

1 AN ACT relating to child welfare.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 6 IS CREATED TO  
4 READ AS FOLLOWS:

- 5 *(1) The Child Welfare Oversight and Advisory Committee of the Kentucky General*  
6 *Assembly is hereby established. The purpose of the committee shall be to review,*  
7 *analyze, and provide oversight to the General Assembly on child welfare within*  
8 *the Commonwealth related but not limited to foster care, adoption, and child*  
9 *abuse, neglect, and dependency.*
- 10 *(2) The Child Welfare Oversight and Advisory Committee shall consist of ten (10)*  
11 *members appointed as follows: three (3) members of the Senate appointed by the*  
12 *President of the Senate; two (2) members of the minority party in the Senate*  
13 *appointed by the Minority Floor Leader in the Senate; three (3) members of the*  
14 *House of Representatives appointed by the Speaker of the House of*  
15 *Representatives; and two (2) members of the minority party in the House of*  
16 *Representatives appointed by the Minority Floor Leader in the House of*  
17 *Representatives. Members appointed from each chamber shall elect one (1)*  
18 *member from their chamber to serve as co-chair.*
- 19 *(3) The co-chairs of the Child Welfare Oversight and Advisory Committee shall have*  
20 *joint responsibilities for committee meeting agendas and presiding at committee*  
21 *meetings. The committee shall meet at least two (2) times annually.*
- 22 *(4) A majority of the entire membership of the Child Welfare Oversight and Advisory*  
23 *Committee shall constitute a quorum, and all actions of the committee shall be by*  
24 *vote of a majority of its entire membership.*
- 25 *(5) The Legislative Research Commission shall have exclusive jurisdiction over the*  
26 *employment of personnel necessary to carry out the provisions of this section.*  
27 *Staff and operating costs of the Child Welfare Oversight and Advisory Committee*

1        *shall be provided from the budget of the Legislative Research Commission.*

2        ➔Section 2. KRS 194A.030 is amended to read as follows:

3        The cabinet consists of the following major organizational units, which are hereby  
4        created:

5        (1) Office of the Secretary. Within the Office of the Secretary, there shall be an Office  
6        of Communications and Administrative Review, an Office of Legal Services, an  
7        Office of Inspector General, an Office of the Ombudsman, and the Governor's  
8        Office of Electronic Health Information.

9        (a) The Office of Communications and Administrative Review shall include  
10       oversight of administrative hearings and communications with internal and  
11       external audiences of the cabinet. The Office of Communications and  
12       Administrative Review shall be headed by an executive director who shall be  
13       appointed by the secretary with the approval of the Governor under KRS  
14       12.050.

15       (b) The Office of Legal Services shall provide legal advice and assistance to all  
16       units of the cabinet in any legal action in which it may be involved. The Office  
17       of Legal Services shall employ all attorneys of the cabinet who serve the  
18       cabinet in the capacity of attorney, giving legal advice and opinions  
19       concerning the operation of all programs in the cabinet. The Office of Legal  
20       Services shall be headed by a general counsel who shall be appointed by the  
21       secretary with the approval of the Governor under KRS 12.050 and 12.210.  
22       The general counsel shall be the chief legal advisor to the secretary and shall  
23       be directly responsible to the secretary. The Attorney General, on the request  
24       of the secretary, may designate the general counsel as an assistant attorney  
25       general under the provisions of KRS 15.105.

26       (c) The Office of Inspector General shall be responsible for:

27       1. The conduct of audits and investigations for detecting the perpetration of

1 fraud or abuse of any program by any client, or by any vendor of  
2 services with whom the cabinet has contracted; and the conduct of  
3 special investigations requested by the secretary, commissioners, or  
4 office heads of the cabinet into matters related to the cabinet or its  
5 programs;

- 6 2. Licensing and regulatory functions as the secretary may delegate;
- 7 3. Review of health facilities participating in transplant programs, as  
8 determined by the secretary, for the purpose of determining any  
9 violations of KRS 311.1911 to 311.1959, 311.1961, and 311.1963; and
- 10 4. The notification and forwarding of any information relevant to possible  
11 criminal violations to the appropriate prosecuting authority.

12 The Office of Inspector General shall be headed by an inspector general who  
13 shall be appointed by the secretary with the approval of the Governor. The  
14 inspector general shall be directly responsible to the secretary.

15 (d) ~~{The Office of the Ombudsman shall provide professional support in the~~  
16 ~~evaluation of programs, including but not limited to quality improvement and~~  
17 ~~information analysis and reporting, contract monitoring, program monitoring,~~  
18 ~~and the development of quality service delivery, and a review and resolution~~  
19 ~~of citizen complaints about programs or services of the cabinet when those~~  
20 ~~complaints are unable to be resolved through normal administrative remedies.~~  
21 ~~The Office of the Ombudsman shall place an emphasis on research and best~~  
22 ~~practice and program accountability and shall monitor federal compliance.~~  
23 ~~The Office of the Ombudsman shall be headed by an executive director who~~  
24 ~~shall be appointed by the secretary with the approval of the Governor in~~  
25 ~~accordance with KRS 12.050.~~

26 (e) ~~—~~ }The Governor's Office of Electronic Health Information shall provide  
27 leadership in the redesign of the health care delivery system using electronic

1 information technology as a means to improve patient care and reduce medical  
2 errors and duplicative services. The Governor's Office of Electronic Health  
3 Information shall be headed by an executive director who shall be appointed  
4 by the secretary with the approval of the Governor in accordance with KRS  
5 12.050;

6 (2) Department for Medicaid Services. The Department for Medicaid Services shall  
7 serve as the single state agency in the Commonwealth to administer Title XIX of the  
8 Federal Social Security Act. The Department for Medicaid Services shall be headed  
9 by a commissioner for Medicaid services, who shall be appointed by the secretary  
10 with the approval of the Governor under KRS 12.050. The commissioner for  
11 Medicaid services shall be a person who by experience and training in  
12 administration and management is qualified to perform the duties of this office. The  
13 commissioner for Medicaid services shall exercise authority over the Department  
14 for Medicaid Services under the direction of the secretary and shall only fulfill those  
15 responsibilities as delegated by the secretary;

16 (3) Department for Public Health. The Department for Public Health shall develop and  
17 operate all programs of the cabinet that provide health services and all programs for  
18 assessing the health status of the population for the promotion of health and the  
19 prevention of disease, injury, disability, and premature death. This shall include but  
20 not be limited to oversight of the Division of Women's Health. The Department for  
21 Public Health shall be headed by a commissioner for public health who shall be  
22 appointed by the secretary with the approval of the Governor under KRS 12.050.  
23 The commissioner for public health shall be a duly licensed physician who by  
24 experience and training in administration and management is qualified to perform  
25 the duties of this office. The commissioner shall advise the head of each major  
26 organizational unit enumerated in this section on policies, plans, and programs  
27 relating to all matters of public health, including any actions necessary to safeguard

1 the health of the citizens of the Commonwealth. The commissioner shall serve as  
2 chief medical officer of the Commonwealth. The commissioner for public health  
3 shall exercise authority over the Department for Public Health under the direction of  
4 the secretary and shall only fulfill those responsibilities as delegated by the  
5 secretary;

6 (4) Department for Behavioral Health, Developmental and Intellectual Disabilities. The  
7 Department for Behavioral Health, Developmental and Intellectual Disabilities shall  
8 develop and administer programs for the prevention of mental illness, intellectual  
9 disabilities, brain injury, developmental disabilities, and substance abuse disorders  
10 and shall develop and administer an array of services and support for the treatment,  
11 habilitation, and rehabilitation of persons who have a mental illness or emotional  
12 disability, or who have an intellectual disability, brain injury, developmental  
13 disability, or a substance abuse disorder. The Department for Behavioral Health,  
14 Developmental and Intellectual Disabilities shall be headed by a commissioner for  
15 behavioral health, developmental and intellectual disabilities who shall be  
16 appointed by the secretary with the approval of the Governor under KRS 12.050.  
17 The commissioner for behavioral health, developmental and intellectual disabilities  
18 shall be by training and experience in administration and management qualified to  
19 perform the duties of the office. The commissioner for behavioral health,  
20 developmental and intellectual disabilities shall exercise authority over the  
21 department under the direction of the secretary, and shall only fulfill those  
22 responsibilities as delegated by the secretary;

23 (5) Commission for Children with Special Health Care Needs. The duties,  
24 responsibilities, and authority set out in KRS 200.460 to 200.490 shall be performed  
25 by the commission. The commission shall advocate the rights of children with  
26 disabilities and, to the extent that funds are available, shall ensure the  
27 administration of services for children with disabilities as are deemed appropriate

1 by the commission pursuant to Title V of the Social Security Act. The commission  
2 may promulgate administrative regulations under KRS Chapter 13A as may be  
3 necessary to implement and administer its responsibilities. The duties,  
4 responsibilities, and authority of the Commission for Children with Special Health  
5 Care Needs shall be performed through the office of the executive director. The  
6 executive director shall be appointed by the secretary with the approval of the  
7 Governor under KRS 12.050;

8 (6) Office of Health Policy. The Office of Health Policy shall lead efforts to coordinate  
9 health care policy, including Medicaid, behavioral health, developmental and  
10 intellectual disabilities, mental health services, services for individuals with an  
11 intellectual disability, public health, certificate of need, and health insurance. The  
12 duties, responsibilities, and authority pertaining to the certificate of need functions  
13 and the licensure appeal functions, as set out in KRS Chapter 216B, shall be  
14 performed by this office. The Office of Health Policy shall be headed by an  
15 executive director who shall be appointed by the secretary with the approval of the  
16 Governor pursuant to KRS 12.050;

17 (7) Department for Family Resource Centers and Volunteer Services. The Department  
18 for Family Resource Centers and Volunteer Services shall streamline the various  
19 responsibilities associated with the human services programs for which the cabinet  
20 is responsible. This shall include, but not be limited to, oversight of the Division of  
21 Family Resource and Youth Services Centers and the Kentucky Commission on  
22 Community Volunteerism and Services. The Department for Family Resource  
23 Centers and Volunteer Services shall be headed by a commissioner who shall be  
24 appointed by the secretary with the approval of the Governor under KRS 12.050.  
25 The commissioner for family resource centers and volunteer services shall be by  
26 training and experience in administration and management qualified to perform the  
27 duties of the office, shall exercise authority over the department under the direction

1 of the secretary, and shall only fulfill those responsibilities as delegated by the  
2 secretary;

3 (8) Office of Administrative and Technology Services. The Office of Administrative  
4 and Technology Services shall develop and maintain technology, technology  
5 infrastructure, and information management systems in support of all units of the  
6 cabinet. The office shall have responsibility for properties and facilities owned,  
7 maintained, or managed by the cabinet. The Office of Administrative and  
8 Technology Services shall be headed by an executive director who shall be  
9 appointed by the secretary with the approval of the Governor under KRS 12.050.  
10 The executive director shall exercise authority over the Office of Administrative  
11 and Technology Services under the direction of the secretary and shall only fulfill  
12 those responsibilities as delegated by the secretary;

13 (9) Office of Human Resource Management. The Office of Human Resource  
14 Management shall coordinate, oversee, and execute all personnel, training, and  
15 management functions of the cabinet. The office shall focus on the oversight,  
16 development, and implementation of quality personnel services; curriculum  
17 development and delivery of instruction to staff; the administration, management,  
18 and oversight of training operations; health, safety, and compliance training; and  
19 equal employment opportunity compliance functions. The office shall be headed by  
20 an executive director appointed by the secretary with the approval of the Governor  
21 in accordance with KRS 12.050;

22 (10) The Office of Finance and Budget shall provide central review and oversight of  
23 budget, contracts, and cabinet finances. The office shall provide coordination,  
24 assistance, and support to program departments and independent review and  
25 analysis on behalf of the secretary. The office shall be headed by an executive  
26 director appointed by the secretary with the approval of the Governor in accordance  
27 with KRS 12.050;

- 1 (11) Department for Community Based Services. The Department for Community Based  
2 Services shall administer and be responsible for child and adult protection, violence  
3 prevention resources, foster care and adoption, permanency, and services to enhance  
4 family self-sufficiency, including child care, social services, public assistance, and  
5 family support. The department shall be headed by a commissioner appointed by the  
6 secretary with the approval of the Governor in accordance with KRS 12.050;
- 7 (12) Department for Income Support. The Department for Income Support shall be  
8 responsible for child support enforcement and disability determination. The  
9 department shall serve as the state unit as required by Title II and Title XVI of the  
10 Social Security Act, and shall have responsibility for determining eligibility for  
11 disability for those citizens of the Commonwealth who file applications for  
12 disability with the Social Security Administration. The department shall be headed  
13 by a commissioner appointed by the secretary with the approval of the Governor in  
14 accordance with KRS 12.050;
- 15 (13) Department for Aging and Independent Living. The Department for Aging and  
16 Independent Living shall serve as the state unit as designated by the Administration  
17 on Aging Services under the Older Americans Act and shall have responsibility for  
18 administration of the federal community support services, in-home services, meals,  
19 family and caregiver support services, elder rights and legal assistance, senior  
20 community services employment program, the state health insurance assistance  
21 program, state home and community based services including home care,  
22 Alzheimer's respite services and the personal care attendant program, certifications  
23 of adult day care and assisted living facilities, the state Council on Alzheimer's  
24 Disease and other related disorders, the Institute on Aging, and guardianship  
25 services. The department shall also administer the Long-Term Care Ombudsman  
26 Program and the Medicaid Home and Community Based Waivers Consumer  
27 Directed Option (CDO) Program. The department shall serve as the information and



1 assistance center for aging and disability services and administer multiple federal  
2 grants and other state initiatives. The department shall be headed by a commissioner  
3 appointed by the secretary with the approval of the Governor in accordance with  
4 KRS 12.050;~~and~~

5 (14) The Office of Legislative and Regulatory Affairs shall provide central review and  
6 oversight of legislation, policy, and administrative regulations. The office shall  
7 provide coordination, assistance, and support to program departments and  
8 independent review and analysis on behalf of the secretary. The office shall be  
9 headed by an executive director appointed by the secretary with the approval of the  
10 Governor in accordance with KRS 12.050; and

11 (15) The Office of the Ombudsman shall investigate, upon complaint or on its own  
12 initiative, any administrative act of an agency, employee, or contractor of the  
13 cabinet, without regard to the finality of the administrative act. Agencies,  
14 employees, or contractors shall not restrict access to records or personnel. The  
15 Office of the Ombudsman shall make recommendations that resolve citizen  
16 complaints and improve governmental performance, and may request corrective  
17 action when policy violations are noted. The Office of the Ombudsman shall  
18 provide evaluation and information analysis of cabinet performance and  
19 compliance with state and federal policy. The Office of the Ombudsman shall  
20 place an emphasis on research and best practices, program accountability,  
21 quality service delivery, and improved governmental performance. The Office of  
22 the Ombudsman shall ensure that information relating to how to contact the  
23 office shall be publically posted at all facilities where agency employees or  
24 contractors work, publically posted at any facility where a child in the custody of  
25 the cabinet resides or is treated, and given to all cabinet or contracted foster  
26 parents. The Office of the Ombudsman shall report to the Office of Inspector  
27 General any charge or case against an employee of the Cabinet for Health and

1 *Family Services where it has cause to believe the employee has engaged in*  
 2 *dishonest, unethical, or illegal conduct or practices related to his or her job*  
 3 *duties. The Office of the Ombudsman shall compile a report of all citizen*  
 4 *complaints about programs or services of the cabinet and a summary of*  
 5 *resolution of the complaints and shall submit the report by December 1 of each*  
 6 *year to the Child Welfare Oversight and Advisory Committee established in*  
 7 *Section 1 of this Act and the Interim Joint Committee on Health and Welfare and*  
 8 *Family Services. The Office of the Ombudsman shall be headed by an executive*  
 9 *director who shall be appointed by the secretary with the approval of the*  
 10 *Governor in accordance with KRS 12.050.*

11 ➔Section 3. KRS 199.461 is amended to read as follows:

- 12 (1) As used in this section, "social service worker" means a social worker employed by  
 13 the Cabinet for Health and Family Services, Department for Community Based  
 14 Services, to provide direct casework services in foster care, child protection,  
 15 juvenile services, or adult protection.
- 16 (2) As used in this section, "active case" includes the total number of cases for which  
 17 the family service worker has responsibility.
- 18 (3) The monthly statewide caseload average for social service workers in the area of  
 19 foster care, child protection, juvenile services, or adult protection shall not exceed  
 20 twenty-five (25) active cases.
- 21 (4) Nothing in this section shall prevent the department or a social service worker from  
 22 handling emergencies to carry out statutory mandates. If the monthly *regional,*  
 23 *county, or* statewide caseload average for social service workers exceeds twenty-  
 24 five (25) active cases for ninety (90) consecutive days, the department shall report  
 25 the fact to the Governor and to the Legislative Research Commission together with  
 26 a description of the factors contributing thereto and shall make recommendations  
 27 related thereto. The report shall include, by county and *region*~~[district]~~, social

1 service worker caseload averages; the number of established social service worker  
2 positions; and the number of vacant social service worker positions.

3 ➔Section 4. KRS 199.470 is amended to read as follows:

- 4 (1) Any person who is eighteen (18) years of age and who is a resident of this state or  
5 who has resided in this state for twelve (12) months next before filing may file a  
6 petition for leave to adopt a child in the Circuit Court of the county in which the  
7 petitioner resides.
- 8 (2) If the petitioner is married, the husband or wife shall join in a petition for leave to  
9 adopt a child unless the petitioner is married to a biological parent of the child to be  
10 adopted, except that if the court finds the requirement of a joint petition would serve  
11 to deny the child a suitable home, the requirement may be waived.
- 12 (3) If a child is placed for adoption by the cabinet, by an agency licensed by the cabinet,  
13 or with written approval by the secretary of the cabinet, the petition may be filed at  
14 the time of placement. In all other adoptions, the petition shall not be filed until the  
15 child has resided continuously in the home of the petitioner for at least ninety (90)  
16 days immediately prior to the filing of the adoption petition.
- 17 (4) No petition for adoption shall be filed unless prior to the filing of the petition the  
18 child sought to be adopted has been placed for adoption by a child-placing  
19 institution or agency, or by the cabinet, or the child has been placed with written  
20 approval of the secretary; but no approval shall be necessary in the case of:
- 21 (a) A child sought to be adopted by a **blood relative, including a relative of half-**  
22 **blood, first cousin, aunt, uncle, nephew, niece, and a person of a preceding**  
23 **generation as denoted by prefixes of grand, great, or great-great;**  
24 **stepparent; step-sibling; or fictive kin**~~stepparent, grandparent, sister, brother,~~  
25 ~~aunt, uncle, great-grandparent, great-aunt, or great-uncle];~~ however, the court  
26 in its discretion may order a report in accordance with KRS 199.510 and a  
27 background check as provided in KRS 199.473(8);

1 (b) A child received by the proposed adopting parent or parents from an agency  
2 without this state with the written consent of the secretary; ~~{or}~~

3 (c) A child adopted under the provisions of KRS 199.585(1); or

4 (d) A child who has been approved under KRS Chapter 615.

5 ~~{(5) Subsection (4) of this section shall not apply to children placed for adoption prior to  
6 June 14, 1962.}~~

7 ➔Section 5. KRS 199.641 is amended to read as follows:

8 (1) As used in this section, unless the context otherwise requires:

9 (a) "Allowable costs report" means a report from each child-caring facility or  
10 child-placing agency that contracts with the department for services and  
11 includes all allowable costs as defined by the Federal Office of Management  
12 and Budget's guidance, including Title 2 of the Code of Federal  
13 Regulations~~{Budget circular A 122, "cost principles for nonprofit~~  
14 ~~organizations,"}~~ and other information the department may require, utilizing  
15 cost data from each child-caring facility's or child-placing agency's most  
16 recent yearly audited financial statement;

17 ~~{(b) "Child-caring facility" means any institution or group home other than a state~~  
18 ~~facility, or one certified by an appropriate agency as operated primarily for~~  
19 ~~educational or medical purposes providing residential care on a twenty-four~~  
20 ~~(24) hour basis to children, not related by blood, adoption, or marriage to the~~  
21 ~~person maintaining the facility;~~

22 ~~{(c)}~~"Department" means the Department for Community Based Services of the  
23 Cabinet for Health and Family Services;

24 (c)~~{(d)}~~ "Model program cost analysis" means a report based on a time study, the  
25 allowable costs report, and other information required by the department from  
26 each child-caring facility or child-placing agency that contracts with the  
27 department for services that determines a statewide median cost for each

1 licensed program category of service provided by child-caring facilities or  
2 child-placing agencies; and

3 ~~(d)~~~~(e)}~~ "Time study" means the process of reporting the work performed by  
4 employees of child-caring facilities or child-placing agencies in specified  
5 time periods.

6 (2) Subject to the limitations set forth in subsection (4) of this section, when the  
7 department chooses to contract with a ~~nonprofit~~ child-caring facility or child-  
8 placing agency for services to a child in the custody of or committed to the  
9 department, the department shall make payments to that facility based on the rate  
10 setting methodology developed from the model program cost analysis. The  
11 department shall also assure that the methodology:

12 (a) Provides payment incentives for moving children as quickly as possible to a  
13 permanent, continuous, stable environment;

14 (b) Provides children who require out-of-home care or alternative treatment with  
15 placements that are as close as possible to their home geographic area and  
16 ensure continuity with their families, schools, faiths, and communities;

17 ~~and~~

18 (c) Provides appropriate placement and treatment services that effectively and  
19 efficiently meet the needs of the child and the child's family as close as  
20 possible to the child's home geographic area; and

21 (d) Facilitates provider participation in the State Medicaid Program established  
22 in accordance with KRS Chapter 205.

23 (3) The department shall use the model program cost analysis as a basis for cost  
24 estimates for the development of the department's biennial budget request.

25 (4) The secretary shall, to the extent funds are appropriated, establish and implement  
26 the rate setting methodology and rate of payment by promulgation of administrative  
27 regulations in accordance with KRS Chapter 13A that are consistent with the level

1 and quality of service provided by child-caring facilities. The administrative  
 2 regulations shall also include the forms and formats for the model program cost  
 3 analysis.

