk to the two foster girls but not to the other children in the home. She was told the girls were leaving that day. Ms. Krank called the children's guardian ad litem, and every social worker and supervisor that she could. Ms. Krank spoke with the Jefferson County SRA and was told that the situation would be looked into and Ms. Krank would hear back from her. Ms. Krank never received any response. Ms. Krank made several attempts to contact

the ombudsman's office by phone and through email, yet only received one generic email response. The children's guardian ad litem then refused to speak with Ms. Krank. The girls were not picked up that night. On August 7, 2020, a meeting was held online via Zoom. The foster care staff informed the birth mother that DCBS was not recommending returning the children to her and that the August 13, 2020, court date had been postponed. The staff stated that 11 different services would need to be in place for the birth mother to safely parent.

Ms. Krank stated that she was told the children would be removed from her home on August 11, 2020. Ms. Krank was told removal from her home was because she and the biological mother could not get along. Ms. Krank contacted the ombudsman's office to let them know that as required by law, she had not received the 10-day notice or the right to appeal the move of her foster daughters. Ms. Krank later received notice the girls would be moved on August 20, 2020 because the birth mother had petitioned the court for custody. A petition for custody was never made by the birth mother. Ms. Krank hired an attorney to try to get all the information before the judge. Ms. Krank stated that anyone with DCBS experience knows that hiring an attorney is essentially a death wish as a foster parent. Ms. Krank felt strongly that the judge needed to know about the undue harm caused to her foster daughters. The judge who normally presided over the case was on medical leave. Ms. Krank's attorney filed a motion to the court to allow her to explain to the judge what was happening with her two foster daughters. On August 19, 2020, the judge that heard the motion decided it was not an emergency and scheduled her motion to be heard before the original judge on September 10, 2020.

Ms. Krank stated that moments after that judgement, CHFS somehow made a motion with the original judge, who was on medical leave, stating that all parties were in agreement that custody of the children should be returned to the birth mother. Without a hearing, the judge signed an order to return the children to the birth mother. However, a week earlier the birth mother needed 11 services in place to safely parent. Ms. Krank was contacted that evening and told to pack the children's things. The foster daughters were at the biological mother's for a visit on the day of court so the children never came back to Ms. Krank's house. Ms. Krank and her family were never given an opportunity to say goodbye to the two girls. The children still reside at the birth mother's house. Ms. Krank was told by the birth mother that she does not want Ms. Krank to have any contact with the children because the social worker had told her Ms. Krank was trying to the steal her children.

On August 27, 2020, Ms. Krank was scheduled to adopt a different foster daughter who had been in her care for over two years. Two days before the adoption, Ms. Krank received a call that the adoption had been canceled. She was told the reasons were because allegations were made against her. It took Ms. Krank many hours to determine that her previous foster daughters' social worker had opened a case against Ms. Krank. However, no one could explain the allegations. Ms. Krank never received any official notification of

allegations or an investigation. In the next weeks, Ms. Krank was told DCBS had lost her adoption contract and forced her to resign signature pages while refusing to let her see the full document she was signing. After being threatened with losing the opportunity to adopt the child, Ms. Krank signed the forms and was allowed to adopt her daughter on October 1, 2020.

Ms. Krank stated that she was a good foster mom and she is appalled at the system who used children as pawns and put them at risk to silence those people who speak on their behalf. She has sent her story to legislators, the ombudsman's office, the Attorney General's office, the DCBS' Commissioner, the CHFS Secretary, and the top Cabinet attorneys. Ms. Krank has not received any response. Ms. Krank became a foster parent to be a voice for the forgotten and DCBS has attempted to silence her but she will not be silenced. Ms. Krank stated that there needs to be accountability for the system that fails to listen.

Adjournment

There being no further business, the meeting was adjourned at 12:08 PM.