Local Mandate Fiscal Impact Estimate
Kentucky Legislative Research Commission
2016 Regular Session

Part I: Measure Information

Bill Request #: 1605

Bill #: SB 174 GA

Bill Subject/Title: AN ACT relating to children's services.

Sponsor: Senator Julie Raque R. Adams

Unit of Government: ___ City ___ County ___ Urban-County ___ Charter County ___ Consolidated Local ___ Unified Local Government

Office(s) Impacted: Jefferson County Youth Detention Services - Jefferson County is the only county in Kentucky that has a locally-ran Juvenile Dentention Center

Requirement: **X** Mandatory ___ Optional

Effect on
Powers & Duties: **X** Modifies Existing **X** Adds New ___ Eliminates Existing

Part II: Purpose and Mechanics

Section 1:

SB 174 GA amends KRS 199.011 and KRS 600.020 to define "reasonable and prudent parent standard" as having the same meaning as in 42 U.S.C sec. 675(10) which states:

> *The term "reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities.*

Section 2:

SB 174 GA amends KRS 199.650 to require that each licensed child-caring facility shall have an on-site person trained and authorized to apply the reasonable and prudent parent standard.

Section 3:

SB 174 GA amends KRS 600.020 to define "age or developmentally-appropriate" as having the same meaning as in 42 U.S.C.sec.675(11) which states:

> *The term "age or developmentally-appropriate" means-*
>
> *(i) activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and*
>
> *(ii) in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.*

Section 4:

SB 174 GA creates a new section of KRS Chapter 600 regarding caregivers. Caregivers is defined as having the same meaning as in 42 U.S.C.sec.675(10)(B) which states:

> *…. the term "caregiver" means a foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed.*

SB 174 GA requires a caregiver to use the reasonable and prudent parent standard to determine whether to allow a child in custody of the cabinet to participate in an age or developmentally appropriate activity.

SB 174 GA provides that the caregiver may be held liable if the caregiver fails to act in accordance with the reasonable and prudent parent standard.

SB 174 GA provides that a caregiver shall not be liable for a child's injury as a result of acting in accordance with the reasonable and prudent parent standard, unless the injury was caused by gross negligence, willful and wanton conduct, or intentional wrongdoing.

SB 174 GA provides that even though the caregiver is held liable, SB 174 GA does NOT do away with or diminish the immunities of a cabinet official acting in the course and scope of the cabinet official's employment or create a legal duty on the part of a cabinet official.

SB 174 GA requires that the burden of proof with respect to a breach of the reasonable and prudent parent standard be clear and convincing evidence.

Section 5:

SB 174 GA provides that before a child age sixteen or older can be placed in a planned permanent living arrangement that is not with the parent, an adoptive parent, or a permanent custodian, the court must ask the child about the desired permanency outcome. The court must also provide compelling reasons why the child should not be returned home, placed for adoption, or placed with a legal guardian or relative.

SB 174 GA lowers the age from sixteen to fourteen for transitioning a child from out-of-home care to independent living for children.

SB 174 GA requires that for a child whose permanency goal is placement with another planned permanency arrangement, the cabinet must continue efforts to return the child to the home or secure a placement with a fit and willing relative, legal guardian, or adoptive parent. The cabinet must use search technologies to find the biological family.

SB 174 GA requires the child's foster family home or licensed child-caring facility is following the reasonable and prudent parent standard.

SB 174 GA requires the cabinet to ensure the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities and to consult with the child regarding these activities.

Section 6:

SB 174 GA expands the list of who is privy to investigative reports or assessments of suspected child abuse, neglect, or dependency to include licensed child-caring facilities or child-placing agencies evaluating placement for or serving a child who is believed to be the victim of abuse, neglect, or dependency.

SB 174 GA requires the cabinet to share information about a child in custody of the cabinet with a relative or a parent of the child's sibling for the purposes of evaluation or arranging a placement for the child, arranging appropriate treatment services for the child, or establishing visitation between the child and a relative, including a sibling of the child.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

Jefferson County is the only county that operates a juvenile detention center. The other 9 centers are operated by the Department of Juvenile Justice (DJJ) and therefore outside the scope of this impact statement. The fiscal impact on Jefferson

County is indeterminable. It is dependent on the number of detainees residing at the Center and in what program they might be participating. Based on the outcomes from the expanded language in Section 5, the number of children in juvenile programs could increase.

The DJJ has a contract with Louisville Metro to reimburse them the following amounts per detainee:

- $94.00 day for subsidy payments,
- $100.00 a day for Commissioner Warrants,
- $6.00 a day for Department Juvenile Justice committed juveniles,
- $75.00 a day for Alternative Placement Services,
- $50.00 a day for Home Incarceration Program Services, and
- $50.00 a day for Home Supervision Program Services.

The DJJ is concerned with future operating budgets and will be proposing cuts to future contracts with Jefferson County. Whereas there is required training regarding the "reasonable and prudent parent standard," the additional cost associated with the training may be the responsibility of the local government alone. This expense will be in addition to the added expense resulting if the per diem payments from DJJ are reduced and if the number of children in the programs increase.

Data Source(s): Department of Juvenile Justice, LRC Staff

Preparer: Wendell F. Butler **Reviewer:** JWN **Date:** 3/7/16