4 **(5) Nothing in this section shall prohibit the department from soliciting proposals to**  
 5 **improve or expand alternative services for children in the custody of or**  
 6 **committed to the cabinet.**

7 ➔Section 6. KRS 199.800 is amended to read as follows:

8 For the purposes of KRS 199.800 to **199.801**~~[199.805]~~:

- 9 (1) "Department" means the Department for Community Based Services;
- 10 (2) "Home county" means the county in which the child's natural parents, adoptive  
 11 parents, or guardian reside. If the parents are divorced, the home county is the  
 12 county of residence of the parent with legal custody. If the child is committed, the  
 13 home county is the county of original commitment or case responsibility;
- 14 (3) **"Home region"**~~["Home district"]~~ means the Department for Community Based  
 15 Services **region**~~[district]~~ in which the child's home county is located;
- 16 (4) "Type of placement" means the living arrangement, including family foster **home,**  
 17 **child-caring facility,**~~[care, private child care,]~~ or other residential alternative that is  
 18 deemed appropriate for a child as determined by the **department**~~[district placement~~  
 19 ~~coordinator and the social service worker with case responsibility]~~; and
- 20 (5) "Unmet need" means the type of facility or placement needed to serve the child's  
 21 needs which is unavailable at the time placement is being sought for the child.

22 ➔Section 7. KRS 199.801 is amended to read as follows:

- 23 (1) The department shall establish a procedure throughout the state that is designed to  
 24 determine and expedite the placement of children who are in the custody of **or**  
 25 **committed to** the department. The procedure shall utilize **state-level and regional**  
 26 **placement coordinators**~~[a statewide placement coordinator and district placement~~  
 27 ~~coordinators]~~ who may be state employees or employees of a contracted entity~~, and~~

1 who shall be assigned and located in each of the department's districts].

2 (2) *The type of placement selected for a child in the custody of or committed to the*  
3 *department shall be the best alternative for the child that is in closest proximity to*  
4 *the child's home county, including considerations of the child's current early*  
5 *care and education provider or school*[Upon determining that a child shall be  
6 removed from the current living arrangement, the social service worker with  
7 responsibility for the child shall contact the district placement coordinator to  
8 facilitate the placement. In consultation with the social service worker, the district  
9 placement coordinator shall determine the appropriate type of placement according  
10 to the child's circumstances and needs and shall attempt to locate the appropriate  
11 placement within the child's home county.

12 (3) ~~The living arrangement and placement selected for the child shall be the type of~~  
13 ~~facility that is determined to be the best alternative for the child that is in the closest~~  
14 ~~proximity to the child's home county].~~

15 (3)[(4)] If the type of placement that best suits the child's needs is not available in the  
16 child's home county, the *regional*[district] placement coordinator shall document  
17 the circumstance as an unmet need and may seek a placement in *surrounding*  
18 *counties, regions, and the state, in that order*[another county located within the  
19 home district of the child.

20 (5) ~~If the type of placement that best suits the child's needs is not available in the child's~~  
21 ~~home district, the district placement coordinator shall document the circumstance as~~  
22 ~~an unmet need and may seek a placement in surrounding districts by contacting the~~  
23 ~~statewide placement coordinator.~~

24 (6) ~~If the type of placement that best suits the child's needs is not available in the~~  
25 ~~districts surrounding the child's home district, the district placement coordinator~~  
26 ~~shall document the circumstance as an unmet need and may seek a placement in any~~  
27 ~~district within the state by contacting the statewide placement coordinator].~~

1 ~~(4)~~<sup>(7)</sup> If the type of placement that best suits the child's needs is not available within  
 2 the state, the **regional**~~[statewide]~~ placement coordinator shall contact the  
 3 commissioner of the department or the commissioner's designee to explore **out-of-**  
 4 **state** placement~~[options]~~.

5 **(5) The department shall develop a diligent recruitment plan and reporting to**  
 6 **support the recruitment and retention of family foster homes that are responsive**  
 7 **to the needs of children in care, areas of unmet need, and strategies to meet the**  
 8 **need. The plan and reporting shall be used as a guide in the establishment and**  
 9 **modification of agreements with placements for the care of children in the**  
 10 **custody of or committed to the cabinet and shall be made available upon request**~~]~~

11 ~~(8)~~ The statewide placement coordinator and every district placement coordinator shall  
 12 compile information that identifies the unmet needs for their jurisdiction, and shall  
 13 submit the data and recommendations for meeting the unmet needs to the  
 14 commissioner of the department.

15 ~~(9)~~ The commissioner shall develop a state placement resource plan that identifies areas  
 16 of unmet need and strategies to meet the need. The plan shall be used to guide and,  
 17 if necessary, restrict the development of new facilities, the expansion of existing  
 18 facilities, and the geographic location of placement alternatives.

19 ~~(10)~~ The commissioner and the statewide planning coordinator shall assist the Statewide  
 20 Strategic Planning Committee for Children in Placement, created in KRS 194A.146,  
 21 in the development of a statewide facilities services plan~~]~~.

22 ➔SECTION 8. A NEW SECTION OF KRS 199.470 TO 199.590 IS CREATED  
 23 TO READ AS FOLLOWS:

24 **(1) As used in this section unless the context requires otherwise:**

25 **(a) "Cabinet" means the Cabinet for Health and Family Services; and**

26 **(b) "Home study" has the same meaning as in KRS 615.030(6).**

27 **(2) The cabinet shall promulgate by administrative regulations the process,**



1 procedures, and requirements to ensure that a uniform establishment and  
2 understanding of the definition of, and the required documentation within, any  
3 home study required pursuant to this chapter is the same for both public and  
4 private agencies.

5 ➔SECTION 9. A NEW SECTION OF KRS 199.640 TO 199.670 IS CREATED  
6 TO READ AS FOLLOWS:

7 (1) As used in this section, unless the context otherwise requires;

8 (a) "Cabinet" means the Cabinet for Health and Family Services;

9 (b) "Performance-based contracting" means an approach that stresses  
10 permanency outcomes for children and utilizes a payment structure that  
11 reinforces provider agencies' efforts to offer services that improve the  
12 outcomes for children; and

13 (c) "Secretary" means the secretary of the Cabinet for Health and Family  
14 Services.

15 (2) The secretary shall designate a study group to make recommendations regarding  
16 the creation and implementation of performance-based contracting for licensed  
17 child-caring facilities and child-placing agencies in the Commonwealth.

18 (3) The study group shall be composed of the following members:

19 (a) The secretary;

20 (b) The commissioner for the Department for Community Based Services;

21 (c) The director of the Administrative Office of the Courts, or designee;

22 (d) The executive director of the Governor's Office of Early Childhood, or  
23 designee;

24 (e) One (1) adult who was a former foster child in the Commonwealth;

25 (f) One (1) adult who is a current or former foster parent in the  
26 Commonwealth;

27 (g) Two (2) employees of a licensed child-placing agency;

- 1        (h) Two (2) employees of a licensed child-caring facility; and  
2        (i) Any personnel within the Department for Community Based Services that  
3                the secretary deems necessary.
- 4        (4) In its deliberations, the study group shall include but not be limited to analysis of  
5                improved timeliness and likelihood of permanency such as reunification,  
6                adoption, or guardianship; fewer moves for children in foster care; and reduced  
7                instances of reentry into care.
- 8        (5) The study group shall report its recommendations by December 1, 2018, to the  
9                Governor, the Interim Joint Committees on Appropriations and Revenue and  
10                Health and Welfare and Family Services, and the Child Welfare Oversight and  
11                Advisory Committee established in Section 1 of this Act. The study group shall  
12                cease to operate after the delivery of the recommendations required by this  
13                subsection.
- 14        (6) By July 1, 2019 the cabinet shall:
- 15                (a) Establish and implement performance-based contracting for licensed child-  
16                caring facilities and child-placing agencies that contract with the  
17                department for services; and
- 18                (b) Apply and implement all standards, processes, and procedures established  
19                for performance-based contracting for licensed child-caring facilities and  
20                child-placing agencies in accordance with paragraph (a) of this subsection  
21                to all other cabinet-operated programs that are like those operated by child-  
22                caring facilities and child-placing agencies.
- 23        (7) The cabinet shall promulgate administrative regulations to implement this  
24                section.

25        ➔SECTION 10. KRS 200.575 IS REPEALED AND REENACTED TO READ  
26 AS FOLLOWS:

- 27        (1) As used in this section, unless the context otherwise requires:

1 (a) "Department" means the Department for Community Based Services; and

2 (b) "Family preservation services" means programs that:

3 1. Follow intensive, home-based service models with demonstrated  
4 effectiveness in reducing or avoiding the need for out-of-home  
5 placement;

6 2. Provide such services that result in lower costs than would out-of-  
7 home placement; and

8 3. Employ specially trained caseworkers who shall:

9 a. Provide at least half of their services in the family's home or  
10 other natural community setting;

11 b. Provide direct therapeutic services available twenty-four (24)  
12 hours per day for a family;

13 c. Aid in the solution of practical problems that contribute to  
14 family stress so as to effect improved parental performance and  
15 enhanced functioning of the family unit;

16 d. Arrange for additional assistance, including but not limited to  
17 housing, child care, education, and job training, emergency cash  
18 grants, state and federally funded public assistance, and other  
19 basic support needs; and

20 e. Supervise any paraprofessionals or "family aides" made  
21 available to provide specialized services or skills to manage  
22 everyday problems and better provide and care for children.

23 (2) The department shall be the lead administrative agency for family preservation  
24 services and may receive funding for the implementation of these services. The  
25 department shall:

26 (a) Provide the coordination of and planning for the implementation of family  
27 preservation services;

- 1       **(b) Provide standards for family preservation services programs;**
- 2       **(c) Monitor these services to ensure they meet measurable standards of**
- 3               **performance as set forth in state law and as developed by the department;**
- 4               **and**
- 5       **(d) Provide the initial training and approve any ongoing training required by**
- 6               **providers of family preservation services.**
- 7       **(3) The department may provide family preservation services directly or may contract**
- 8               **to provide these services. In the event the department provides family preservation**
- 9               **services with state caseworkers, those caseworkers and cases shall be excluded for**
- 10              **the overall caseworker or case averages provided on a quarterly basis to the**
- 11              **Legislative Research Commission and the Governor's office under KRS 199.461.**
- 12              **Family preservation services caseworkers and cases shall be included in the**
- 13              **report as a separate category.**
- 14       **(4) If the department contracts to provide family preservation services, the contract**
- 15              **shall include:**
- 16              **(a) Requirements for acceptance of any client referred by the department for**
- 17                      **family preservation services;**
- 18              **(b) Caseload standards per caseworker;**
- 19              **(c) Provision of twenty-four (24) hour crisis intervention services to families**
- 20                      **served by the program;**
- 21              **(d) Minimum initial and ongoing training standards for family preservation**
- 22                      **services staff; and**
- 23              **(e) Internal programmatic evaluation and cooperation with external evaluation**
- 24                      **as directed by the department.**
- 25       **(5) Family preservation services shall be provided only to those children who are at**
- 26              **actual, imminent risk of out-of-home placement:**
- 27              **(a) Who are at risk of commitment as dependent, abused, or neglected;**

- 1        (b) Who are emotionally disturbed; and
- 2        (c) Whose families are in conflict such that they are unable to exercise
- 3                reasonable control of the child.
- 4        (6) Families in which children are at risk of recurring sexual abuse perpetrated by a
- 5                member of their immediate household who remains in close physical proximity to
- 6                the victim or whose continued safety from recurring abuse cannot be reasonably
- 7                ensured, shall not be eligible for family preservation services.
- 8        (7) The implementation of family preservation services shall be limited to those
- 9                situations where protection can be ensured for children, families, and the
- 10               community.
- 11       (8) The provision of family preservation services to a family shall constitute a
- 12               reasonable effort by the Cabinet for Health and Family Services to prevent the
- 13               removal of a child from the child's home under KRS 620.140, provided that the
- 14               family has received timely access to other services from the Cabinet for Health
- 15               and Family Services for which the family is eligible.
- 16       (9) Acceptance of family preservation services shall not be considered an admission
- 17               to any allegation that initiated the investigation of the family, nor shall refusal of
- 18               family preservation services be considered as evidence in any proceeding except
- 19               where the issue is whether the Cabinet for Health and Family Services has made
- 20               reasonable efforts to prevent removal of a child.
- 21       (10) No family preservation services program shall compel any family member to
- 22               engage in any activity or refrain from any activity, which is not reasonably
- 23               related to remedying any condition that gave rise, or which could reasonably give
- 24               rise, to any finding of child abuse, neglect, or dependency.
- 25       (11) The commissioner of the department shall conduct and submit to the Child
- 26               Welfare Oversight and Advisory Committee established in Section 1 of this Act,
- 27               an annual evaluation of the family preservation services, which shall include the

1 following:

2 (a) The number of families receiving family preservation services, the number  
3 of children in those families, and the number of children in those families  
4 who would have been placed in out-of-home care if the family preservation  
5 services had not be available;

6 (b) Among those families receiving family preservation services, the number of  
7 children placed outside the home;

8 (c) The average cost per family of providing family preservation services;

9 (d) The number of children who remain reunified with their families six (6)  
10 months and one (1) year after completion of the family preservation  
11 services; and

12 (e) An overall evaluation of the progress of family preservation services  
13 programs during the preceding year, recommendations for improvements in  
14 the delivery of this service, and a plan for the continued development of  
15 family preservation services to ensure progress towards statewide  
16 availability.

17 (12) Nothing in this section shall prohibit the department from developing other in-  
18 home services in accordance with its statutory authority to promulgate  
19 administrative regulations in accordance with KRS Chapter 13A or to enter into  
20 contractual arrangements in accordance with KRS Chapter 45.

21 ➔Section 11. KRS 213.056 is amended to read as follows:

22 (1) If a certificate of birth of a living person born in the Commonwealth has not been  
23 filed within the time period as provided in KRS 213.046, a certificate of birth may  
24 be filed in accordance with the administrative regulations of the cabinet. The  
25 certificate shall be registered subject to such evidentiary requirements as the cabinet  
26 shall by regulation prescribe to substantiate the alleged facts of birth.

27 (2) In accordance with the provisions of this section and the administrative regulations

1 established thereunder, the state registrar may issue a record of foreign birth for a  
2 person born outside the United States registration area who is subsequently adopted  
3 by a Kentucky resident and whose record of birth cannot be obtained from the  
4 country of birth. ~~Such certificates shall be plainly endorsed, "not evidence of~~  
5 ~~United States citizenship."~~

6 (3) Certificates of birth registered one (1) year or more after the date of birth shall be  
7 made on forms prescribed and furnished by the state registrar marked "delayed" and  
8 shall show on the face of the certificate the date of the delayed registration.

9 (4) A summary statement of the evidence submitted in support of the delayed  
10 registration shall be endorsed on the certificate.

11 (5) The cabinet may refuse to accept any application for a delayed birth certificate or  
12 record of foreign birth on which the applicant fails to provide such information as  
13 the cabinet may require.

14 (6) Each birth certificate filed under this section shall include all Social Security  
15 numbers that have been issued to the parents of the child.

16 ➔Section 12. KRS 213.141 is amended to read as follows:

17 (1) Except as provided in subsection (2) of this section, the cabinet shall prescribe by  
18 regulation a fee not to exceed five dollars (\$5), to be paid for certified copies of  
19 certificates or records, or for a search of the files or records when no copy is made,  
20 or for copies or information provided for research, statistical, or administrative  
21 purposes.

22 (2) The cabinet shall prescribe by administrative regulation pursuant to KRS Chapter  
23 13A a fee not to exceed ten dollars (\$10) to be paid for a certified copy of a record  
24 of a birth:

25 (a) Three dollars (\$3) of which shall be used by the Cabinet for Health and  
26 Family Services for the sole purpose of contracting for the operation of  
27 private, not-for-profit, self-help, education, and support groups for parents

1           who want to prevent or cease physical, sexual, or mental abuse of children;  
2           and

3           (b) One dollar (\$1) of which shall be used by the Division of Maternal and Child  
4           Health to pay for therapeutic food, formulas, supplements, amino acid-based  
5           elemental formula, or low-protein modified foods for all inborn errors of  
6           metabolism and genetic conditions if:

7           1. The therapeutic food, formulas, supplements, amino acid-based  
8           elemental formula, or low-protein modified food products are medically  
9           indicated for the therapeutic treatment of inborn errors of metabolism or  
10          genetic conditions and are administered under the direction of a  
11          physician; and

12          2. The affected person's therapeutic food, formulas, supplements, amino  
13          acid-based elemental formula, or low-protein foods are not covered  
14          under any public or private health benefit plan.

15       (3) Fees collected under this section by the state registrar shall be used to help defray  
16       the cost of administering the system of vital statistics.

17       (4) (a) No fee or compensation shall be allowed or paid for furnishing certificates of  
18       birth or death required in support of any claim against the government for  
19       compensation, insurance, back pay, or other allowances or benefits for any  
20       person who has at any time served as a member of the Army, Navy, Marine  
21       Corps, or Air Force of the United States.

22       (b) No fee or compensation shall be allowed or paid for furnishing a certificate of  
23       birth to a member of the Kentucky National Guard who has received  
24       deployment orders during the sixty (60) days prior to the furnishing of the  
25       certificate.

26       **(c) No fee or compensation shall be allowed or paid for furnishing a certificate**  
27       **of birth to a child who is in the custody of or committed to the cabinet,**



1                   *including a child who has extended commitment to the cabinet in*  
2                   *accordance with KRS 610.110(6).*

3 (5) The cabinet shall notify the State Board of Elections monthly of the name, address,  
4 birthdate, sex, race, and Social Security number of residents of the Commonwealth  
5 who died during the previous month. This data shall include only those persons who  
6 were over the age of eighteen (18) years at the date of death. No fee or  
7 compensation shall be allowed for furnishing these lists.

8                   ➔Section 13. KRS 600.020 is amended to read as follows:

9 As used in KRS Chapters 600 to 645, unless the context otherwise requires:

10 (1) "Abused or neglected child" means a child whose health or welfare is harmed or  
11 threatened with harm when:

12 (a) His or her parent, guardian, person in a position of authority or special trust, as  
13 defined in KRS 532.045, or other person exercising custodial control or  
14 supervision of the child:

- 15 1. Inflicts or allows to be inflicted upon the child physical or emotional  
16 injury as defined in this section by other than accidental means;
- 17 2. Creates or allows to be created a risk of physical or emotional injury as  
18 defined in this section to the child by other than accidental means;
- 19 3. Engages in a pattern of conduct that renders the parent incapable of  
20 caring for the immediate and ongoing needs of the child including, but  
21 not limited to, parental incapacity due to alcohol and other drug abuse as  
22 defined in KRS 222.005;
- 23 4. Continuously or repeatedly fails or refuses to provide essential parental  
24 care and protection for the child, considering the age of the child;
- 25 5. Commits or allows to be committed an act of sexual abuse, sexual  
26 exploitation, or prostitution upon the child;
- 27 6. Creates or allows to be created a risk that an act of sexual abuse, sexual

- 1 exploitation, or prostitution will be committed upon the child;
- 2 7. Abandons or exploits the child;
- 3 8. Does not provide the child with adequate care, supervision, food,  
4 clothing, shelter, and education or medical care necessary for the child's  
5 well-being. A parent or other person exercising custodial control or  
6 supervision of the child legitimately practicing the person's religious  
7 beliefs shall not be considered a negligent parent solely because of  
8 failure to provide specified medical treatment for a child for that reason  
9 alone. This exception shall not preclude a court from ordering necessary  
10 medical services for a child; or
- 11 9. Fails to make sufficient progress toward identified goals as set forth in  
12 the court-approved case plan to allow for the safe return of the child to  
13 the parent that results in the child remaining committed to the cabinet  
14 and remaining in foster care for fifteen (15) cumulative months out of  
15 forty-eight (48)~~the most recent twenty-two (22)~~ months; or
- 16 (b) A person twenty-one (21) years of age or older commits or allows to be  
17 committed an act of sexual abuse, sexual exploitation, or prostitution upon a  
18 child less than sixteen (16) years of age;
- 19 (2) "Age or developmentally appropriate" has the same meaning as in 42 U.S.C. sec.  
20 675(11);
- 21 (3) "Aggravated circumstances" means the existence of one (1) or more of the  
22 following conditions:
- 23 (a) The parent has not attempted or has not had contact with the child for a period  
24 of not less than ninety (90) days;
- 25 (b) The parent is incarcerated and will be unavailable to care for the child for a  
26 period of at least one (1) year from the date of the child's entry into foster care  
27 and there is no appropriate relative placement available during this period of

- 1           time;
- 2           (c) The parent has sexually abused the child and has refused available treatment;
- 3           (d) The parent has been found by the cabinet to have engaged in abuse of the
- 4           child that required removal from the parent's home two (2) or more times in
- 5           the past two (2) years; or
- 6           (e) The parent has caused the child serious physical injury;
- 7 (4) "Beyond the control of parents" means a child who has repeatedly failed to follow
- 8           the reasonable directives of his or her parents, legal guardian, or person exercising
- 9           custodial control or supervision other than a state agency, which behavior results in
- 10          danger to the child or others, and which behavior does not constitute behavior that
- 11          would warrant the filing of a petition under KRS Chapter 645;
- 12 (5) "Beyond the control of school" means any child who has been found by the court to
- 13          have repeatedly violated the lawful regulations for the government of the school as
- 14          provided in KRS 158.150, and as documented in writing by the school as a part of
- 15          the school's petition or as an attachment to the school's petition. The petition or
- 16          attachment shall describe the student's behavior and all intervention strategies
- 17          attempted by the school;
- 18 (6) "Boarding home" means a privately owned and operated home for the boarding and
- 19          lodging of individuals which is approved by the Department of Juvenile Justice or
- 20          the cabinet for the placement of children committed to the department or the
- 21          cabinet;
- 22 (7) "Cabinet" means the Cabinet for Health and Family Services;
- 23 (8) "Certified juvenile facility staff" means individuals who meet the qualifications of,
- 24          and who have completed a course of education and training in juvenile detention
- 25          developed and approved by, the Department of Juvenile Justice after consultation
- 26          with other appropriate state agencies;
- 27 (9) "Child" means any person who has not reached his or her eighteenth birthday,

- 1 unless otherwise provided;
- 2 (10) "Child-caring facility" means any facility or group home other than a state facility,  
3 Department of Juvenile Justice contract facility or group home, or one certified by  
4 an appropriate agency as operated primarily for educational or medical purposes,  
5 providing residential care on a twenty-four (24) hour basis to children not related by  
6 blood, adoption, or marriage to the person maintaining the facility;
- 7 (11) "Child-placing agency" means any agency, other than a state agency, which  
8 supervises the placement of children in foster family homes or child-caring facilities  
9 or which places children for adoption;
- 10 (12) "Clinical treatment facility" means a facility with more than eight (8) beds  
11 designated by the Department of Juvenile Justice or the cabinet for the treatment of  
12 mentally ill children. The treatment program of such facilities shall be supervised by  
13 a qualified mental health professional;
- 14 (13) "Commitment" means an order of the court which places a child under the custodial  
15 control or supervision of the Cabinet for Health and Family Services, Department of  
16 Juvenile Justice, or another facility or agency until the child attains the age of  
17 eighteen (18) unless otherwise provided by law;
- 18 (14) "Community-based facility" means any nonsecure, homelike facility licensed,  
19 operated, or permitted to operate by the Department of Juvenile Justice or the  
20 cabinet, which is located within a reasonable proximity of the child's family and  
21 home community, which affords the child the opportunity, if a Kentucky resident, to  
22 continue family and community contact;
- 23 (15) "Complaint" means a verified statement setting forth allegations in regard to the  
24 child which contain sufficient facts for the formulation of a subsequent petition;
- 25 (16) "Court" means the juvenile session of District Court unless a statute specifies the  
26 adult session of District Court or the Circuit Court;
- 27 (17) "Court-designated worker" means that organization or individual delegated by the

1 Administrative Office of the Courts for the purposes of placing children in  
2 alternative placements prior to arraignment, conducting preliminary investigations,  
3 and formulating, entering into, and supervising diversion agreements and  
4 performing such other functions as authorized by law or court order;

5 (18) "Deadly weapon" has the same meaning as it does in KRS 500.080;

6 (19) "Department" means the Department for Community Based Services;

7 (20) "Dependent child" means any child, other than an abused or neglected child, who is  
8 under improper care, custody, control, or guardianship that is not due to an  
9 intentional act of the parent, guardian, or person exercising custodial control or  
10 supervision of the child;

11 (21) "Detention" means the safe and temporary custody of a juvenile who is accused of  
12 conduct subject to the jurisdiction of the court who requires a restricted or closely  
13 supervised environment for his or her own or the community's protection;

14 (22) "Detention hearing" means a hearing held by a judge or trial commissioner within  
15 twenty-four (24) hours, exclusive of weekends and holidays, of the start of any  
16 period of detention prior to adjudication;

17 (23) "Diversion agreement" means a mechanism designed to hold a child accountable for  
18 his or her behavior and, if appropriate, securing services to serve the best interest of  
19 the child and to provide redress for that behavior without court action and without  
20 the creation of a formal court record;

21 (24) "Eligible youth" means a person who:

22 (a) Is or has been committed to the cabinet as dependent, neglected, or abused;

23 (b) Is eighteen (18) years of age to nineteen (19) years of age; and

24 (c) Is requesting to extend or reinstate his or her commitment to the cabinet in  
25 order to participate in state or federal educational programs or to establish  
26 independent living arrangements;

27 (25) "Emergency shelter" is a group home, private residence, foster home, or similar

- 1 homelike facility which provides temporary or emergency care of children and  
2 adequate staff and services consistent with the needs of each child;
- 3 (26) "Emotional injury" means an injury to the mental or psychological capacity or  
4 emotional stability of a child as evidenced by a substantial and observable  
5 impairment in the child's ability to function within a normal range of performance  
6 and behavior with due regard to his or her age, development, culture, and  
7 environment as testified to by a qualified mental health professional;
- 8 (27) "Evidence-based practices" means policies, procedures, programs, and practices  
9 proven by scientific research to reliably produce reductions in recidivism;
- 10 (28) "Fictive kin" means an individual who is not related by birth, adoption, or marriage  
11 to a child, but who has an emotionally significant relationship with the child;
- 12 (29) "Firearm" shall have the same meaning as in KRS 237.060 and 527.010;
- 13 (30) "Foster family home" means a private home in which children are placed for foster  
14 family care under supervision of the cabinet or a licensed child-placing agency;
- 15 (31) "Graduated sanction" means any of a continuum of accountability measures,  
16 programs, and sanctions, ranging from less restrictive to more restrictive in nature,  
17 that may include but are not limited to:
- 18 (a) Electronic monitoring;
- 19 (b) Drug and alcohol screening, testing, or monitoring;
- 20 (c) Day or evening reporting centers;
- 21 (d) Reporting requirements;
- 22 (e) Community service; and
- 23 (f) Rehabilitative interventions such as family counseling, substance abuse  
24 treatment, restorative justice programs, and behavioral or mental health  
25 treatment;
- 26 (32) "Habitual runaway" means any child who has been found by the court to have been  
27 absent from his or her place of lawful residence without the permission of his or her

- 1           custodian for at least three (3) days during a one (1) year period;
- 2   (33) "Habitual truant" means any child who has been found by the court to have been  
3       reported as a truant as defined in KRS 159.150(1) two (2) or more times during a  
4       one (1) year period;
- 5   (34) "Hospital" means, except for purposes of KRS Chapter 645, a licensed private or  
6       public facility, health care facility, or part thereof, which is approved by the cabinet  
7       to treat children;
- 8   (35) "Independent living" means those activities necessary to assist a committed child to  
9       establish independent living arrangements;
- 10   (36) "Informal adjustment" means an agreement reached among the parties, with  
11       consultation, but not the consent, of the victim of the crime or other persons  
12       specified in KRS 610.070 if the victim chooses not to or is unable to participate,  
13       after a petition has been filed, which is approved by the court, that the best interest  
14       of the child would be served without formal adjudication and disposition;
- 15   (37) "Intentionally" means, with respect to a result or to conduct described by a statute  
16       which defines an offense, that the actor's conscious objective is to cause that result  
17       or to engage in that conduct;
- 18   (38) "Least restrictive alternative" means, except for purposes of KRS Chapter 645, that  
19       the program developed on the child's behalf is no more harsh, hazardous, or  
20       intrusive than necessary; or involves no restrictions on physical movements nor  
21       requirements for residential care except as reasonably necessary for the protection  
22       of the child from physical injury; or protection of the community, and is conducted  
23       at the suitable available facility closest to the child's place of residence to allow for  
24       appropriate family engagement;
- 25   (39) "Motor vehicle offense" means any violation of the nonfelony provisions of KRS  
26       Chapters 186, 189, or 189A, KRS 177.300, 304.39-110, or 304.39-117;
- 27   (40) "Near fatality" means an injury that, as certified by a physician, places a child in

- 1 serious or critical condition;
- 2 (41) "Needs of the child" means necessary food, clothing, health, shelter, and education;
- 3 (42) "Nonoffender" means a child alleged to be dependent, neglected, or abused and who  
4 has not been otherwise charged with a status or public offense;
- 5 (43) "Nonsecure facility" means a facility which provides its residents access to the  
6 surrounding community and which does not rely primarily on the use of physically  
7 restricting construction and hardware to restrict freedom;
- 8 (44) "Nonsecure setting" means a nonsecure facility or a residential home, including a  
9 child's own home, where a child may be temporarily placed pending further court  
10 action. Children before the court in a county that is served by a state operated secure  
11 detention facility, who are in the detention custody of the Department of Juvenile  
12 Justice, and who are placed in a nonsecure alternative by the Department of  
13 Juvenile Justice, shall be supervised by the Department of Juvenile Justice;
- 14 (45) "Out-of-home placement" means a placement other than in the home of a parent,  
15 relative, or guardian, in a boarding home, clinical treatment facility, community-  
16 based facility, detention facility, emergency shelter, fictive kin home, foster family  
17 home, hospital, nonsecure facility, physically secure facility, residential treatment  
18 facility, or youth alternative center;
- 19 (46) "Parent" means the biological or adoptive mother or father of a child;
- 20 (47) "Person exercising custodial control or supervision" means a person or agency that  
21 has assumed the role and responsibility of a parent or guardian for the child, but that  
22 does not necessarily have legal custody of the child;
- 23 (48) "Petition" means a verified statement, setting forth allegations in regard to the child,  
24 which initiates formal court involvement in the child's case;
- 25 (49) "Physical injury" means substantial physical pain or any impairment of physical  
26 condition;
- 27 (50) "Physically secure facility" means a facility that relies primarily on the use of



1 construction and hardware such as locks, bars, and fences to restrict freedom;

2 (51) "Public offense action" means an action, excluding contempt, brought in the interest  
3 of a child who is accused of committing an offense under KRS Chapter 527 or a  
4 public offense which, if committed by an adult, would be a crime, whether the same  
5 is a felony, misdemeanor, or violation, other than an action alleging that a child  
6 sixteen (16) years of age or older has committed a motor vehicle offense;

7 (52) "Qualified mental health professional" means:

8 (a) A physician licensed under the laws of Kentucky to practice medicine or  
9 osteopathy, or a medical officer of the government of the United States while  
10 engaged in the performance of official duties;

11 (b) A psychiatrist licensed under the laws of Kentucky to practice medicine or  
12 osteopathy, or a medical officer of the government of the United States while  
13 engaged in the practice of official duties, and who is certified or eligible to  
14 apply for certification by the American Board of Psychiatry and Neurology,  
15 Inc.;

16 (c) A psychologist with the health service provider designation, a psychological  
17 practitioner, a certified psychologist, or a psychological associate licensed  
18 under the provisions of KRS Chapter 319;

19 (d) A licensed registered nurse with a master's degree in psychiatric nursing from  
20 an accredited institution and two (2) years of clinical experience with mentally  
21 ill persons, or a licensed registered nurse with a bachelor's degree in nursing  
22 from an accredited institution who is certified as a psychiatric and mental  
23 health nurse by the American Nurses Association and who has three (3) years  
24 of inpatient or outpatient clinical experience in psychiatric nursing and who is  
25 currently employed by a hospital or forensic psychiatric facility licensed by  
26 the Commonwealth or a psychiatric unit of a general hospital or a regional  
27 comprehensive care center;

- 1 (e) A licensed clinical social worker licensed under the provisions of KRS  
2 335.100, or a certified social worker licensed under the provisions of KRS  
3 335.080 with three (3) years of inpatient or outpatient clinical experience in  
4 psychiatric social work and currently employed by a hospital or forensic  
5 psychiatric facility licensed by the Commonwealth or a psychiatric unit of a  
6 general hospital or a regional comprehensive care center;
- 7 (f) A marriage and family therapist licensed under the provisions of KRS 335.300  
8 to 335.399 with three (3) years of inpatient or outpatient clinical experience in  
9 psychiatric mental health practice and currently employed by a hospital or  
10 forensic psychiatric facility licensed by the Commonwealth, a psychiatric unit  
11 of a general hospital, or a regional comprehensive care center; or
- 12 (g) A professional counselor credentialed under the provisions of KRS 335.500 to  
13 335.599 with three (3) years of inpatient or outpatient clinical experience in  
14 psychiatric mental health practice and currently employed by a hospital or  
15 forensic facility licensed by the Commonwealth, a psychiatric unit of a general  
16 hospital, or a regional comprehensive care center;
- 17 (53) "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C.  
18 sec. 675(10);
- 19 (54) "Residential treatment facility" means a facility or group home with more than eight  
20 (8) beds designated by the Department of Juvenile Justice or the cabinet for the  
21 treatment of children;
- 22 (55) "Retain in custody" means, after a child has been taken into custody, the continued  
23 holding of the child by a peace officer for a period of time not to exceed twelve (12)  
24 hours when authorized by the court or the court-designated worker for the purpose  
25 of making preliminary inquiries;
- 26 (56) "Risk and needs assessment" means an actuarial tool scientifically proven to  
27 identify specific factors and needs that are related to delinquent and noncriminal

1 misconduct;

2 (57) "School personnel" means those certified persons under the supervision of the local  
3 public or private education agency;

4 (58) "Secretary" means the secretary of the Cabinet for Health and Family Services;

5 (59) "Secure juvenile detention facility" means any physically secure facility used for the  
6 secure detention of children other than any facility in which adult prisoners are  
7 confined;

8 (60) "Serious physical injury" means physical injury which creates a substantial risk of  
9 death or which causes serious and prolonged disfigurement, prolonged impairment  
10 of health, or prolonged loss or impairment of the function of any bodily member or  
11 organ;

12 (61) "Sexual abuse" includes but is not necessarily limited to any contacts or interactions  
13 in which the parent, guardian, person in a position of authority or special trust, as  
14 defined in KRS 532.045, or other person having custodial control or supervision of  
15 the child or responsibility for his or her welfare, uses or allows, permits, or  
16 encourages the use of the child for the purposes of the sexual stimulation of the  
17 perpetrator or another person;

18 (62) "Sexual exploitation" includes but is not limited to a situation in which a parent,  
19 guardian, person in a position of authority or special trust, as defined in KRS  
20 532.045, or other person having custodial control or supervision of a child or  
21 responsible for his or her welfare, allows, permits, or encourages the child to engage  
22 in an act which constitutes prostitution under Kentucky law; or a parent, guardian,  
23 person in a position of authority or special trust, as defined in KRS 532.045, or  
24 other person having custodial control or supervision of a child or responsible for his  
25 or her welfare, allows, permits, or encourages the child to engage in an act of  
26 obscene or pornographic photographing, filming, or depicting of a child as provided  
27 for under Kentucky law;

- 1 (63) "Social service worker" means any employee of the cabinet or any private agency  
2 designated as such by the secretary of the cabinet or a social worker employed by a  
3 county or city who has been approved by the cabinet to provide, under its  
4 supervision, services to families and children;
- 5 (64) "Staff secure facility for residential treatment" means any setting which assures that  
6 all entrances and exits are under the exclusive control of the facility staff, and in  
7 which a child may reside for the purpose of receiving treatment;
- 8 (65) (a) "Status offense action" is any action brought in the interest of a child who is  
9 accused of committing acts, which if committed by an adult, would not be a  
10 crime. Such behavior shall not be considered criminal or delinquent and such  
11 children shall be termed status offenders. Status offenses shall include:
- 12 1. Beyond the control of school or beyond the control of parents;
  - 13 2. Habitual Runaway;
  - 14 3. Habitual truant;
  - 15 4. Tobacco offenses as provided in KRS 438.305 to 438.340; and
  - 16 5. Alcohol offenses as provided in KRS 244.085.
- 17 (b) Status offenses shall not include violations of state or local ordinances which  
18 may apply to children such as a violation of curfew;
- 19 (66) "Take into custody" means the procedure by which a peace officer or other  
20 authorized person initially assumes custody of a child. A child may be taken into  
21 custody for a period of time not to exceed two (2) hours;
- 22 (67) "Transitional living support" means all benefits to which an eligible youth is  
23 entitled upon being granted extended or reinstated commitment to the cabinet by the  
24 court;
- 25 (68) "Transition plan" means a plan that is personalized at the direction of the youth that:
- 26 (a) Includes specific options on housing, health insurance, education, local  
27 opportunities for mentors and continuing support services, and workforce

1 supports and employment services; and

2 (b) Is as detailed as the youth may elect;

3 (69) "Valid court order" means a court order issued by a judge to a child alleged or found  
4 to be a status offender:

5 (a) Who was brought before the court and made subject to the order;

6 (b) Whose future conduct was regulated by the order;

7 (c) Who was given written and verbal warning of the consequences of the  
8 violation of the order at the time the order was issued and whose attorney or  
9 parent or legal guardian was also provided with a written notice of the  
10 consequences of violation of the order, which notification is reflected in the  
11 record of the court proceedings; and

12 (d) Who received, before the issuance of the order, the full due process rights  
13 guaranteed by the Constitution of the United States;

14 (70) "Violation" means any offense, other than a traffic infraction, for which a sentence  
15 of a fine only can be imposed;

16 (71) "Youth alternative center" means a nonsecure facility, approved by the Department  
17 of Juvenile Justice, for the detention of juveniles, both prior to adjudication and  
18 after adjudication, which meets the criteria specified in KRS 15A.320; and

19 (72) "Youthful offender" means any person regardless of age, transferred to Circuit  
20 Court under the provisions of KRS Chapter 635 or 640 and who is subsequently  
21 convicted in Circuit Court.

22 ➔Section 14. KRS 605.120 is amended to read as follows:

23 (1) The cabinet is authorized to expend available funds to provide for the board,  
24 lodging, and care of children who would otherwise be placed in foster care or who  
25 are placed by the cabinet in a foster home or boarding home, or may arrange for  
26 payments or contributions by any local governmental unit, or public or private  
27 agency or organization, willing to make payments or contributions for such purpose.

- 1 The cabinet may accept any gift, devise, or bequest made to it for its purposes.
- 2 (2) The cabinet shall establish a reimbursement system, within existing appropriation  
3 amounts, for foster parents that comes as close as possible to meeting the actual cost  
4 of caring for foster children. The cabinet shall consider providing additional  
5 reimbursement for foster parents who obtain additional training, and foster parents  
6 who have served for an extended period of time. In establishing a reimbursement  
7 system, the cabinet shall, to the extent possible within existing appropriation  
8 amounts, address the additional cost associated with providing care to children with  
9 exceptional needs.
- 10 (3) The cabinet shall review reimbursement rates paid to foster parents on a biennial  
11 basis and shall issue a report in October of each odd-numbered year to the **Child**  
12 **Welfare Oversight and Advisory Committee established in Section 1 of this**  
13 **Act**~~[Legislative Research Commission]~~ comparing the rates paid by Kentucky to the  
14 figures presented in the Expenditures on Children by Families Annual Report  
15 prepared by the United States Department of Agriculture and the rates paid to foster  
16 parents by other states. To the extent that funding is available, reimbursement rates  
17 paid to foster parents shall be increased on an annual basis to reflect cost of living  
18 increases.
- 19 (4) The cabinet is encouraged to develop pilot projects both within the state system and  
20 in collaboration with private child caring agencies to test alternative delivery  
21 systems and nontraditional funding mechanisms.
- 22 (5) To the extent funds are available, the cabinet may establish a program for kinship  
23 care, **monetary provisions for relative caregivers, a guardianship assistance**  
24 **program under Federal Title IV-E of the Social Security Act, and other relative**  
25 **caregiver and fictive kin services** that **support**~~[provides]~~ a **safe, developmentally**  
26 **appropriate, and** more permanent placement with a qualified relative **or fictive kin**  
27 for a child **who**~~[that]~~ would otherwise be placed in **another out-of-home**

1 ~~**placement**[foster care due to abuse, neglect, or death of both parents].~~

2 (6) The cabinet shall promulgate administrative regulations in accordance with KRS  
3 Chapter 13A to implement the provision of subsection (5) of this section.~~[The~~  
4 ~~administrative regulations shall include uniform conditions and requirements~~  
5 ~~regarding:~~

6 ~~(a) Eligibility requirements for the kinship caregiver and the child;~~

7 ~~(b) Financial assistance and payment rates; and~~

8 ~~(c) Support services and case management services that may be provided to the~~  
9 ~~kinship caregiver or the child.~~

10 (7) Foster parents shall have the authority, **unless the cabinet determines that the**  
11 **child's religion, race, ethnicity, or national origin prevents it,** to make decisions  
12 regarding haircuts and hairstyles for foster children who are in their care for thirty  
13 (30) days or more.

14 ➔Section 15. KRS 610.040 is amended to read as follows:

15 (1) After a **public or status offense** petition has been filed and after such further  
16 investigation as the court may direct, unless the parties appear voluntarily, the court  
17 shall issue a summons briefly reciting the substance of the petition and requiring the  
18 person who has the custody or control of the child to appear personally and bring  
19 the child before the court at a time and place stated. If the person so summoned is  
20 other than a parent or guardian of the child, the parent or guardian or both shall also  
21 be notified of the pendency of the proceeding and of the time and place appointed.  
22 Summons may be issued requiring the appearance of any other person whose  
23 presence, in the opinion of the judge, is necessary.

24 (2) The summons and notice provided for in subsection (1) of this section shall be  
25 served personally by the delivery of a copy thereof to the person summoned, unless  
26 the judge is satisfied that personal service would be impracticable, in which event  
27 the judge may order service by mail addressed to the last known address. Service by

1 mail shall be deemed to be effected upon mailing. Notice by mail shall be presumed  
2 sufficient if mailed at least forty-eight (48) hours before the time for appearance  
3 specified in the summons or notice.

4 (3) Unless otherwise provided, service of summons or notice may be made by any  
5 suitable person, other than an employee of the cabinet, under the direction of the  
6 court, and upon request of the court shall be made by any peace officer.

7 (4) Any person summoned who, without reasonable cause, fails to appear, may be  
8 proceeded against for contempt of court. In case the summons cannot be served, or  
9 the parties served fail to appear, or in any case when it appears to the judge that the  
10 service will be ineffectual, or that the welfare of the child requires that he be  
11 brought forthwith before the court, a warrant may be issued for the parent, guardian,  
12 person having custodial control or supervision of the child, or the child.

13 ➔SECTION 16. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO  
14 READ AS FOLLOWS:

15 *(1) If the cabinet determines that a child, who is in the custody of the cabinet*  
16 *through an emergency, temporary, or permanent court order as a result of*  
17 *dependency, neglect, or abuse and is in foster care, should be moved from a*  
18 *current placement to a new placement or reunified with their family, the cabinet*  
19 *shall provide verbal and written notification to the foster parents and the child-*  
20 *caring facility or child-placing agency where the child is residing at least ten (10)*  
21 *calendar days prior to the new placement or reunification occurring.*

22 *(2) The cabinet's mandate to provide the notification required by this section shall*  
23 *not be required if the cabinet determines the child is in imminent danger.*

24 ➔SECTION 17. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO  
25 READ AS FOLLOWS:

26 *Testimony offered by an alleged responsible parent or person exercising custodial*  
27 *control or supervision in an adjudication of a petition under this chapter for*



1 dependency, abuse, or neglect shall not be admissible in any criminal proceeding for  
2 charges arising from the same transaction or occurrence except for the purposes of  
3 impeachment.

4       ➔SECTION 18. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO  
5 READ AS FOLLOWS:

6 (1) The cabinet may charge a fee of ten dollars (\$10) per background check of the  
7 cabinet's child abuse and neglect records when those services are requested by a  
8 person for professional, trade, or commercial purposes or for personal use.

9 (2) The cabinet shall promulgate administrative regulations to establish the central  
10 registry and the process for a background check of the cabinet's child abuse and  
11 neglect records.

12       ➔Section 19. KRS 620.050 is amended to read as follows:

13 (1) Anyone acting upon reasonable cause in the making of a report or acting under KRS  
14 620.030 to 620.050 in good faith shall have immunity from any liability, civil or  
15 criminal, that might otherwise be incurred or imposed. Any such participant shall  
16 have the same immunity with respect to participation in any judicial proceeding  
17 resulting from such report or action. However, any person who knowingly makes a  
18 false report and does so with malice shall be guilty of a Class A misdemeanor.

19 (2) Any employee or designated agent of a children's advocacy center shall be immune  
20 from any civil liability arising from performance within the scope of the person's  
21 duties as provided in KRS 620.030 to 620.050. Any such person shall have the  
22 same immunity with respect to participation in any judicial proceeding. Nothing in  
23 this subsection shall limit liability for negligence. Upon the request of an employee  
24 or designated agent of a children's advocacy center, the Attorney General shall  
25 provide for the defense of any civil action brought against the employee or  
26 designated agent as provided under KRS 12.211 to 12.215.

27 (3) Neither the husband-wife nor any professional-client/patient privilege, except the

1 attorney-client and clergy-penitent privilege, shall be a ground for refusing to report  
2 under this section or for excluding evidence regarding a dependent, neglected, or  
3 abused child or the cause thereof, in any judicial proceedings resulting from a report  
4 pursuant to this section. This subsection shall also apply in any criminal proceeding  
5 in District or Circuit Court regarding a dependent, neglected, or abused child.

6 (4) Upon receipt of a report of an abused, neglected, or dependent child pursuant to this  
7 chapter, the cabinet as the designated agency or its delegated representative shall  
8 initiate a prompt investigation or assessment of family needs, take necessary action,  
9 and shall offer protective services toward safeguarding the welfare of the child. The  
10 cabinet shall work toward preventing further dependency, neglect, or abuse of the  
11 child or any other child under the same care, and preserve and strengthen family  
12 life, where possible, by enhancing parental capacity for adequate child care.

13 (5) The report of suspected child abuse, neglect, or dependency and all information  
14 obtained by the cabinet or its delegated representative, as a result of an investigation  
15 or assessment made pursuant to this chapter, except for those records provided for  
16 in subsection (6) of this section, shall not be divulged to anyone except:

- 17 (a) Persons suspected of causing dependency, neglect, or abuse;
- 18 (b) The custodial parent or legal guardian of the child alleged to be dependent,  
19 neglected, or abused;
- 20 (c) Persons within the cabinet with a legitimate interest or responsibility related to  
21 the case;
- 22 (d) A licensed child-caring facility or child-placing agency evaluating placement  
23 for or serving a child who is believed to be the victim of an abuse, neglect, or  
24 dependency report;
- 25 (e) Other medical, psychological, educational, or social service agencies, child  
26 care administrators, corrections personnel, or law enforcement agencies,  
27 including the county attorney's office, the coroner, and the local child fatality

- 1 response team, that have a legitimate interest in the case;
- 2 (f) A noncustodial parent when the dependency, neglect, or abuse is  
3 substantiated;
- 4 (g) Members of multidisciplinary teams as defined by KRS 620.020 and which  
5 operate pursuant to KRS 431.600;
- 6 (h) Employees or designated agents of a children's advocacy center;
- 7 (i) Those persons so authorized by court order; or
- 8 (j) The external child fatality and near fatality review panel established by KRS  
9 620.055.
- 10 (6) (a) Files, reports, notes, photographs, records, electronic and other  
11 communications, and working papers used or developed by a children's  
12 advocacy center in providing services under this chapter are confidential and  
13 shall not be disclosed except to the following persons:
- 14 1. Staff employed by the cabinet, law enforcement officers, and  
15 Commonwealth's and county attorneys who are directly involved in the  
16 investigation or prosecution of the case, including a cabinet  
17 investigation or assessment of child abuse, neglect, and dependency in  
18 accordance with this chapter;
- 19 2. Medical and mental health professionals listed by name in a release of  
20 information signed by the guardian of the child, provided that the  
21 information shared is limited to that necessary to promote the physical or  
22 psychological health of the child or to treat the child for abuse-related  
23 symptoms;
- 24 3. The court and those persons so authorized by a court order;~~and~~
- 25 4. The external child fatality and near fatality review panel established by  
26 KRS 620.055; and
- 27 5. The parties to an administrative hearing conducted by the cabinet or

1           its designee in accordance with KRS Chapter 13B in an appeal of a  
2           cabinet-substantiated finding of abuse or neglect. The children's  
3           advocacy center may, in its sole discretion, provide testimony in lieu of  
4           files, reports, notes, photographs, records, electronic and other  
5           communications, and working papers used or developed by the center  
6           if the center determines that the release poses a threat to the safety or  
7           well-being of the child, or would be in the best interests of the child.  
8           Following the administrative hearing and any judicial review, the  
9           parties to the administrative hearing shall return all files, reports,  
10           notes, photographs, records, electronic and other communications,  
11           and working papers used or developed by the children's advocacy  
12           center to the center.

13           (b) The provisions of this subsection shall not be construed as to contravene the  
14           Rules of Criminal Procedure relating to discovery.

15           (7) Nothing in this section shall prohibit a parent or guardian from accessing records for  
16           his or her child providing that the parent or guardian is not currently under  
17           investigation by a law enforcement agency or the cabinet relating to the abuse or  
18           neglect of a child.

19           (8) Nothing in this section shall prohibit employees or designated agents of a children's  
20           advocacy center from disclosing information during a multidisciplinary team review  
21           of a child sexual abuse case as set forth under KRS 620.040. Persons receiving this  
22           information shall sign a confidentiality statement consistent with statutory  
23           prohibitions on disclosure of this information.

24           (9) Employees or designated agents of a children's advocacy center may confirm to  
25           another children's advocacy center that a child has been seen for services. If an  
26           information release has been signed by the guardian of the child, a children's  
27           advocacy center may disclose relevant information to another children's advocacy

1 center.

- 2 (10) (a) An interview of a child recorded at a children's advocacy center shall not be  
3 duplicated, except that the Commonwealth's or county attorney prosecuting  
4 the case may:
- 5 1. Make and retain one (1) copy of the interview; and
  - 6 2. Make one (1) copy for the defendant's or respondent's counsel that the  
7 defendant's or respondent's counsel shall not duplicate.
- 8 (b) The defendant's or respondent's counsel shall file the copy with the court  
9 clerk at the close of the case.
- 10 (c) Unless objected to by the victim or victims, the court, on its own motion, or  
11 on motion of the attorney for the Commonwealth shall order all recorded  
12 interviews that are introduced into evidence or are in the possession of the  
13 children's advocacy center, law enforcement, the prosecution, or the court to  
14 be sealed.
- 15 (d) The provisions of this subsection shall not be construed as to contravene the  
16 Rules of Criminal Procedure relating to discovery.
- 17 (11) Identifying information concerning the individual initiating the report under KRS  
18 620.030 shall not be disclosed except:
- 19 (a) To law enforcement officials that have a legitimate interest in the case;
  - 20 (b) To the agency designated by the cabinet to investigate or assess the report;
  - 21 (c) To members of multidisciplinary teams as defined by KRS 620.020 that  
22 operated under KRS 431.600
  - 23 (d) Under a court order, after the court has conducted an in camera review of the  
24 record of the state related to the report and has found reasonable cause to  
25 believe that the reporter knowingly made a false report; or
  - 26 (e) The external child fatality and near fatality review panel established by KRS  
27 620.055.

- 1 (12) (a) Information may be publicly disclosed by the cabinet in a case where child  
2 abuse or neglect has resulted in a child fatality or near fatality.
- 3 (b) The cabinet shall conduct an internal review of any case where child abuse or  
4 neglect has resulted in a child fatality or near fatality and the cabinet had prior  
5 involvement with the child or family. The cabinet shall prepare a summary  
6 that includes an account of:
- 7 1. The cabinet's actions and any policy or personnel changes taken or to be  
8 taken, including the results of appeals, as a result of the findings from  
9 the internal review; and
- 10 2. Any cooperation, assistance, or information from any agency of the state  
11 or any other agency, institution, or facility providing services to the child  
12 or family that were requested and received by the cabinet during the  
13 investigation of a child fatality or near fatality.
- 14 (c) The cabinet shall submit a report by September 1 of each year containing an  
15 analysis of all summaries of internal reviews occurring during the previous  
16 year and an analysis of historical trends to the Governor, the General  
17 Assembly, and the state child fatality review team created under KRS  
18 211.684.
- 19 (13) When an adult who is the subject of information made confidential by subsection  
20 (5) of this section publicly reveals or causes to be revealed any significant part of  
21 the confidential matter or information, the confidentiality afforded by subsection (5)  
22 of this section is presumed voluntarily waived, and confidential information and  
23 records about the person making or causing the public disclosure, not already  
24 disclosed but related to the information made public, may be disclosed if disclosure  
25 is in the best interest of the child or is necessary for the administration of the  
26 cabinet's duties under this chapter.
- 27 (14) As a result of any report of suspected child abuse or neglect, photographs and X-

1 rays or other appropriate medical diagnostic procedures may be taken or caused to  
 2 be taken, without the consent of the parent or other person exercising custodial  
 3 control or supervision of the child, as a part of the medical evaluation or  
 4 investigation of these reports. These photographs and X-rays or results of other  
 5 medical diagnostic procedures may be introduced into evidence in any subsequent  
 6 judicial proceedings or an administrative hearing conducted by the cabinet or its  
 7 designee in accordance with KRS Chapter 13B in an appeal of a cabinet-  
 8 substantiated finding of child abuse or neglect. The person performing the  
 9 diagnostic procedures or taking photographs or X-rays shall be immune from  
 10 criminal or civil liability for having performed the act. Nothing herein shall limit  
 11 liability for negligence.

12 (15) In accordance with 42 U.S.C. sec. 671, the cabinet shall share information about a  
 13 child in the custody of the cabinet with a relative or a parent of the child's sibling for  
 14 the purposes of:

- 15 (a) Evaluating or arranging a placement for the child;
- 16 (b) Arranging appropriate treatment services for the child; or
- 17 (c) Establishing visitation between the child and a relative, including a sibling of  
 18 the child.

19 ➔Section 20. KRS 620.060 is amended to read as follows:

20 (1) The court for the county where the child ordinarily resides or will reside or the  
 21 county where the child is present may issue an ex parte emergency custody order  
 22 when it appears to the court that removal is in the best interest of the child and that  
 23 there are reasonable grounds to believe, as supported by affidavit or by recorded  
 24 sworn testimony, that one (1) or more of the following conditions exist and that the  
 25 parents or other person exercising custodial control or supervision are unable or  
 26 unwilling to protect the child:

- 27 (a) The child is in danger of imminent death or serious physical injury or is being

1 sexually abused;

2 (b) The parent has repeatedly inflicted or allowed to be inflicted by other than  
3 accidental means physical injury or emotional injury. This condition shall not  
4 include reasonable and ordinary discipline recognized in the community  
5 where the child lives, as long as reasonable and ordinary discipline does not  
6 result in abuse or neglect as defined in KRS 600.020(1); or

7 (c) The child is in immediate danger due to the parent's failure or refusal to  
8 provide for the safety or needs of the child.

9 (2) Custody may be placed with a relative taking into account the wishes of the  
10 custodial parent and child or any other appropriate person or agency including the  
11 cabinet.

12 (3) An emergency custody order shall be effective no longer than seventy-two (72)  
13 hours, exclusive of weekends and holidays, unless there is a temporary removal  
14 hearing with oral or other notice to the county attorney and the parent or other  
15 person exercising custodial control or supervision of the child, to determine if the  
16 child should be held for a longer period. The seventy-two (72) hour period also may  
17 be extended or delayed upon the waiver or request of the child's parent or other  
18 person exercising custodial control or supervision.

19 (4) Any person authorized to serve process shall serve the parent or other person  
20 exercising custodial control or supervision with a copy of the emergency custody  
21 order. If such person cannot be found, the sheriff shall make a good faith effort to  
22 notify the nearest known relative, neighbor, or other person familiar with the child.

23 (5) Within seventy-two (72) hours of the taking of a child into custody without the  
24 consent of his parent or other person exercising custodial control or supervision, a  
25 petition shall be filed pursuant to this chapter.

26 (6) Nothing herein shall preclude the issuance of arrest warrants pursuant to the Rules  
27 of Criminal Procedure.



1       ➔Section 21. KRS 620.070 is amended to read as follows:

- 2       (1) A dependency, neglect, or abuse action may be commenced by the filing of a  
3       petition by any interested person in the juvenile session of the District Court.
- 4       (2) After a petition has been filed, the clerk of the court shall issue, and the sheriff or  
5       other person authorized to serve process, except an employee of the Cabinet for  
6       Health and Family Services~~[agent]~~ shall serve, a copy of the petition and a  
7       summons to the parent or other person exercising custodial control or supervision,  
8       unless their identity or location is unknown, in which case the petition and  
9       summons shall be served as directed by the court, which means may include  
10       service on the nearest known adult relative, service by mail to the last known  
11       address, or other service directed by the court and given in a manner reasonably  
12       calculated to give actual notice. Service may be by warning order if other means  
13       are not effective~~[on the nearest known adult relative].~~
- 14       (3) The summons shall include an explanation of the importance of the petition and an  
15       explanation of the rights of the parent or other person exercising custodial control in  
16       any subsequent proceedings. The summons shall emphasize the importance of  
17       immediately contacting the court about legal representation and to be advised of the  
18       date, time, and place when the parent or other person exercising custodial control or  
19       supervision is to appear before the court. The summons shall include written  
20       notification that the case may be reviewed by a local citizen foster care review  
21       board and the report of the board review shall become part of the court record.

22       ➔Section 22. KRS 620.180 is amended to read as follows:

- 23       (1) The cabinet may promulgate administrative regulations to implement the provisions  
24       of this chapter. The cabinet may also promulgate administrative regulations  
25       pursuant to the requirements of Public Law 96-272 as to the maximum number of  
26       children who at any time during a fiscal year, will remain in foster care after having  
27       been in such care for a period in excess of twenty-four (24) months, together with

1 the steps to be taken to achieve such goal.

2 (2) The cabinet shall promulgate administrative regulations to provide the following:

3 (a) The method used to periodically review the status of children placed in foster  
4 family homes which shall include, but not be limited to, the following:

5 1. Within ten (10) calendar~~five (5)~~ days~~[, exclusive of weekends and~~  
6 ~~holidays,]~~ of the temporary removal hearing provided for in this chapter,  
7 a case conference shall be held on all children placed with the cabinet  
8 for the purpose of establishing a specific treatment plan which may  
9 include preventive and reunification services for the child and his parent  
10 or other person exercising custodial control or supervision. Additional  
11 case conferences and reviews shall be held as appropriate, but shall be  
12 held at least every six (6) months. The parent or other person exercising  
13 custodial control or supervision and his counsel, if any, shall have the  
14 right to be present at and participate in such conferences. The child; the  
15 child's attorney, if any; the parent or other person exercising custodial  
16 control or supervision and his attorney of record, if any; and the county  
17 attorney shall be notified of, and may be present at and participate in  
18 such conferences;

19 2. On-going case work and supportive services shall be provided as  
20 indicated to best meet the needs of the child as established by the review  
21 and planning process; and

22 3. There may be procedures for providing for appropriate visitation  
23 between the parents and the child based on the needs of the child;~~and]~~

24 (b) The procedures for reporting to a committing court the status and plans for  
25 children committed to the cabinet as dependent, neglected or abused and  
26 placed in foster family homes; and~~]~~

27 (c) By January 1, 2019, the establishment and implementation of the processes,

1 procedures, and requirements to ensure that children committed to the  
2 cabinet as dependent, neglected, or abused and placed in foster family  
3 homes are timely reunified with their biological family or identified for and  
4 placed in a new permanent home. These processes, procedures, and  
5 requirements shall include but not be limited to the following:

6 1. A case review and recommendation submitted to the committing court  
7 related to whether the best interest of the child is reunification or  
8 termination of parental rights after the child has been committed to  
9 the cabinet a total of six (6) cumulative months;

10 2. An additional case review and recommendation submitted to the  
11 committing court every three (3) cumulative months after the initial  
12 six (6) months if a child is still in the custody of the cabinet;

13 3. A petition to the court of appropriate jurisdiction seeking the  
14 termination of parental rights and authority to place the child for  
15 adoption in accordance with this chapter and KRS Chapter 625 no  
16 later than after a child has been committed to the cabinet for a total of  
17 fifteen (15) cumulative months out of forty-eight (48) months; and

18 4. A plan to ensure, no longer than thirty (30) working days after a court  
19 enters a judgment of termination of parental rights to a child that is  
20 committed to the cabinet, that the cabinet shall complete and submit to  
21 the court all necessary paperwork to facilitate the child's permanency  
22 plan, including but not limited to the presentation summary and  
23 identification of an adoptive home if determined.

24 ➔Section 23. KRS 620.270 is amended to read as follows:

- 25 (1) Subject to the provisions of KRS 620.230, the local citizen foster care review board  
26 shall review the case of each child placed in the custody of the cabinet by an order  
27 of temporary custody or commitment by the court in the county or counties which

1 the local board serves. The review shall occur at least once every six (6) months  
2 until the child is no longer in the custody of the cabinet or until an adoption  
3 proceeding becomes final.

4 (2) During each six (6) month review, the local citizen foster care review board shall  
5 review:

6 (a) The past, current, and future status of the child and his placement as shown  
7 through the case permanency plan, case record, case progress reports  
8 submitted by the cabinet, and other information as the board may require;

9 (b) The efforts or adjustment the parent has made in his circumstances, conduct,  
10 or conditions to make it in the child's best interest to return him to his home  
11 within a reasonable period of time considering the age of the child;

12 (c) The efforts of the cabinet to locate and provide services to the biological  
13 parents of the child;

14 (d) The efforts of the cabinet and other agencies to facilitate the return of the child  
15 to the home or to find an alternative permanent placement if reunion with the  
16 parent or previous custodian is not feasible. The cabinet shall report to the  
17 board all factors which either favor or mitigate against any decision or  
18 alternative with regard to these matters; and

19 (e) Any problems, solutions, or alternatives which may be capable of exploration,  
20 or other matters with regard to the child as the cabinet or the board determine  
21 to be explored with regard to the best interests of the state or of the child.

22 (3) Upon completion of a training curriculum developed and provided jointly by the  
23 Administrative Office of the Courts and by the Department for Community Based  
24 Services and approved by the state review board in regard to child sexual abuse, the  
25 local citizen foster care review board may review, at the discretion of the board, a  
26 sample of all petitions filed in the District Court of the county served by the board  
27 alleging sexual abuse of any child, not to exceed two hundred (200) petitions per

1 year statewide, in order to determine the adequacy of the investigation, and the  
 2 appropriateness of findings, adjudication, and disposition of the court. The board  
 3 shall have access to all records of the cabinet, medical professionals, and law  
 4 enforcement agencies pertaining to these cases. The board shall provide the cabinet  
 5 and the court a full report of the findings and recommendations concerning the  
 6 review.

7 (4) Notice of **the six (6) month interested party**~~[this]~~ review and the right to attend and  
 8 participate in the **six (6) month interested party** review shall be provided to the  
 9 child's parents, if parental rights have not been terminated or surrendered; the  
 10 parent's attorney; the guardian ad litem, the attorney for the child, or both; the foster  
 11 parents; the prospective adoptive parent; the relative providing care for the child;  
 12 and the child who is a party to the proceeding. The cabinet **shall provide the**  
 13 **Administrative Office of the Courts Citizen Foster Care Review Board with the**  
 14 **names, addresses, and any other needed contact information in order to provide**  
 15 **adequate, timely**~~[and the court shall develop adequate procedures to provide]~~ notice  
 16 of the review to these persons.

17 **(5) At least twice annually, the local citizen foster care review boards shall**  
 18 **participate in regional community forums for members of the public to discuss**  
 19 **areas of concern regarding the foster care system and to identify barriers to**  
 20 **timely permanency, well-being and safety for children in out-of-home care. The**  
 21 **boards shall report their findings to the State Citizen Foster Care Review Board**  
 22 **in accordance with KRS 620.340.**

23 ➔Section 24. KRS 620.290 is amended to read as follows:

24 (1) The local citizen foster care review board shall submit to the court within fourteen  
 25 (14) days of the six (6) month review its findings and recommendations. The  
 26 findings and recommendations for each child under review shall include but need  
 27 not be limited to:

- 1 (a) Whether there is a plan for permanence;
- 2 (b) Whether the plan is progressing; and
- 3 (c) The appropriateness of the current placement or plan for permanence. If the  
4 local foster care review board determines that a current placement or plan for  
5 permanence is inappropriate, a ~~separate~~ notification shall be provided to the  
6 court, and the cabinet which shall summarize the position of the local foster  
7 care review board, the response of the cabinet, if any, to the concerns  
8 expressed by the local foster care review board, and any action proposed by  
9 the local foster care review board.
- 10 (2) The local foster care review board shall submit to the court, with a copy to the  
11 cabinet, within fourteen (14) days of each meeting of the board, a list of each case  
12 reviewed in which a child has been moved three (3) or more times within a six (6)  
13 month period. The list shall include the name of the case, the court number, if  
14 available, the cabinet case number, the age, sex, and race of the child, and the  
15 number of moves that have occurred.
- 16 ➔Section 25. KRS 620.310 is amended to read as follows:
- 17 (1) There is hereby established a State Citizen Foster Care Review Board. The State  
18 Citizen Foster Care Review Board shall consist of all chairmen of the local foster  
19 care review boards.
- 20 (2) The State Citizen Foster Care Review Board shall **biennially**~~annually~~ elect a  
21 chairman and vice chairman to serve in the absence of the chairman.
- 22 (3) The State Citizen Foster Care Review Board shall meet at least annually, and more  
23 frequently upon the call of the chairman, or as the board shall determine.
- 24 (4) Members of the State Citizen Foster Care Review Board may only receive  
25 compensation for travel mileage cost and overnight lodging at a rate consistent with  
26 that provided to state employees as provided under the law of the Commonwealth.

27 ➔Section 26. KRS 625.090 is amended to read as follows:

- 1 (1) The Circuit Court may involuntarily terminate all parental rights of a parent of a  
 2 named child, if the Circuit Court finds from the pleadings and by clear and  
 3 convincing evidence that:
- 4 (a) 1. The child has been adjudged to be an abused or neglected child, as  
 5 defined in KRS 600.020(1), by a court of competent jurisdiction;  
 6 2. The child is found to be an abused or neglected child, as defined in KRS  
 7 600.020(1), by the Circuit Court in this proceeding;~~{or}~~  
 8 3. *The child is found to have been diagnosed with neonatal abstinence*  
 9 *syndrome at the time of birth, unless his or her birth mother:*  
 10 *a. Was prescribed and properly using medication for a legitimate*  
 11 *medical condition as directed by a health care practitioner that*  
 12 *may have led to the neonatal abstinence syndrome; or*  
 13 *b. Is currently, or within ninety (90) days after the birth, enrolled in*  
 14 *and maintaining substantial compliance with both a substance*  
 15 *abuse treatment or recovery program and a regimen of prenatal*  
 16 *care or postnatal care as recommended by her health care*  
 17 *practitioner throughout the remaining term of her pregnancy or*  
 18 *the appropriate time after her pregnancy; or*  
 19 4. The parent has been convicted of a criminal charge relating to the  
 20 physical or sexual abuse or neglect of any child and that physical or  
 21 sexual abuse, neglect, or emotional injury to the child named in the  
 22 present termination action is likely to occur if the parental rights are not  
 23 terminated;
- 24 *(b) The Cabinet for Health and Family Services has filed a petition with the*  
 25 *court pursuant to Section 22 of this Act;* and  
 26 ~~(c){(b)}~~ Termination would be in the best interest of the child.
- 27 (2) No termination of parental rights shall be ordered unless the Circuit Court also finds

1 by clear and convincing evidence the existence of one (1) or more of the following  
2 grounds:

- 3 (a) That the parent has abandoned the child for a period of not less than ninety  
4 (90) days;
- 5 (b) That the parent has inflicted or allowed to be inflicted upon the child, by other  
6 than accidental means, serious physical injury;
- 7 (c) That the parent has continuously or repeatedly inflicted or allowed to be  
8 inflicted upon the child, by other than accidental means, physical injury or  
9 emotional harm;
- 10 (d) That the parent has been convicted of a felony that involved the infliction of  
11 serious physical injury to any child;
- 12 (e) That the parent, for a period of not less than six (6) months, has continuously  
13 or repeatedly failed or refused to provide or has been substantially incapable  
14 of providing essential parental care and protection for the child and that there  
15 is no reasonable expectation of improvement in parental care and protection,  
16 considering the age of the child;
- 17 (f) That the parent has caused or allowed the child to be sexually abused or  
18 exploited;
- 19 (g) That the parent, for reasons other than poverty alone, has continuously or  
20 repeatedly failed to provide or is incapable of providing essential food,  
21 clothing, shelter, medical care, or education reasonably necessary and  
22 available for the child's well-being and that there is no reasonable expectation  
23 of significant improvement in the parent's conduct in the immediately  
24 foreseeable future, considering the age of the child;
- 25 (h) That:
- 26 1. The parent's parental rights to another child have been involuntarily  
27 terminated;



- 1           2. The child named in the present termination action was born subsequent  
2           to or during the pendency of the previous termination; and
- 3           3. The conditions or factors which were the basis for the previous  
4           termination finding have not been corrected;
- 5           (i) That the parent has been convicted in a criminal proceeding of having caused  
6           or contributed to the death of another child as a result of physical or sexual  
7           abuse or neglect; or
- 8           (j) That the child has been in foster care under the responsibility of the cabinet  
9           for fifteen (15) cumulative months out of forty-eight (48) ~~the most recent~~  
10          ~~twenty-two (22)~~ months preceding the filing of the petition to terminate  
11          parental rights.
- 12       (3) In determining the best interest of the child and the existence of a ground for  
13          termination, the Circuit Court shall consider the following factors:
- 14           (a) Mental illness as defined by KRS 202A.011(9), or an intellectual disability as  
15           defined by KRS 202B.010(9) of the parent as certified by a qualified mental  
16           health professional, which renders the parent consistently unable to care for  
17           the immediate and ongoing physical or psychological needs of the child for  
18           extended periods of time;
- 19           (b) Acts of abuse or neglect as defined in KRS 600.020(1) toward any child in the  
20           family;
- 21           (c) If the child has been placed with the cabinet, whether the cabinet has, prior to  
22           the filing of the petition made reasonable efforts as defined in KRS 620.020 to  
23           reunite the child with the parents unless one or more of the circumstances  
24           enumerated in KRS 610.127 for not requiring reasonable efforts have been  
25           substantiated in a written finding by the District Court;
- 26           (d) The efforts and adjustments the parent has made in his circumstances,  
27           conduct, or conditions to make it in the child's best interest to return him to his

- 1 home within a reasonable period of time, considering the age of the child;
- 2 (e) The physical, emotional, and mental health of the child and the prospects for  
3 the improvement of the child's welfare if termination is ordered; and
- 4 (f) The payment or the failure to pay a reasonable portion of substitute physical  
5 care and maintenance if financially able to do so.
- 6 (4) If the child has been placed with the cabinet, the parent may present testimony  
7 concerning the reunification services offered by the cabinet and whether additional  
8 services would be likely to bring about lasting parental adjustment enabling a return  
9 of the child to the parent.
- 10 (5) If the parent proves by a preponderance of the evidence that the child will not  
11 continue to be an abused or neglected child as defined in KRS 600.020(1) if  
12 returned to the parent the court in its discretion may determine not to terminate  
13 parental rights.
- 14 (6) Upon the conclusion of proof and argument of counsel, the Circuit Court shall enter  
15 findings of fact, conclusions of law, and a decision as to each parent-respondent  
16 within thirty (30) days either:
- 17 (a) Terminating the right of the parent; or
- 18 (b) Dismissing the petition and stating whether the child shall be returned to the  
19 parent or shall remain in the custody of the state.

20 ➔Section 27. KRS 625.110 is amended to read as follows:

21 Any order for the involuntary termination of parental rights shall be conclusive and  
22 binding on all parties, except that an appeal may be taken from a judgment or order of the  
23 Circuit Court involuntarily terminating parental rights in accordance with the Kentucky  
24 Rules of Civil Procedure. **Only an appeal made within thirty (30) days may be**  
25 **considered by the court. The court shall make its final ruling within ninety (90) days**  
26 **after the appeal case is submitted to the appellate bench for decision.**

27 ➔SECTION 28. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO

1 READ AS FOLLOWS:

- 2 (1) The General Assembly of the Commonwealth of Kentucky hereby finds and  
3 declares that the purpose of the putative father registry established pursuant to  
4 this section is to determine the name and address of a father whose name and  
5 address have not been disclosed by the mother of the child, on or before the date  
6 the mother executes a consent to the child's adoption to an attorney or an agency  
7 that is arranging the adoption of the child, and who may have conceived a child  
8 for whom a petition for adoption has been or may be filed so that notice of the  
9 adoption may be provided to the putative father.
- 10 (2) As used in this section, "putative father" means a male who may be a child's  
11 father, but who:
- 12 (a) Is not married to the child's mother on or before the date that the child is  
13 born;
- 14 (b) Has not established paternity of the child in a court or agency proceeding in  
15 this or another state before the filing of a petition for adoption of the child;  
16 or
- 17 (c) Has not completed an acknowledgment of paternity affidavit before the  
18 filing of a petition for adoption of the child.
- 19 (3) The cabinet shall establish a putative father registry and promulgate  
20 administrative regulations to administer the registry in accordance with this  
21 section.
- 22 (4) (a) A putative father may register with the putative father registry by providing  
23 the following information to the cabinet:
- 24 1. The putative father's name, date of birth, place of birth, place of  
25 residence, and an address at which he may be served with notice of the  
26 filing of a petition for adoption;
- 27 2. The mother's name, date of birth, place of birth, place of residence,

- 1                   and mailing address, if known; and
- 2                   3. Any other information described in subsection (5) of this section that
- 3                   is known to the putative father.
- 4                   (b) A putative father who registers under this section is responsible for:
- 5                   1. Verifying with the cabinet the accuracy of the registration; and
- 6                   2. Submitting to the cabinet an amended registration each time the
- 7                   information supplied by the putative father changes.
- 8                   (c) A putative father who has registered pursuant to this section may revoke a
- 9                   registration at any time.
- 10                  (5) The cabinet shall maintain the following information in the putative father
- 11                  registry:
- 12                  (a) The putative father's name, date of birth, place of birth, place of residence,
- 13                  and an address at which he may be served with notice of the filing of a
- 14                  petition for adoption;
- 15                  (b) The mother's name, date of birth, place of birth, place of residence, and
- 16                  mailing address, if known;
- 17                  (c) The child's name, date of birth, and place of birth, if known;
- 18                  (d) The date that the cabinet receives a putative father's registration;
- 19                  (e) The name of any attorney or agency that requests the cabinet to search the
- 20                  registry pursuant to Section 29 of this Act and the date of the request; and
- 21                  (f) Any other information that the cabinet determines is necessary to access the
- 22                  information in the registry.
- 23                  (6) If a child's mother provides the name of a potential putative father and his place
- 24                  of residence and mailing address, if known, to the cabinet, the cabinet shall, to
- 25                  the best of its ability, notify the potential putative father to inform him of his
- 26                  opportunity to register with the putative father registry.
- 27                  (7) The cabinet shall store the registry's data so that it is accessible under the

1 following:

2 (a) The putative father's name;

3 (b) The mother's name; or

4 (c) The child's name.

5 (8) Subject to subsection (9) of this section, the cabinet shall furnish a certified copy  
6 of a putative father's registration form upon written request by:

7 (a) A putative father;

8 (b) A mother;

9 (c) A child;

10 (d) Any party or attorney of record in a pending adoption;

11 (e) An attorney who represents:

12 1. Prospective adoptive parents;

13 2. Petitioners in an adoption;

14 3. A mother;

15 4. A putative father; or

16 5. A child-placing agency;

17 (f) A licensed child-placing agency that represents:

18 1. Prospective adoptive parents;

19 2. Petitioners in an adoption;

20 3. A mother; or

21 4. A putative father; or

22 (g) A court that presides over a pending adoption.

23 (9) The cabinet may release the certified copy of the registration form to a person  
24 under subsection (8)(a) to (c) of this section only if the information contained in  
25 the registration form names the requesting person.

26 (10) A person who makes a request pursuant to this section shall state that the  
27 requesting person is entitled to receive the information under this section. The

1 cabinet may charge a fee of twenty-five dollars (\$25) to a person who makes a  
2 request under this section. The fee established by this subsection shall not apply  
3 to a court.

4 (11) Except as otherwise provided in this section and Section 29 of this Act,  
5 information contained within the registry is confidential.

6 (12) The cabinet shall publish information regarding the putative father registry on its  
7 Web site.

8 ➔SECTION 29. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO  
9 READ AS FOLLOWS:

10 (1) An attorney or child-placing agency that arranges a prospective adoption may at  
11 any time request that the cabinet search the putative father registry established  
12 under Section 28 of this Act to determine whether a putative father is registered  
13 in relation to a mother whose child is the subject of the adoption.

14 (2) An attorney or child-placing agency that arranges a prospective adoption may at  
15 any time serve the putative father of a child or cause the putative father to be  
16 served with actual notice that the mother of the child is considering an adoptive  
17 placement for the child.

18 (3) Whenever a petition for adoption is filed, the attorney or child-placing agency  
19 that arranges the adoption shall request that the cabinet search the putative  
20 father registry at least one (1) day after the expiration of the period specified by  
21 subsection (1)(b)2. of Section 30 of this Act.

22 (4) No later than five (5) days after receiving a request under subsection (1) or (3) of  
23 this section, the cabinet shall submit an affidavit to the requesting party verifying  
24 whether a putative father is registered in relation to a mother whose child is the  
25 subject of the adoption.

26 (5) Whenever the cabinet finds that one (1) or more putative fathers are registered,  
27 the cabinet shall submit a copy of each registration form with its affidavit.

1 **(6) A court shall not grant an adoption unless the cabinet's affidavit under this**  
 2 **section is filed with the court.**

3 ➔Section 30. KRS 199.480 is amended to read as follows:

4 (1) The following persons shall be made parties defendant in an action for leave to  
 5 adopt a child:

6 (a) The child to be adopted;

7 (b) The biological living parents of a child under eighteen (18), if the child is born  
 8 in lawful wedlock. If the child is born out of wedlock, its mother; and its  
 9 father, if one (1) of the following requirements is met:

10 1. He is known and voluntarily identified by the mother by affidavit;

11 2. **He has registered with the cabinet pursuant to Section 28 of this Act**

12 **as a putative father prior to the birth of the child, or if he did not have**

13 **notice prior to the birth of the child, within thirty (30)**~~[Prior to the~~

14 ~~entry of a final order in a termination proceeding, he has acknowledged~~

15 ~~the child as his own by affirmatively asserting paternity in the action or~~

16 ~~to the custodial agency or the party bringing the action within sixty (60)]~~

17 days after the birth of the child;

18 3. He has caused his name to be affixed to the birth certificate of the child;

19 4. He has commenced a judicial proceeding claiming parental right;

20 5. He has contributed financially to the support of the child, either by  
 21 paying the medical or hospital bills associated with the birth of the child  
 22 or financially contributed to the child's support; or

23 6. He has married the mother of the child or has lived openly or is living  
 24 openly with the child or the person designated on the birth certificate as  
 25 the biological mother of the child.

26 A putative father shall not be made a party defendant if none of the  
 27 requirements set forth above have been met, and a biological parent shall not

1 be made a party defendant if the parental rights of that parent have been  
2 terminated under KRS Chapter 625, or under a comparable statute of another  
3 jurisdiction;

4 (c) The child's guardian, if it has one.

5 (d) If the care, custody, and control of the child has been transferred to the  
6 cabinet, or any other individual or individuals, institution, or agency, then the  
7 cabinet, the other individual or individuals, institution, or agency shall be  
8 named a party defendant, unless the individual or individuals, or the  
9 institution or agency is also the petitioner.

10 (2) Each party defendant shall be brought before the court in the same manner as  
11 provided in other civil cases except that if the child to be adopted is under fourteen  
12 (14) years of age and the cabinet, individual, institution, or agency has custody of  
13 the child, the service of process upon the child shall be had by serving a copy of the  
14 summons in the action upon the cabinet, individual, institution or agency, any  
15 provision of CR 4.04(3) to the contrary notwithstanding.

16 (3) If the child's biological living parents, if the child is born in lawful wedlock, or if  
17 the child is born out of wedlock, its mother, and if paternity is established in legal  
18 action or if an affidavit is filed stating that the affiant is father of the child, its  
19 father, are parties defendant, no guardian ad litem need be appointed to represent  
20 the child to be adopted.

21 ➔Section 31. KRS 199.990 is amended to read as follows:

22 (1) Any person violating any of the provisions of KRS 199.380 to 199.400 shall be  
23 guilty of an offense, and upon conviction thereof, shall be fined not more than five  
24 hundred dollars (\$500) or imprisoned for not more than twelve (12) months, or be  
25 both fined and imprisoned, in the discretion of the court.

26 (2) Any person who violates any of the provisions of KRS 199.430, 199.470, 199.473,  
27 199.570, 199.572, and 199.590 except subsection (2), or 199.640 to 199.670, or any



1 rule or regulation under such sections the violation of which is made unlawful shall  
2 be fined not less than five hundred dollars (\$500) nor more than two thousand  
3 dollars (\$2,000) or imprisoned for not more than six (6) months, or both. Each day  
4 such violation continues shall constitute a separate offense.

5 (3) Any person who willfully violates any other of the provisions of KRS 199.420 to  
6 199.670 or any rule or regulation thereunder, the violation of which is made  
7 unlawful under the terms of those sections, and for which no other penalty is  
8 prescribed in those sections or in subsection (1) of this section, or in any other  
9 applicable statute, shall be fined not less than one hundred dollars (\$100) nor more  
10 than two hundred dollars (\$200) or imprisoned for not more than thirty (30) days, or  
11 both.

12 (4) Any violation of the regulations, standards, or requirements of the cabinet under the  
13 provisions of KRS 199.896 that poses an immediate threat to the health, safety, or  
14 welfare of any child served by the child-care center shall be subject to a civil  
15 penalty of no more than one thousand dollars (\$1,000) for each occurrence. Treble  
16 penalties shall be assessed for two (2) or more violations within twelve (12)  
17 months. All money collected as a result of civil penalties assessed under the  
18 provisions of KRS 199.896 shall be paid into the State Treasury and credited to a  
19 special fund for the purpose of the Early Childhood Scholarship Program created in  
20 accordance with KRS 164.518. The balance of the fund shall not lapse to the  
21 general fund at the end of each biennium.

22 (5) A person who commits a violation of the regulations, standards, or requirements of  
23 the cabinet under the provisions of KRS 199.896 shall be fined not less than one  
24 thousand dollars (\$1,000) or imprisoned for not more than twelve (12) months, or  
25 be fined and imprisoned, at the discretion of the court.

26 (6) Any person who violates any of the provisions of KRS 199.590(2) shall be guilty of  
27 a Class D felony.

- 1 (7) Any person who knowingly or intentionally registers false information under  
2 subsection (4) of Section 28 of this Act shall be fined not more than one thousand  
3 dollars (\$1,000) or imprisoned for not more than twelve (12) months, or be fined  
4 and imprisoned, at the discretion of the court.
- 5 (8) Any person who knowingly or intentionally releases or requests confidential  
6 information in violation of subsection (8) or (9) of Section 28 of this Act or in  
7 violation of Section 29 of this Act shall be fined not more than one thousand  
8 dollars (\$1,000) or imprisoned for not more than twelve (12) months, or be fined  
9 and imprisoned, at the discretion of the court. It is a defense under this  
10 subsection if the cabinet releases confidential information while acting in good  
11 faith and with reasonable diligence.

12 ➔Section 32. KRS 406.081 is amended to read as follows:

13 The court, upon request of a party or on its own motion, shall order the mother, child, and  
14 alleged father to submit to genetic tests. If the mother refuses for herself or on behalf of  
15 the child to submit to the tests, the court may resolve the question of paternity against her  
16 unless the action is brought by or is being prosecuted by an agency contributing to the  
17 support of the child. If the alleged father is ordered to submit to genetic tests and  
18 refuses or does not submit the results of the paternity test to the court within thirty (30)  
19 days of the court order, the court shall resolve the question of paternity against him.

20 ➔Section 33. KRS 406.091 is amended to read as follows:

- 21 (1) An unchallenged acknowledgment of paternity shall be ratified under KRS Chapter  
22 213 without the requirement for judicial or administrative proceedings. If a genetic  
23 test is required, the court shall direct that inherited characteristics be determined by  
24 appropriate testing procedures, and shall appoint an expert qualified as an examiner  
25 of genetic markers to analyze and interpret results and to report to the court.
- 26 (2) In a contested paternity case, the child and all other parties shall submit to genetic  
27 testing upon a request of any such party which shall be supported by a sworn

1 statement of the party, except for good cause.

2 (3) Genetic test results are admissible and shall be weighed along with other evidence  
3 of the alleged father's paternity.

4 (4) Any objection to genetic testing results shall be made in writing to the court within  
5 twenty (20) days of receipt of genetic test results. If the results of genetic tests or the  
6 expert's analysis of inherited characteristics is disputed, the court, upon reasonable  
7 request of a party, shall order that an additional test be made by the same laboratory  
8 or independent laboratory at the expense of the party requesting additional testing. If  
9 no objection is made, the test results are admissible as evidence of paternity without  
10 the need for foundation testimony or other proof of authenticity or accuracy.

11 (5) Verified documentation of the chain of custody in transmitting the blood specimens  
12 is competent evidence to establish the chain of custody.

13 (6) A verified expert's report shall be admitted at trial unless the expert is called by a  
14 party or the court as a witness to testify to his findings.

15 (7) Except where the Cabinet for Health and Family Services administratively orders  
16 genetic testing, all costs associated with genetic testing shall be paid by the ***party***  
17 ***who requested that the action be brought pursuant to KRS 406.021***~~[parties in~~  
18 ~~proportions determined by the court].~~

19 (8) When administratively ordered, the cabinet shall pay the cost of genetic testing to  
20 establish paternity, subject to recoupment from the alleged father when paternity is  
21 established. The cabinet shall obtain additional testing in any case if an original test  
22 is contested, upon request and advance payment by the contestant.

23 ➔Section 34. KRS 625.065 is amended to read as follows:

24 (1) The putative father of a child shall be made a party and brought before the circuit  
25 court in the same manner as any other party to an involuntary termination action if  
26 one (1) of the following conditions exists:

27 (a) He is known and voluntarily identified by the mother by affidavit;

- 1 (b) *He has registered with the cabinet pursuant to Section 28 of this Act as a*  
 2 *putative father prior to the birth of the child, or if he did not have notice*  
 3 *prior to the birth of the child, within thirty (30)*~~[Prior to the entry of a final~~  
 4 ~~order in a termination proceeding, he shall have acknowledged the child as his~~  
 5 ~~own by affirmatively asserting paternity in the action or to the custodial~~  
 6 ~~agency or the party bringing the action within sixty (60)]~~ days after the birth of  
 7 the child;
- 8 (c) He has caused his name to be affixed to the birth certificate of the child;
- 9 (d) He has commenced a judicial proceeding claiming parental right;
- 10 (e) *He has contributed financially to the support of the child, either by paying*  
 11 *the medical or hospital bills associated with the birth of the child or*  
 12 *financially contributed to the child's support; or*~~[He has contributed~~  
 13 ~~financially to the support of the child, either by paying the medical or hospital~~  
 14 ~~bills associated with the birth of the child or financially contributed to the~~  
 15 ~~child's support; or]~~
- 16 (f) He has married the mother of the child or has lived openly or is living openly  
 17 with the child or the person designated on the birth certificate as the biological  
 18 mother of the child.
- 19 (2) Any person to whom none of the above conditions apply shall be deemed to have no  
 20 parental rights to the child in question.
- 21 ➔Section 35. KRS 199.502 is amended to read as follows:
- 22 (1) Notwithstanding the provisions of KRS 199.500(1), an adoption may be granted  
 23 without the consent of the biological living parents of a child if it is pleaded and  
 24 proved as part of the adoption proceeding that any of the following conditions exist  
 25 with respect to the child:
- 26 (a) That the parent has abandoned the child for a period of not less than ninety  
 27 (90) days;

- 1 (b) That the parent had inflicted or allowed to be inflicted upon the child, by other  
2 than accidental means, serious physical injury;
- 3 (c) That the parent has continuously or repeatedly inflicted or allowed to be  
4 inflicted upon the child, by other than accidental means, physical injury or  
5 emotional harm;
- 6 (d) That the parent has been convicted of a felony that involved the infliction of  
7 serious physical injury to a child named in the present adoption proceeding;
- 8 (e) That the parent, for a period of not less than six (6) months, has continuously  
9 or repeatedly failed or refused to provide or has been substantially incapable  
10 of providing essential parental care and protection for the child, and that there  
11 is no reasonable expectation of improvement in parental care and protection,  
12 considering the age of the child;
- 13 (f) That the parent has caused or allowed the child to be sexually abused or  
14 exploited;
- 15 (g) That the parent, for reasons other than poverty alone, has continuously or  
16 repeatedly failed to provide or is incapable of providing essential food,  
17 clothing, shelter, medical care, or education reasonably necessary and  
18 available for the child's well-being and that there is no reasonable expectation  
19 of significant improvement in the parent's conduct in the immediately  
20 foreseeable future, considering the age of the child;
- 21 (h) That:
- 22 1. The parent's parental rights to another child have been involuntarily  
23 terminated;
- 24 2. The child named in the present adoption proceeding was born  
25 subsequent to or during the pendency of the previous termination; and
- 26 3. The condition or factor which was the basis for the previous termination  
27 finding has not been corrected;~~[-or]~~

1 (i) That the parent has been convicted in a criminal proceeding of having caused  
2 or contributed to the death of another child as a result of physical or sexual  
3 abuse or neglect; or

4 (j) That the parent is a putative father, as defined in Section 28 of this Act, who  
5 fails to register as the minor's putative father with the putative father  
6 registry established under Section 28 of this Act or the court finds, after  
7 proper service of notice and hearing, that:

8 1. The putative father is not the father of the minor;

9 2. The putative father has willfully abandoned or willfully failed to care  
10 for and support the minor; or

11 3. The putative father has willfully abandoned the mother of the minor  
12 during her pregnancy and up to the time of her surrender of the  
13 minor, or the minor's placement in the home of the petitioner,  
14 whichever occurs first.

15 (2) Upon the conclusion of proof and argument of counsel, the Circuit Court shall enter  
16 findings of fact, conclusions of law, and a decision either:

17 (a) Granting the adoption without the biological parent's consent; or

18 (b) Dismissing the adoption petition, and stating whether the child shall be  
19 returned to the biological parent or the child's custody granted to the state,  
20 another agency, or the petitioner.

21 (3) Biological living parents have the right to legal representation in an adoption  
22 wherein he or she does not consent. The Circuit Court shall determine if a  
23 biological living parent is indigent and, therefore, entitled to counsel pursuant  
24 KRS Chapter 31. If the Circuit Court so finds, the Circuit Court shall inform the  
25 indigent parent; and, upon request, if it appears reasonably necessary in the  
26 interest of justice, the Circuit Court shall appoint an attorney to represent the  
27 biological living parent pursuant to KRS Chapter 31 to be provided or paid for

1 by:

2 (a) The petitioner a fee to be set by the court and not to exceed five hundred  
 3 dollars (\$500); or

4 (b) The Finance and Administration Cabinet if the petitioner is a blood relative  
 5 or fictive kin as established in subsection (4)(a) of Section 4 of this Act a fee  
 6 to be set by the court and not to exceed five hundred dollars (\$500).

7 ➔Section 36. KRS 199.473 is amended to read as follows:

8 (1) All persons other than a child-placing agency or institution, the department, or  
 9 persons excepted by KRS 199.470(4)~~[-or-(5)]~~ who wish to place or receive a child  
 10 shall make written application to the secretary for permission to place or receive a  
 11 child.

12 (2) Prior to the approval of an application to place or receive a child, the fee required  
 13 pursuant to subsection (13) of this section shall be paid and a home study shall be  
 14 completed. The purpose of the home study shall be to review the background of the  
 15 applicant and determine the suitability of the applicant to receive a child, taking into  
 16 account at all times the best interest of the child for whom application to receive has  
 17 been made.

18 (3) (a) The home study shall be made in accordance with administrative regulations  
 19 promulgated by the cabinet in accordance with KRS Chapter 13A.

20 (b) The cabinet shall conduct the home study for an applicant whose total gross  
 21 income is equal to or less than two hundred fifty percent (250%) of the federal  
 22 poverty level guidelines issued each year by the federal government, unless  
 23 the applicant submits a written request for the home study to be conducted by  
 24 a licensed child-placing agency or institution. Upon request, the cabinet shall  
 25 make information available to an applicant who does not meet the  
 26 requirements of this paragraph to assist the applicant in obtaining a home  
 27 study from a licensed child-placing agency approved to provide adoption

1 services.

2 (c) A licensed child-placing agency approved to provide adoption services shall  
3 conduct the home study for an applicant whose gross total income is more  
4 than two hundred fifty percent (250%) of the federal poverty level guidelines  
5 issued each year by the federal government.

6 (d) Calculation of family size for this subsection shall include each child  
7 requested to be adopted.

8 (e) The portion of the home study pertaining to the home and family background  
9 shall be valid for one (1) year following the date of its completion by an  
10 adoption worker.

11 (4) The adoption worker making the home study shall make a finding in writing  
12 recommending either that the application be granted or that the application be  
13 denied. The recommendation of the adoption worker shall then be reviewed by the  
14 secretary.

15 (5) Based on the report and recommendation of the adoption worker making the home  
16 study, the secretary shall grant or refuse permission for the applicant to place or  
17 receive a child as early as practicable, but, in any case, the decision shall be made  
18 within sixty (60) days after the receipt of the application. In reaching a decision, the  
19 secretary shall be guided by the ability of the persons wishing to receive the child to  
20 give the child a suitable home, and shall at all times consider the best interest of the  
21 child from a financial, medical, psychological, and psychiatric standpoint.

22 (6) If the application is refused, the secretary shall in general terms furnish in writing  
23 the reasons for his or her refusal.

24 (7) Any person who seeks temporary custody of a child prior to the secretary's ruling on  
25 an application for adoption shall file a petition seeking temporary custody, with a  
26 notice of intent to adopt, with the Circuit Court that will have jurisdiction of the  
27 adoption proceedings. The clerk of the court shall send a notice of the filing of the



1 petition to the cabinet. A hearing on the petition shall occur no later than seventy-  
2 two (72) hours after the filing of the petition, excluding weekends and holidays.  
3 Proceedings under this subsection shall be incorporated into the court's adoption  
4 file. If the adoption is not finalized within six (6) months of the filing of the petition  
5 and notice of intent, the court shall conduct a hearing on the status and custody of  
6 the child.

7 (8) Upon a finding by the Circuit Court that the child should be placed prior to the  
8 secretary's ruling on the application, the Circuit Court may grant the applicant  
9 temporary custody of the child pending the decision of the secretary. Temporary  
10 custody shall not be granted to an applicant unless a background check, including  
11 but not limited to a criminal records check by the Justice and Public Safety Cabinet  
12 or the Administrative Office of the Courts and a background check of child abuse  
13 and neglect records maintained by the cabinet, has been submitted to and reviewed  
14 by the court. The background check required for temporary custody shall be part of  
15 the home study required under subsection (2) of this section. If the application is  
16 denied by the secretary, the temporary custody order shall be set aside and, upon  
17 motion of the cabinet or of the child's parent or parents, the Circuit Court may order  
18 the child returned to the biological parent or parents or the child's custody may be  
19 awarded to the cabinet, another licensed child-placing agency, or other individuals  
20 deemed appropriate by the court. This section shall not be deemed to permit the  
21 completion of any adoption proceeding without the approval of the secretary and  
22 compliance with KRS 615.030, if required.

23 (9) In any case where the cabinet refuses to approve the placement of a child for  
24 adoption when requested by the parent or parents of the child, or refuses the request  
25 of any person or persons that a child be placed with that person or those persons for  
26 adoption, the decision of the secretary in so refusing shall be final unless within ten  
27 (10) days after notice of refusal, the biological or proposed adopting parent or

1 parents shall appeal to the Circuit Court of the county in which the adoption is  
2 proposed. No placement shall be disapproved on the basis of the religious, ethnic,  
3 racial, or interfaith background of the adoptive applicant, if the placement is made  
4 with the consent of the parent.

5 (10) The cabinet may refuse to approve the placement of a child for adoption if the  
6 child's custodial parent is unwilling for the child to be placed for adoption with the  
7 proposed adoptive family. The cabinet may approve or deny the placement, in spite  
8 of the fact that the custodial parent or parents are unwilling to be interviewed by the  
9 cabinet or other approving entity, or if, after diligent efforts have been made, the  
10 adoption worker is unable to locate or interview the custodial parent or parents. The  
11 cabinet shall be made a party defendant to the appeal. In the hearing of an appeal,  
12 the court shall review the findings of the secretary and shall determine if the  
13 secretary has acted arbitrarily, unlawfully, or in a manner that constitutes an abuse  
14 of discretion.

15 (11) If a child who does not fall within the exception provided for in KRS 199.470(4)~~[-or~~  
16 ~~(5)]~~ is placed or received in a home without the court's review of the background  
17 check required under this section or the permission of the secretary for health and  
18 family services, or if permission to receive a child has been denied, a representative  
19 of the cabinet shall notify in writing or may petition the juvenile session of District  
20 Court of the county in which the child is found setting out the facts concerning the  
21 child. When the petition has been filed, the court shall take jurisdiction of the child  
22 and shall provide for it as it would provide for a dependent, neglected, or abused  
23 child under KRS Chapter 620, except that the child may not be placed in the home  
24 of the applicants who are to receive the child unless permission to do so is granted  
25 by the secretary or the action is ordered by a Kentucky court of competent  
26 jurisdiction.

27 (12) When either the custodial parent or parents of the child to be placed or the persons

1 wishing to receive the child reside out-of-state, the requirement of KRS 615.030,  
2 Interstate Compact on the Placement of Children, shall be met before the cabinet  
3 gives approval for the child's placement.

4 (13) The secretary of the Cabinet for Health and Family Services shall be paid a  
5 nonrefundable fee of two hundred dollars (\$200) upon the filing of the written  
6 application for permission to place or receive a child. Payment shall be made by  
7 certified or cashier's check only. All funds collected under this section shall be  
8 deposited in a restricted account, which is hereby created, for the purpose of  
9 subsidizing an adoptive parent for suitable care of a special-needs child as  
10 authorized in KRS 199.555.

11 (14) Nothing in this statute shall be construed to limit the authority of the cabinet or a  
12 child-placing institution or agency to determine the proper disposition of a child  
13 committed to it by the juvenile session of District Court or the Circuit Court, prior  
14 to the filing of an application to place or receive.

15 ➔Section 37. KRS 199.490 is amended to read as follows:

16 (1) The petition shall allege:

17 (a) The name, date, place of birth, place of residence, and mailing address of each  
18 petitioner, and, if married, the date and place of their marriage;

19 (b) The name, date, place of birth, place of residence, and mailing address, if  
20 known, of the child sought to be adopted;

21 (c) Relationship, if any, of the child to each petitioner;

22 (d) Full name by which the child shall be known after adoption;

23 (e) A full description of the property, if any, of the child so far as it is known to  
24 the petitioner;

25 (f) The names of the parents of the child and the address of each living parent, if  
26 known. The name of the biological father of a child born out of wedlock shall  
27 not be given unless paternity is established in a legal action, or unless an

1 affidavit is filed stating that the affiant is the father of the child. If certified  
2 copies of orders terminating parental rights are filed as provided in subsection  
3 (2) of this section, the name of any parent whose rights have been terminated  
4 shall not be given;

5 (g) The name and address of the child's guardian, if any, or of the cabinet,  
6 institution, or agency having legal custody of the child;

7 (h) Any further facts necessary for the location of the person or persons whose  
8 consent to the adoption is required, or whom KRS 199.480 requires to be  
9 made a party to or notified of the proceeding; and

10 (i) If any fact required by this subsection to be alleged is unknown to the  
11 petitioners, the lack of knowledge shall be alleged.

12 (2) There shall be filed with the petition certified copies of any orders terminating  
13 parental rights. Any consent to adoption shall be filed prior to the entry of the  
14 adoption judgment.

15 (3) If the petitioner was not excepted by KRS 199.470(4)~~[- or (5)]~~, a copy of the written  
16 approval of the secretary of the Cabinet for Health and Family Services or the  
17 secretary's designee shall be filed with the petition.

18 ➔Section 38. KRS 625.040 is amended to read as follows:

19 (1) A petition for the voluntary termination of parental rights shall be entitled "In the  
20 interest of..., a child." The petition may be filed by a parent or counsel when the  
21 appearance-waiver and consent-to-adopt forms are signed by the parent, counsel,  
22 and cabinet representative under the conditions described in KRS 625.041(3) and  
23 (4).

24 (2) The petition for the voluntary termination of parental rights shall be filed in the  
25 Circuit Court of the judicial circuit where the petitioner or child resides or in the  
26 Circuit Court in the county in which juvenile court actions, if any, concerning the  
27 child have commenced, and shall be verified and contain the following:

- 1 (a) Name and place of residence of each petitioner;
- 2 (b) Name, sex, date of birth, and place of residence of the child;
- 3 (c) Name and relationship of each petitioner to the child;
- 4 (d) A concise statement of the factual basis for the termination of parental rights;
- 5 (e) Name and address of the person or of the cabinet or authorized agency to
- 6 which parental rights are sought to be transferred; and
- 7 (f) A statement that the person, cabinet, or authorized agency to whom custody is
- 8 to be given has facilities available, is willing to receive the custody of the
- 9 child, and the person, if not excepted by KRS 199.470(4)~~[-or-(5)]~~, has applied
- 10 for the written permission of the secretary or the secretary's designee for the
- 11 child's placement. This provision shall not affect the right of a court to grant
- 12 temporary custody under KRS 199.473.

- 13 (3) No petition may be filed under this chapter prior to three (3) days after the birth of
- 14 the child.

15 **(4) Any petition filed pursuant to this section shall be fully adjudicated and a final**

16 **judgment shall be entered by the court within six (6) months of the filing of the**

17 **petition.**

18 ➔Section 39. KRS 625.042 is amended to read as follows:

- 19 (1) Within three (3) days after a petition for the voluntary termination of parental rights
- 20 is filed, the Circuit Court shall set a date for a hearing which shall not be more than
- 21 thirty (30) calendar days after the petition is filed. In any case in which the child's
- 22 permanent custody is proposed to be transferred to an individual not excepted by
- 23 KRS 199.470(4)~~[-or-(5)]~~, a final order of termination shall be entered only if the
- 24 proposed custodian has received the written approval of the secretary or the
- 25 secretary's designee for the child's placement as required by KRS 199.473. **The**
- 26 **secretary or the secretary's designee shall provide written approval or**
- 27 **disapproval, if required by this subsection, within thirty (30) days after the**

1       *request is made.*

2       (2) The Circuit Court shall require notice to be served upon the local representative of  
3       the cabinet in any case in which a statement from the cabinet of willingness to  
4       accept custody of the child has not been filed with the petition, or custody of the  
5       child is to be placed with an individual unless the placement has been approved by  
6       the cabinet. It shall not be necessary to serve notice upon the cabinet if custody of  
7       the child is to be placed with the cabinet or with a child-placing agency.

8       (3) Proceedings under this chapter shall be completed as soon as practicable *but shall*  
9       *not exceed six (6) months.* All hearings shall be held before the Circuit Court  
10       privately for the purpose of determining the facts.

11       (4) An official stenographic or mechanical record shall be made of the proceedings and  
12       retained for a period of five (5) years.

13       (5) The best interests of the child shall be considered paramount, including but not  
14       limited to matters relating to child support.

15       (6) At the time of the hearing, the Circuit Court, after full and complete inquiry, shall  
16       determine whether each petitioner is fully aware of the purpose of the proceedings  
17       and the consequences of the provisions of this chapter.

18       ➔Section 40. KRS 625.043 is amended to read as follows:

19       (1) If the Circuit Court determines that parental rights are to be voluntarily terminated  
20       in accordance with the provisions of this chapter, it shall make an order terminating  
21       all parental rights and obligations of the parent and releasing the child from all legal  
22       obligations to the parent and vesting care and custody of the child in the person,  
23       agency, or cabinet the court believes is best qualified to receive custody.

24       (2) Upon consent by the Cabinet for Health and Family Services, the child may be  
25       declared a ward of the state and custody vested in the cabinet or in any child-placing  
26       agency or child-caring facility licensed by the cabinet or in another person if all  
27       persons with parental rights to the child under the law have had their rights

1 terminated voluntarily or involuntarily. If the other person is not excepted by KRS  
2 199.470(4)~~[-or (5)]~~, a grant of permanent custody shall be made only if the proposed  
3 custodian has received the written approval of the secretary or the secretary's  
4 designee for the child's placement.

5 ➔Section 41. KRS 625.050 is amended to read as follows:

- 6 (1) A petition for involuntary termination of parental rights shall be entitled "In the  
7 interest of ..., a child."
- 8 (2) The petition shall be filed in the Circuit Court for any of the following counties:
- 9 (a) The county in which either parent resides or may be found;
- 10 (b) The county in which juvenile court actions, if any, concerning the child have  
11 commenced; or
- 12 (c) The county in which the child involved resides or is present.
- 13 (3) Proceedings for involuntary termination of parental rights may be initiated upon  
14 petition by the cabinet, any child-placing agency licensed by the cabinet, any county  
15 or Commonwealth's attorney or parent.
- 16 (4) The petition for involuntary termination of parental rights shall be verified and  
17 contain the following:
- 18 (a) Name and mailing address of each petitioner;
- 19 (b) Name, sex, date of birth and place of residence of the child;
- 20 (c) Name and address of the living parents of the child;
- 21 (d) Name, date of death and cause of death, if known, of any deceased parent;
- 22 (e) Name and address of the putative father, if known by the petitioner, of the  
23 child if not the same person as the legal father;
- 24 (f) Name and address of the person, cabinet or agency having custody of the  
25 child;
- 26 (g) Name and identity of the person, cabinet or authorized agency to whom  
27 custody is sought to be transferred;

- 1 (h) Statement that the person, cabinet or agency to whom custody is to be given  
2 has facilities available and is willing to receive the custody of the child;
- 3 (i) All pertinent information concerning termination or disclaimers of parenthood  
4 or voluntary consent to termination;
- 5 (j) Information as to the legal status of the child and the court so adjudicating;  
6 and
- 7 (k) A concise statement of the factual basis for the termination of parental rights.
- 8 (5) No petition may be filed under this section prior to five (5) days after the birth of  
9 the child.
- 10 (6) No petition may be filed to terminate the parental rights of a woman solely because  
11 of her use of a nonprescribed controlled substance during pregnancy if she enrolls in  
12 and maintains substantial compliance with both a substance abuse treatment or  
13 recovery program and a regimen of prenatal care as recommended by her health care  
14 practitioner throughout the remaining term of her pregnancy. Upon certified  
15 completion of the treatment or recovery program, or six (6) months after giving  
16 birth during which time substantial compliance with a substance abuse treatment or  
17 recovery program has occurred, whichever is earlier, any records maintained by a  
18 court or by the cabinet relating to a positive test for a nonprescribed controlled  
19 substance shall be sealed by the court and may not be used in any future criminal  
20 prosecution or future petition to terminate the woman's parental rights.
- 21 **(7) Any petition filed pursuant to this section shall be fully adjudicated and a final**  
22 **judgment shall be entered by the court within six (6) months of the service of the**  
23 **petition on the parents.**
- 24 ➔Section 42. KRS 199.500 is amended to read as follows:
- 25 (1) An adoption shall not be granted without the voluntary and informed consent, as  
26 defined in KRS 199.011, of the living parent or parents of a child born in lawful  
27 wedlock or the mother of the child born out of wedlock, or the father of the child



1       born out of wedlock if paternity is established in a legal action or if an affidavit is  
2       filed stating that the affiant is the father of the child, except that the consent of the  
3       living parent or parents shall not be required if:

4       (a) The parent or parents have been adjudged mentally disabled and the judgment  
5       shall have been in effect for not less than one (1) year prior to the filing of the  
6       petition for adoption;

7       (b) The parental rights of the parents have been terminated under KRS Chapter  
8       625;

9       (c) The living parents are divorced and the parental rights of one (1) parent have  
10       been terminated under KRS Chapter 625 and consent has been given by the  
11       parent having custody and control of the child; or

12       (d) The biological parent has not established parental rights as required by KRS  
13       625.065.

14       (2) A minor parent who is a party defendant may consent to an adoption but a guardian  
15       ad litem for the parent shall be appointed.

16       (3) In the case of a child twelve (12) years of age or older, the consent of the child shall  
17       be given in court. The court in its discretion may waive this requirement.

18       (4) Notwithstanding the provisions of subsection (1) of this section, an adoption may be  
19       granted without the consent of the biological living parents of a child if it is pleaded  
20       and proved as a part of the adoption proceedings that any of the provisions of KRS  
21       625.090 exist with respect to the child.

22       (5) An adoption shall not be granted or a consent for adoption be held valid if the  
23       consent for adoption is given prior to seventy-two (72) hours after the birth of the  
24       child. A voluntary and informed consent may be taken at seventy-two (72) hours  
25       after the birth of the child and shall become final and irrevocable **twenty (20) days**  
26       **after it is signed**~~under paragraphs (a) and (b) of this subsection.~~

27       ~~(a) If placement approval by the secretary is required, the voluntary and informed~~

1 consent shall become final and irrevocable twenty (20) days after the later of  
 2 the placement approval or the execution of the voluntary and informed  
 3 consent.

4 (b) ~~If placement approval by the secretary is not required, the voluntary and~~  
 5 ~~informed consent shall become final and irrevocable twenty (20) days after the~~  
 6 ~~execution of the voluntary and informed consent].~~

7 ➔ SECTION 43. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO  
 8 READ AS FOLLOWS:

9 **If the cabinet determines that return home is not recommended for a child, the parent**  
 10 **or person exercising custodial control of the child may appeal the determination of the**  
 11 **cabinet within thirty (30) days of the cabinet's determination. The cabinet shall review**  
 12 **the appeal and make its final determination within three (3) months after the appeal is**  
 13 **filed.**

14 ➔ Section 44. KRS 620.146 is amended to read as follows:

15 (1) If, as a result of dependency, neglect, or abuse, custody of a child is granted to the  
 16 cabinet through an emergency, temporary, or permanent court order, the cabinet  
 17 shall notify the principal **or any**~~], assistant principal[, or guidance counselor]~~ of the  
 18 school in which the child is enrolled, **and the school district's director of pupil**  
 19 **personnel**, of the names of persons authorized to contact the child at school, in  
 20 accordance with school visitation or communication policy, or remove the child  
 21 from school grounds.

22 (2) The notification required by this section shall be provided **by the Cabinet for**  
 23 **Health and Family Services** to the school:

24 (a) **By written notice via electronic mail or facsimile**~~[Verbally and documented~~  
 25 ~~in writing by the principal, assistant principal, or guidance counselor]~~ on the  
 26 day that a court order is entered and again on any day that a change is made  
 27 with regard to persons authorized to contact or remove the child from school.

1           The verbal notification shall occur on the next school day immediately  
2           following the day a court order is entered or a change is made if the court  
3           order or change occurs after the end of the current school day; and

4           (b) By *electronic mail, facsimile, or hand delivery of a copy of the court*  
5           *order*~~[written document]~~ within ten (10) calendar days following *the Cabinet*  
6           *for Health and Family Services' receipt of the court order of* a change of  
7           custody or change in contact or removal authority.

8           (3) The cabinet's mandate to provide the information required by this section shall  
9           cease when the court order under which the cabinet acts is rescinded or otherwise  
10          expires.

11          ➔Section 45. KRS 620.360 is amended to read as follows:

12          (1) Persons who provide foster care services to children who have been committed to  
13          the custody of the state shall be considered a primary partner and member of a  
14          professional team caring for foster children. Foster parents ~~[who contract directly~~  
15          ~~with the cabinet]~~ shall have the following rights:

16           (a) To be treated with respect, consideration, and dignity;

17           (b) To fully understand the role of the cabinet and the role of other members of  
18           the child's professional team;

19           (c) To receive information and training about foster parents' rights,  
20           responsibilities, and access to local and statewide support groups, including  
21           but not limited to the Kentucky Foster/Adoptive Care Association, the  
22           Kentucky Foster and Adoptive Parent Network, and Adoption Support of  
23           Kentucky;

24           (d) To receive information and training to improve skills in the daily care and in  
25           meeting the special needs of foster children;

26           (e) To receive timely and adequate financial reimbursement for knowledgeable  
27           and quality care of a child in foster care within budgetary limitations;

- 1 (f) To maintain the foster family's own routines and values while respecting the  
2 rights and confidentiality of each foster child placed in their home;
- 3 (g) To receive a period of respite from providing foster care, pursuant to cabinet  
4 policies;
- 5 (h) To receive, upon an open records request, a copy of all information contained  
6 in the cabinet's records about the family's foster home and the foster care  
7 services provided by the family consistent with KRS 605.160;
- 8 (i) To access cabinet support and assistance as necessary twenty-four (24) hours  
9 per day, seven (7) days per week;
- 10 (j) To receive, prior to a child being placed in the foster home pursuant to KRS  
11 605.090, information relating to the child's behavior, family background, or  
12 health history that may jeopardize the health or safety of any member of the  
13 foster family's household, including other foster children, and similar  
14 information that may affect the manner in which foster care services are  
15 provided, consistent with KRS 605.160. In an emergency situation, the cabinet  
16 shall provide information as soon as it is available;
- 17 (k) To refuse placement of a child within the foster home and to request, with  
18 reasonable notice to the cabinet, the removal of a child from the foster home  
19 without fear of reprisal;
- 20 (l) To communicate, with an appropriate release of information consistent with  
21 KRS 605.160, with other professionals who work directly with the foster  
22 child, including but not limited to teachers, therapists, and health care  
23 practitioners and to notify the cabinet within twenty-four (24) hours of the  
24 communication;
- 25 (m) To assist the cabinet in the development of the child's plan of care;
- 26 (n) To receive an explanatory notice from the cabinet, consistent with KRS  
27 620.130 and when it is in the best interest of the child, when a foster child's

- 1 case plan has changed and, except in an immediate response to a child  
 2 protective services investigation involving the foster home, an explanatory  
 3 notice of termination or change in placement affecting the foster home within  
 4 fourteen (14) days of the change or termination in placement;
- 5 (o) To have priority consideration for placement if a child who has previously  
 6 been placed in the foster home reenters foster care, consistent with KRS  
 7 605.130 and 620.130 and to the extent it is in the best interest of the child;
- 8 (p) To have priority consideration for adoption if a foster child who has been  
 9 placed in the foster home for a period of at least twelve (12) consecutive  
 10 months becomes eligible for adoption consistent with KRS 605.130 and  
 11 620.130 and to the extent it is in the best interest of the child;~~and~~
- 12 (q) To maintain contact with the foster child after the child leaves the foster  
 13 home, unless the child, a biological parent, the cabinet when the cabinet  
 14 retains custody of the child, or other foster or adoptive parent refuses such  
 15 contact; and
- 16 **(r) To receive notice of, have a right to attend, and have a right to be heard in,**  
 17 **either verbally or in writing, any cabinet or court proceeding held with**  
 18 **respect to the child. This paragraph shall not be construed to require that a**  
 19 **foster parent caring for the child be made a party to a proceeding solely on**  
 20 **the basis of the notice and rights to attend and be heard.**
- 21 (2) The responsibilities of foster parents ~~[that contract directly with the cabinet]~~ shall  
 22 include but not be limited to the following:
- 23 (a) To maintain an orderly and clean home;
- 24 (b) To ensure that the child has adequate resources for personal hygiene and  
 25 clothing;
- 26 (c) To provide recreational and spiritual opportunities for the child, in accordance  
 27 with cabinet policies;

- 1 (d) To attend all school and case planning meetings involving a foster child  
 2 placed in their home whenever possible, subject to KRS 620.130 and the  
 3 confidentiality requirements of 42 U.S.C. sec. 671;
- 4 (e) To abide by cabinet policies relating to discipline of a foster child; and
- 5 (f) To support the involvement of a foster child's biological family whenever  
 6 possible and in accordance with cabinet policies.
- 7 (3) The cabinet shall provide specific training on investigations of alleged child abuse  
 8 or neglect in a foster home to a person appointed by the Kentucky Foster/Adoptive  
 9 Care Association. The training shall include the rights of a foster parent during an  
 10 investigation. Training shall be consistent with 42 U.S.C. sec. 5106(a).
- 11 (4) Nothing in this section shall be construed to establish monetary liability of or cause  
 12 of action against the cabinet.

13 ➔SECTION 46. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO  
 14 READ AS FOLLOWS:

15 **(1) As used in this section, unless the context otherwise requires;**

16 **(a) "Cabinet" means the Cabinet for Health and Family Services; and**

17 **(b) "Secretary" means the secretary of the Cabinet for Health and Family**  
 18 **Services.**

19 **(2) The secretary shall designate a study group to make recommendations regarding**  
 20 **the feasibility and implementation of the privatization of all foster care services in**  
 21 **the Commonwealth.**

22 **(3) The study group shall be composed of the following members:**

23 **(a) The secretary;**

24 **(b) The commissioner for the Department for Community Based Services;**

25 **(c) The director of the Administrative Office of the Courts, or designee;**

26 **(d) The executive director of the Governor's Office of Early Childhood, or**  
 27 **designee;**

1 (e) One (1) adult who was a former foster child in the Commonwealth;

2 (f) One (1) adult who is a current or former foster parent in the  
 3 Commonwealth;

4 (g) Two (2) employees of a licensed child-placing agency;

5 (h) Two (2) employees of a licensed child-caring facility; and

6 (i) Any personnel within the Department for Community Based Services that  
 7 the secretary deems necessary.

8 (4) In its deliberations, the study group shall include but not be limited to analysis of  
 9 improved timeliness and likelihood of permanency such as reunification,  
 10 adoption, or guardianship; fewer moves for children in foster care; reduced  
 11 instances of reentry into care; and financial implications.

12 (5) The study group shall report its recommendations by July 1, 2019, to the  
 13 Governor, the Interim Joint Committees on Appropriations and Revenue and  
 14 Health and Welfare and Family Services, and the Child Welfare Oversight and  
 15 Advisory Committee established in Section 1 of this Act. The study group shall  
 16 cease to operate after the delivery of the recommendations required by this  
 17 subsection.

18 ➔Section 47. KRS 620.100 is amended to read as follows:

19 (1) If the court determines, as a result of a temporary removal hearing, that further  
 20 proceedings are required, the court shall advise the child and his parent or other  
 21 person exercising custodial control or supervision of their right to appointment of  
 22 separate counsel:

23 (a) The court shall appoint counsel for the child to be paid for by the Finance and  
 24 Administration Cabinet. Counsel shall document participation in training on  
 25 the role of counsel that includes training in early childhood, child, and  
 26 adolescent development. The clerk of the court shall arrange for service on all  
 27 parties, including the local representative of the Cabinet for Health and Family

1 Services, of the order appointing counsel. The fee to be fixed by the court  
2 shall not exceed five hundred dollars (\$500); however, if the action has final  
3 disposition in the District Court, the fee shall not exceed two hundred fifty  
4 dollars (\$250);

5 (b) The court shall appoint separate counsel for the parent who exercises custodial  
6 control or supervision if the parent is unable to afford counsel pursuant to  
7 KRS Chapter 31. The clerk of the court shall arrange for service on all parties,  
8 including the local representative of the Cabinet for Health and Family  
9 Services, of the order appointing counsel. The parent's counsel shall be  
10 provided or paid for by the Finance and Administration Cabinet. The fee to be  
11 fixed by the court shall not exceed five hundred dollars (\$500); however, if  
12 the action has final disposition in the District Court, the fee shall not exceed  
13 two hundred fifty dollars (\$250);

14 (c) The court shall appoint separate counsel for a person claiming to be a de  
15 facto custodian, as defined in KRS 403.270, if the person is unable to afford  
16 counsel pursuant to KRS Chapter 31. The clerk of the court shall arrange  
17 for service on all parties, including the local representative of the Cabinet  
18 for Health and Family Services, of the order appointing counsel. The  
19 person's counsel shall be provided or paid for by the Finance and  
20 Administration Cabinet. The fee to be fixed by the court shall not exceed  
21 five hundred dollars (\$500); however, if the action has final disposition in  
22 the District Court, the fee shall not exceed two hundred fifty dollars (\$250);

23 (d) The court may, in the interest of justice, appoint separate counsel for a  
24 nonparent who exercises custodial control or supervision of the child, if the  
25 person is unable to afford counsel, pursuant to KRS Chapter 31. The clerk of  
26 the court shall arrange for service on all parties, including the local  
27 representative of the Cabinet for Health and Family Services, of the order



1 appointing counsel. Counsel for the person shall be provided or paid for by the  
2 Finance and Administration Cabinet. The fee to be fixed by the court shall not  
3 exceed five hundred dollars (\$500); however, if the action has final  
4 disposition in the District Court, the fee shall not exceed two hundred fifty  
5 dollars (\$250); and

6 ~~(e)~~~~(d)~~—]The court may, in the interest of justice, appoint a court-appointed  
7 special advocate volunteer to represent the best interests of the child pursuant  
8 to KRS 620.500 to 620.550. The clerk of the court shall arrange for service on  
9 all parties, including the local representative of the cabinet, of the order  
10 appointing the court-appointed special advocate volunteer.

11 (2) If the court determines that further proceedings are required, the court also shall  
12 advise the child and his parent or other person exercising custodial control or  
13 supervision that they have a right to not incriminate themselves, and a right to a full  
14 adjudicatory hearing at which they may confront and cross-examine all adverse  
15 witnesses, present evidence on their own behalf and to an appeal.

16 (3) The adjudication shall determine the truth or falsity of the allegations in the  
17 complaint. The burden of proof shall be upon the complainant, and a determination  
18 of dependency, neglect, and abuse shall be made by a preponderance of the  
19 evidence. The Kentucky Rules of Civil Procedure shall apply.

20 (4) The disposition shall determine the action to be taken by the court on behalf of the  
21 child and his parent or other person exercising custodial control or supervision.

22 (5) Foster parents, preadoptive parents, or relatives providing care for the child shall  
23 receive notice of, and shall have a right to be heard in, any proceeding held with  
24 respect to the child. This subsection shall not be construed to require that a foster  
25 parent, preadoptive parent, or relative caring for the child be made a party to a  
26 proceeding solely on the basis of the notice and right to be heard.

27 ➔Section 48. KRS 21A.190 is amended to read as follows:

- 1 (1) The General Assembly respectfully requests that the Supreme Court of Kentucky  
2 institute a pilot project to study the feasibility and desirability of the opening or  
3 limited opening of court proceedings, except for proceedings related to sexual  
4 abuse, to the public which are related to:
- 5 (a) Dependency, neglect, and abuse proceedings under KRS Chapter 620; and
  - 6 (b) Termination of parental rights proceedings under KRS Chapter 625.
- 7 (2) (a) The pilot project may be established in a minimum of three (3) diverse  
8 judicial districts or judicial circuits or a division or divisions thereof chosen  
9 by the Chief Justice.
- 10 (b) A pilot project authorized by this subsection shall not be established in a  
11 judicial district or judicial circuit or a division thereof when objected to by the  
12 applicable judge or county attorney.
- 13 (3) The pilot project shall:
- 14 (a) Require participating courts to be presumptively open;
  - 15 (b) Last for four (4) years, unless extended or limited by the General Assembly;  
16 and
  - 17 (c) Be monitored and evaluated by the Administrative Office of the Courts to  
18 determine:
    - 19 1. Whether there are adverse effects resulting from the opening of certain  
20 proceedings or release of records;
    - 21 2. Whether the pilot project demonstrates a benefit to the litigants;
    - 22 3. Whether the pilot project demonstrates a benefit to the public;
    - 23 4. Whether the pilot project supports a determination that such proceedings  
24 should be presumptively open;
    - 25 5. Whether the pilot project supports a determination that such proceedings  
26 should be closed;
    - 27 6. How open proceedings under the pilot project impact the child;

- 1           7.    The parameters and limits of the program;
- 2           8.    Suggestions for the operation and improvement of the program;
- 3           9.    Rules changes which may be needed if the program is to be made
- 4                 permanent and expanded to all courts; and
- 5           10. Recommendations for statutory changes which may be needed if the
- 6                 program is to be made permanent and expanded to all courts.

7   (4)   The Administrative Office of the Courts:

- 8           (a)   Shall provide an annual report to the Legislative Research Commission, the
- 9                 *Child Welfare Oversight and Advisory Committee established in Section 1*
- 10                *of this Act*~~Interim Joint Committee on Health and Welfare~~, and the Interim
- 11                Joint Committee on Judiciary by September 1 of each year the program is in
- 12                operation with statistics, findings, and recommendations; and
- 13           (b)   May make periodic progress reports and statistical reports and provide
- 14                 suggestions to the Interim Joint Committee on Health and Welfare and to the
- 15                 Interim Joint Committee on Judiciary when determined necessary by the Chief
- 16                 Justice.

17       ➔Section 49.   KRS 157.065 is amended to read as follows:

- 18   (1)   Any school that does not offer a school breakfast program shall submit an annual
- 19         report no later than September 15 to the Kentucky Board of Education indicating
- 20         the reasons for not offering the program. The report shall include the number of
- 21         children enrolled at the school and the number of children who are eligible for free
- 22         or reduced priced meals under the federal program.
- 23   (2)   The state board shall inform the school of the value of the school breakfast
- 24         program, its favorable effects on student attendance and performance, and the
- 25         availability of funds to implement the program.
- 26   (3)   The commissioner of education shall submit an annual report no later than
- 27         December 1 to the Interim Joint Committee on Education and the *Child Welfare*

1        *Oversight and Advisory Committee established in Section 1 of this Act*~~[Interim~~  
2        ~~Joint Committee on Health and Welfare]~~ regarding the status of the school breakfast  
3        program including, but not limited to, information describing the schools that do not  
4        offer the program, the reasons given by the schools for not offering the program, the  
5        number of children enrolled in each school, the number of children in each school  
6        who are eligible for free or reduced priced meals under the federal program, and the  
7        action taken by the state board to encourage schools to implement the program.

8        ➔Section 50. KRS 194A.146 is amended to read as follows:

9        (1) There is hereby created the "Statewide Strategic Planning Committee for Children  
10       in Placement" which is administratively attached to the Department for Community  
11       Based Services. The committee shall be composed of the following:

12       (a) Members who shall serve by virtue of their positions: the secretary of the  
13       Cabinet for Health and Family Services or the secretary's designee, the  
14       commissioner of the Department for Public Health, the commissioner of the  
15       Department for Behavioral Health, Developmental and Intellectual  
16       Disabilities, the commissioner for the Department for Medicaid Services, the  
17       commissioner of the Department for Community Based Services, the  
18       commissioner of the Department of Juvenile Justice, the commissioner of the  
19       Department of Education, the executive director of the Administrative Office  
20       of the Courts, the Senate co-chair of the Interim Joint Committee on Health  
21       and Welfare of the General Assembly, the House co-chair of the Interim Joint  
22       Committee on Health and Welfare of the General Assembly, or their  
23       designees; and

24       (b) One (1) foster parent selected by the statewide organization for foster parents,  
25       one (1) District Judge selected by the Chief Justice of the Kentucky Supreme  
26       Court, one (1) parent of a child in placement at the time of appointment to be  
27       selected by the secretary of the Cabinet for Health and Family Services, one

- 1 (1) youth in placement at the time of the appointment to be selected by the  
2 secretary of the Cabinet for Health and Family Services, one (1) private child  
3 care provider selected by the statewide organization for private child care  
4 providers, and one (1) private child-placing provider selected by the secretary  
5 of the Cabinet for Health and Family Services. These members shall serve a  
6 term of two (2) years, and may be reappointed.
- 7 (2) The Statewide Strategic Planning Committee for Children in Placement shall, by  
8 July 1, 2013, develop a statewide strategic plan for the coordination and delivery of  
9 care and services to children in placement and their families. The plan shall be  
10 submitted to the Governor, the Chief Justice of the Supreme Court, and the  
11 Legislative Research Commission on or before July 1, 2013, and each July 1  
12 thereafter.
- 13 (3) The strategic plan shall, at a minimum, include:
- 14 (a) A mission statement;
  - 15 (b) Measurable goals;
  - 16 (c) Principles;
  - 17 (d) Strategies and objectives; and
  - 18 (e) Benchmarks.
- 19 (4) The planning horizon shall be three (3) years. The plan shall be updated on an  
20 annual basis. Strategic plan updates shall include data and statistical information  
21 comparing plan benchmarks to actual services and care provided.
- 22 (5) The Statewide Strategic Planning Committee for Children in Placement shall, in  
23 consultation with the commissioner and the statewide placement coordinator as  
24 provided for in KRS 199.801, establish a statewide facilities and services plan that  
25 identifies the location of existing facilities and services for children in placement,  
26 identifies unmet needs, and develops strategies to meet the needs. The planning  
27 horizon shall be three (3) years. The plan shall be updated on an annual basis. The

1 plan shall be used to guide, direct, and, if necessary, restrict the development of new  
2 facilities and services, the expansion of existing facilities and services, and the  
3 geographic location of placement alternatives.

4 (6) The Statewide Strategic Planning Committee for Children in Placement may,  
5 through the promulgation of administrative regulations, establish a process that  
6 results in the review and approval or denial of the development of new facilities and  
7 services, the expansion of existing facilities and services, and the geographic  
8 location of any facilities and services for children in placement in accordance with  
9 the statewide facilities and services plan. Any process established shall include  
10 adequate due process rights for individuals and entities seeking to develop new  
11 services, construct new facilities, or expand existing facilities, and shall require the  
12 involvement of local communities and other resource providers in those  
13 communities.

14 (7) As a part of the statewide strategic plan, and in consultation with the  
15 Commonwealth Office of Technology, the Statewide Strategic Planning Committee  
16 for Children in Placement shall plan for the development or integration of  
17 information systems that will allow information to be shared across agencies and  
18 entities, so that relevant data will follow a child through the system regardless of the  
19 entity or agency that is responsible for the child. The data produced shall be used to  
20 establish and monitor the benchmarks required by subsection (3) of this section.  
21 The data system shall, at a minimum, produce the following information on a  
22 monthly basis:

- 23 (a) Number of placements per child;
- 24 (b) Reasons for placement disruptions;
- 25 (c) Length of time between removal and establishment of permanency;
- 26 (d) Reabuse or reoffense rates;
- 27 (e) Fatality rates;

- 1 (f) Injury and hospitalization rates;  
2 (g) Health care provision rates;  
3 (h) Educational achievement rates;  
4 (i) Multiple placement rates;  
5 (j) Sibling placement rates;  
6 (k) Ethnicity matching rates;  
7 (l) Family maintenance and preservation rate; and  
8 (m) Adoption disruption rates.

9 (8) The Statewide Strategic Planning Committee for Children in Placement shall ensure  
10 that a study is conducted to evaluate the extent to which changes in the child  
11 welfare delivery model, to include contracting for a continuum of care and shared  
12 decision-making with private child-caring and child placing agencies, would  
13 enhance the effectiveness and outcomes for children served in the foster care  
14 system. The Statewide Strategic Planning Committee shall develop a report of its  
15 findings and recommendations which shall be included in the annual report due on  
16 or before July 1, 2013.

17 (9) The Statewide Strategic Planning Committee for Children in Placement shall  
18 publish an annual report no later than December 1 of each year that includes, but is  
19 not limited to, the information outlined in subsection (7) of this section. The annual  
20 report shall be filed with the Governor and the Child Welfare Oversight and  
21 Advisory Committee established in Section 1 of this Act~~[Legislative Research~~  
22 ~~Commission]~~.

23 ➔Section 51. KRS 194A.365 is amended to read as follows:

24 The cabinet shall make an annual report to the Governor, the Child Welfare Oversight  
25 and Advisory Committee established in Section 1 of this Act~~[General Assembly]~~, and  
26 the Chief Justice. The report shall be tendered not later than December 1 of each year and  
27 shall include information for the previous fiscal year. The report shall include, but not be

1 limited to, the following information:

- 2 (1) The number of children under an order of dependent, status, public, or voluntary  
3 commitment to the cabinet, according to: permanency planning goals, current  
4 placement, average number of placements, type of commitment, and the average  
5 length of time children remain committed to the cabinet;
- 6 (2) The number of children in the custody of the cabinet in the following types of  
7 residential placements, the average length of stay in these placements, and the  
8 average number of placements experienced by these children: family foster homes,  
9 private child care facilities, and placement with biological parent or person  
10 exercising custodial control or supervision;
- 11 (3) The number of children in the custody of the cabinet eligible for adoption, the  
12 number placed in an adoptive home, and the number ineligible for adoption and the  
13 reasons therefor;
- 14 (4) The cost in federal and state general funds to care for the children defined in  
15 subsections (1) and (2) of this section, including the average cost per child for each  
16 type of placement, direct social worker services, operating expenses, training, and  
17 administrative costs; and
- 18 (5) Any other matters relating to the care of foster children that the cabinet deems  
19 appropriate and that may promote further understanding of the impediments to  
20 providing permanent homes for foster children.

21 ➔Section 52. KRS 199.8943 is amended to read as follows:

- 22 (1) As used in this section:
- 23 (a) "Federally funded time-limited employee" has the same meaning as in KRS  
24 18A.005;
- 25 (b) "Primary school program" has the same meaning as in KRS 158.031(1); and
- 26 (c) "Public-funded" means a program which receives local, state, or federal  
27 funding.



- 1 (2) The Early Childhood Advisory Council shall, in consultation with early care and  
2 education providers, the Cabinet for Health and Family Services, and others,  
3 including but not limited to child-care resource and referral agencies and family  
4 resource centers, Head Start agencies, and the Kentucky Department of Education,  
5 develop a quality-based graduated early care and education program rating system  
6 for public-funded licensed child-care and certified family child-care homes, public-  
7 funded preschool, and Head Start, based on but not limited to:
- 8 (a) Classroom and instructional quality;
  - 9 (b) Administrative and leadership practices;
  - 10 (c) Staff qualifications and professional development; and
  - 11 (d) Family and community engagement.
- 12 (3) The Cabinet for Health and Family Services shall, in consultation with the Early  
13 Childhood Advisory Council, promulgate administrative regulations in accordance  
14 with KRS Chapter 13A to implement:
- 15 (a) The quality-based graduated early childhood rating system for public-funded  
16 child-care and certified family child-care homes, public-funded preschool, and  
17 Head Start developed under subsection (2) of this section;
  - 18 (b) Agency time frames of reviews for rating;
  - 19 (c) An appellate process under KRS Chapter 13B; and
  - 20 (d) The ability of providers to request reevaluation for rating.
- 21 (4) The quality-based early childhood rating system shall not be used for enforcement  
22 of compliance or in any punitive manner.
- 23 (5) The Early Childhood Advisory Council, in consultation with the Kentucky Center  
24 for Education and Workforce Statistics, shall report by October 1 of each year to the  
25 Interim Joint Committee on Education and the *Child Welfare Oversight and*  
26 *Advisory Committee established in Section 1 of this Act* ~~Interim Joint Committee~~  
27 ~~on Health and Welfare~~ on the implementation of the quality-based graduated early

1 childhood rating system. The report shall include the following quantitative  
2 performance measures as data becomes available:

- 3 (a) Program participation in the rating system;
- 4 (b) Ratings of programs by program type;
- 5 (c) Changes in student school-readiness measures;
- 6 (d) Longitudinal student cohort performance data tracked through student  
7 completion of the primary school program; and
- 8 (e) Long-term viability recommendations for sustainability at the end of the Race  
9 to the Top-Early Learning Challenge grant.

10 (6) By November 1, 2017, the Early Childhood Advisory Council and the Cabinet for  
11 Health and Family Services shall report to the Interim Joint Committee on  
12 Education and the Interim Joint Committee on Health and Welfare on  
13 recommendations and plans for sustaining program quality after the depletion of  
14 federal Race to the Top-Early Learning Challenge grant funds.

15 (7) Any federally funded time-limited employee personnel positions created as a result  
16 of the federal Race to the Top-Early Learning Challenge grant shall be eliminated  
17 upon depletion of the grant funds.

18 ➔Section 53. KRS 199.8983 is amended to read as follows:

19 (1) There is hereby created the Kentucky Child Care Advisory Council to be composed  
20 of eighteen (18) members. The members appointed by the Governor shall serve a  
21 term of three (3) years. The appointed members of the council shall be  
22 geographically and culturally representative of the population of the  
23 Commonwealth. For administrative purposes, the council shall be attached to the  
24 department. The members shall be as follows:

- 25 (a) The commissioner of the department, or designee;
- 26 (b) Four (4) members appointed by the Governor representing child-care center  
27 providers licensed pursuant to this chapter;

- 1 (c) Two (2) members appointed by the Governor representing family child-care  
2 home providers licensed pursuant to this chapter;
- 3 (d) Three (3) members appointed by the Governor who are parents, de facto  
4 custodians, guardians, or legal custodians of children receiving services from  
5 child-care centers or family child-care homes licensed pursuant to this  
6 chapter;
- 7 (e) Three (3) members appointed by the Governor from the private sector who are  
8 knowledgeable about education, health, and development of children;
- 9 (f) The director of the Division of Child Care within the department, or designee,  
10 as a nonvoting ex officio member;
- 11 (g) The commissioner of education, Education and Workforce Development  
12 Cabinet, or designee, as a nonvoting ex officio member;
- 13 (h) The executive director of the Governor's Office of Early Childhood, or  
14 designee, as a nonvoting ex officio member;
- 15 (i) The commissioner of the Department for Public Health within the cabinet, or  
16 designee, as a nonvoting ex officio member; and
- 17 (j) The state fire marshal, Public Protection Cabinet, or designee, as a nonvoting  
18 ex officio member;
- 19 (2) The council shall have two (2) co-chairpersons. One (1) co-chairperson shall be the  
20 commissioner of the department, or designee, and one (1) co-chairperson shall be  
21 elected by the voting members of the council.
- 22 (3) Members shall serve until a successor has been appointed. If a vacancy on the  
23 council occurs, the Governor shall appoint a replacement for the remainder of the  
24 unexpired term.
- 25 (4) Members shall serve without compensation but shall be reimbursed for reasonable  
26 and necessary expenses in accordance with state travel expenses and reimbursement  
27 administrative regulations.

- 1 (5) The council shall meet at least quarterly and at other times upon call of the co-  
2 chairpersons.
- 3 (6) The council shall advise the cabinet on matters affecting the operations, funding,  
4 and licensing of child-care centers and family child-care homes. The council shall  
5 provide input and recommendations for ways to improve quality, access, and  
6 outcomes.
- 7 (7) The council shall make an annual report by December 1 that provides summaries  
8 and recommendations to address the availability, affordability, accessibility, and  
9 quality of child care in the Commonwealth. A copy of the annual report shall be  
10 provided to the secretary, the Governor, the Legislative Research Commission, and  
11 the *Child Welfare Oversight and Advisory Committee established in Section 1 of*  
12 *this Act*~~[Interim Joint Committee on Health and Welfare]~~.
- 13 ➔Section 54. KRS 211.684 is amended to read as follows:
- 14 (1) For the purposes of KRS Chapter 211:
- 15 (a) "Child fatality" means the death of a person under the age of eighteen (18)  
16 years; and
- 17 (b) "Local child fatality response team" and "local team" means a community  
18 team composed of representatives of agencies, offices, and institutions that  
19 investigate child deaths, including but not limited to, coroners, social service  
20 workers, medical professionals, law enforcement officials, and  
21 Commonwealth's and county attorneys.
- 22 (2) The Department for Public Health may establish a state child fatality review team.  
23 The state team may include representatives of public health, social services, law  
24 enforcement, prosecution, coroners, health-care providers, and other agencies or  
25 professions deemed appropriate by the commissioner of the department.
- 26 (3) If a state team is created, the duties of the state team may include the following:
- 27 (a) Develop and distribute a model protocol for local child fatality response teams

- 1 for the investigation of child fatalities;
- 2 (b) Facilitate the development of local child fatality response teams which may
- 3 include, but is not limited to, providing joint training opportunities and, upon
- 4 request, providing technical assistance;
- 5 (c) Review and approve local protocols prepared and submitted by local teams;
- 6 (d) Receive data and information on child fatalities and analyze the information to
- 7 identify trends, patterns, and risk factors;
- 8 (e) Evaluate the effectiveness of prevention and intervention strategies adopted;
- 9 and
- 10 (f) Recommend changes in state programs, legislation, administrative regulations,
- 11 policies, budgets, and treatment and service standards which may facilitate
- 12 strategies for prevention and reduce the number of child fatalities.
- 13 (4) The department shall prepare an annual report to be submitted no later than
- 14 November 1 of each year to the Governor, the Child Welfare Oversight and
- 15 Advisory Committee established in Section 1 of this Act~~[Legislative Research~~
- 16 ~~Commission]~~, the Chief Justice of the Kentucky Supreme Court, and to be made
- 17 available to the citizens of the Commonwealth. The report shall include a statistical
- 18 analysis of the incidence and causes of child fatalities in the Commonwealth during
- 19 the past fiscal year and recommendations for action. The report shall not include
- 20 any information which would identify specific child fatality cases.

21 ➔Section 55. KRS 620.055 is amended to read as follows:

- 22 (1) An external child fatality and near fatality review panel is hereby created and
- 23 established for the purpose of conducting comprehensive reviews of child fatalities
- 24 and near fatalities, reported to the Cabinet for Health and Family Services,
- 25 suspected to be a result of abuse or neglect. The panel shall be attached to the
- 26 Justice and Public Safety Cabinet for staff and administrative purposes.
- 27 (2) The external child fatality and near fatality review panel shall be composed of the

- 1 following five (5) ex officio nonvoting members and fifteen (15) voting members:
- 2 (a) The chairperson of the House Health and Welfare Committee of the Kentucky  
3 General Assembly, who shall be an ex officio nonvoting member;
- 4 (b) The chairperson of the Senate Health and Welfare Committee of the Kentucky  
5 General Assembly, who shall be an ex officio nonvoting member;
- 6 (c) The commissioner of the Department for Community Based Services, who  
7 shall be an ex officio nonvoting member;
- 8 (d) The commissioner of the Department for Public Health, who shall be an ex  
9 officio nonvoting member;
- 10 (e) A family court judge selected by the Chief Justice of the Kentucky Supreme  
11 Court, who shall be an ex officio nonvoting member;
- 12 (f) A pediatrician from the University of Kentucky's Department of Pediatrics  
13 who is licensed and experienced in forensic medicine relating to child abuse  
14 and neglect to be selected by the Attorney General from a list of three (3)  
15 names provided by the dean of the University of Kentucky School of  
16 Medicine;
- 17 (g) A pediatrician from the University of Louisville's Department of Pediatrics  
18 who is licensed and experienced in forensic medicine relating to child abuse  
19 and neglect to be selected by the Attorney General from a list of three (3)  
20 names provided by the dean of the University of Louisville School of  
21 Medicine;
- 22 (h) The state medical examiner or designee;
- 23 (i) A court-appointed special advocate (CASA) program director to be selected  
24 by the Attorney General from a list of three (3) names provided by the  
25 Kentucky CASA Association;
- 26 (j) A peace officer with experience investigating child abuse and neglect fatalities  
27 and near fatalities to be selected by the Attorney General from a list of three

- 1 (3) names provided by the commissioner of the Kentucky State Police;
- 2 (k) A representative from Prevent Child Abuse Kentucky, Inc. to be selected by
- 3 the Attorney General from a list of three (3) names provided by the president
- 4 of the Prevent Child Abuse Kentucky, Inc. board of directors;
- 5 (l) A practicing local prosecutor to be selected by the Attorney General;
- 6 (m) The executive director of the Kentucky Domestic Violence Association or the
- 7 executive director's designee;
- 8 (n) The chairperson of the State Child Fatality Review Team established in
- 9 accordance with KRS 211.684 or the chairperson's designee;
- 10 (o) A practicing social work clinician to be selected by the Attorney General from
- 11 a list of three (3) names provided by the Board of Social Work;
- 12 (p) A practicing addiction counselor to be selected by the Attorney General from
- 13 a list of three (3) names provided by the Kentucky Association of Addiction
- 14 Professionals;
- 15 (q) A representative from the family resource and youth service centers to be
- 16 selected by the Attorney General from a list of three (3) names submitted by
- 17 the Cabinet for Health and Family Services;
- 18 (r) A representative of a community mental health center to be selected by the
- 19 Attorney General from a list of three (3) names provided by the Kentucky
- 20 Association of Regional Mental Health and Mental Retardation Programs,
- 21 Inc.;
- 22 (s) A member of a citizen foster care review board selected by the Chief Justice
- 23 of the Kentucky Supreme Court; and
- 24 (t) An at-large representative who shall serve as chairperson to be selected by the
- 25 Secretary of State.
- 26 (3) (a) By August 1, 2013, the appointing authority or the appointing authorities, as
- 27 the case may be, shall have appointed panel members. Initial terms of

1 members, other than those serving ex officio, shall be staggered to provide  
2 continuity. Initial appointments shall be: five (5) members for terms of one (1)  
3 year, five (5) members for terms of two (2) years, and five (5) members for  
4 terms of three (3) years, these terms to expire, in each instance, on June 30  
5 and thereafter until a successor is appointed and accepts appointment.

6 (b) Upon the expiration of these initial staggered terms, successors shall be  
7 appointed by the respective appointing authorities, for terms of two (2) years,  
8 and until successors are appointed and accept their appointments. Members  
9 shall be eligible for reappointment. Vacancies in the membership of the panel  
10 shall be filled in the same manner as the original appointments.

11 (c) At any time, a panel member shall recuse himself or herself from the review  
12 of a case if the panel member believes he or she has a personal or private  
13 conflict of interest.

14 (d) If a voting panel member is absent from two (2) or more consecutive,  
15 regularly scheduled meetings, the member shall be considered to have  
16 resigned and shall be replaced with a new member in the same manner as the  
17 original appointment.

18 (e) If a voting panel member is proven to have violated subsection (13) of this  
19 section, the member shall be removed from the panel, and the member shall  
20 be replaced with a new member in the same manner as the original  
21 appointment.

22 (4) The panel shall meet at least quarterly and may meet upon the call of the  
23 chairperson of the panel.

24 (5) Members of the panel shall receive no compensation for their duties related to the  
25 panel, but may be reimbursed for expenses incurred in accordance with state  
26 guidelines and administrative regulations.

27 (6) Each panel member shall be provided copies of all information set out in this



1 subsection, including but not limited to records and information, upon request, to be  
2 gathered, unredacted, and submitted to the panel within thirty (30) days by the  
3 Cabinet for Health and Family Services from the Department for Community Based  
4 Services or any agency, organization, or entity involved with a child subject to a  
5 fatality or near fatality:

6 (a) Cabinet for Health and Family Services records and documentation regarding  
7 the deceased or injured child and his or her caregivers, residents of the home,  
8 and persons supervising the child at the time of the incident that include all  
9 records and documentation set out in this paragraph:

- 10 1. All prior and ongoing investigations, services, or contacts;
- 11 2. Any and all records of services to the family provided by agencies or  
12 individuals contracted by the Cabinet for Health and Family Services;  
13 and
- 14 3. All documentation of actions taken as a result of child fatality internal  
15 reviews conducted pursuant to KRS 620.050(12)(b);

16 (b) Licensing reports from the Cabinet for Health and Family Services, Office of  
17 Inspector General, if an incident occurred in a licensed facility;

18 (c) All available records regarding protective services provided out of state;

19 (d) All records of services provided by the Department for Juvenile Justice  
20 regarding the deceased or injured child and his or her caregivers, residents of  
21 the home, and persons involved with the child at the time of the incident;

22 (e) Autopsy reports;

23 (f) Emergency medical service, fire department, law enforcement, coroner, and  
24 other first responder reports, including but not limited to photos and  
25 interviews with family members and witnesses;

26 (g) Medical records regarding the deceased or injured child, including but not  
27 limited to all records and documentation set out in this paragraph:

- 1           1. Primary care records, including progress notes; developmental
- 2           milestones; growth charts that include head circumference; all laboratory
- 3           and X-ray requests and results; and birth record that includes record of
- 4           delivery type, complications, and initial physical exam of baby;
- 5           2. In-home provider care notes about observations of the family, bonding,
- 6           others in home, and concerns;
- 7           3. Hospitalization and emergency department records;
- 8           4. Dental records;
- 9           5. Specialist records; and
- 10          6. All photographs of injuries of the child that are available;
- 11          (h) Educational records of the deceased or injured child, or other children residing
- 12          in the home where the incident occurred, including but not limited to the
- 13          records and documents set out in this paragraph:
- 14           1. Attendance records;
- 15           2. Special education services;
- 16           3. School-based health records; and
- 17           4. Documentation of any interaction and services provided to the children
- 18           and family.
- 19          The release of educational records shall be in compliance with the Family
- 20          Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g and its
- 21          implementing regulations;
- 22          (i) Head Start records or records from any other child care or early child care
- 23          provider;
- 24          (j) Records of any Family, Circuit, or District Court involvement with the
- 25          deceased or injured child and his or her caregivers, residents of the home and
- 26          persons involved with the child at the time of the incident that include but are
- 27          not limited to the juvenile and family court records and orders set out in this

- 1 paragraph, pursuant to KRS Chapters 199, 403, 405, 406, and 600 to 645:
- 2 1. Petitions;
- 3 2. Court reports by the Department for Community Based Services,
- 4 guardian ad litem, court-appointed special advocate, and the Citizen
- 5 Foster Care Review Board;
- 6 3. All orders of the court, including temporary, dispositional, or
- 7 adjudicatory; and
- 8 4. Documentation of annual or any other review by the court;
- 9 (k) Home visit records from the Department for Public Health or other services;
- 10 (l) All information on prior allegations of abuse or neglect and deaths of children
- 11 of adults residing in the household;
- 12 (m) All law enforcement records and documentation regarding the deceased or
- 13 injured child and his or her caregivers, residents of the home, and persons
- 14 involved with the child at the time of the incident; and
- 15 (n) Mental health records regarding the deceased or injured child and his or her
- 16 caregivers, residents of the home, and persons involved with the child at the
- 17 time of the incident.
- 18 (7) The panel may seek the advice of experts, such as persons specializing in the fields
- 19 of psychiatric and forensic medicine, nursing, psychology, social work, education,
- 20 law enforcement, family law, or other related fields, if the facts of a case warrant
- 21 additional expertise.
- 22 (8) The panel shall post updates after each meeting to the Web site of the Justice and
- 23 Public Safety Cabinet regarding case reviews, findings, and recommendations.
- 24 (9) The panel chairperson, or other requested persons, shall report a summary of the
- 25 panel's discussions and proposed or actual recommendations to the Interim Joint
- 26 Committee on Health and Welfare of the Kentucky General Assembly monthly or at
- 27 the request of a committee co-chair. The goal of the committee shall be to ensure

- 1 impartiality regarding the operations of the panel during its review process.
- 2 (10) The panel shall publish an annual report by December 1 of each year consisting of  
3 case reviews, findings, and recommendations for system and process improvements  
4 to help prevent child fatalities and near fatalities that are due to abuse and neglect.  
5 The report shall be submitted to the Governor, the secretary of the Cabinet for  
6 Health and Family Services, the Chief Justice of the Supreme Court, the Attorney  
7 General, and the director of the Legislative Research Commission for distribution to  
8 the *Child Welfare Oversight and Advisory Committee established in Section 1 of*  
9 *this Act*~~[Health and Welfare Committee]~~ and the Judiciary Committee.
- 10 (11) Information and record copies that are confidential under state or federal law and  
11 are provided to the external child fatality and near fatality review panel by the  
12 Cabinet for Health and Family Services, the Department for Community Based  
13 Services, or any agency, organization, or entity for review shall not become the  
14 information and records of the panel and shall not lose their confidentiality by virtue  
15 of the panel's access to the information and records. The original information and  
16 records used to generate information and record copies provided to the panel in  
17 accordance with subsection (6) of this section shall be maintained by the  
18 appropriate agency in accordance with state and federal law and shall be subject to  
19 the Kentucky Open Records Act, KRS 61.870 to 61.884. All open records requests  
20 shall be made to the appropriate agency, not to the external child fatality and near  
21 fatality review panel or any of the panel members. Information and record copies  
22 provided to the panel for review shall be exempt from the Kentucky Open Records  
23 Act, KRS 61.870 to 61.884. At the conclusion of the panel's examination, all copies  
24 of information and records provided to the panel involving an individual case shall  
25 be destroyed by the Justice and Public Safety Cabinet.
- 26 (12) Notwithstanding any provision of law to the contrary, the portions of the external  
27 child fatality and near fatality review panel meetings during which an individual

1 child fatality or near fatality case is reviewed or discussed by panel members may  
2 be a closed session and subject to the provisions of KRS 61.815(1) and shall only  
3 occur following the conclusion of an open session. At the conclusion of the closed  
4 session, the panel shall immediately convene an open session and give a summary  
5 of what occurred during the closed session.

6 (13) Each member of the external child fatality and near fatality review panel, any person  
7 attending a closed panel session, and any person presenting information or records  
8 on an individual child fatality or near fatality shall not release information or  
9 records not available under the Kentucky Open Records Act, KRS 61.870 to 61.884  
10 to the public.

11 (14) A member of the external child fatality and near fatality review panel shall not be  
12 prohibited from making a good faith report to any state or federal agency of any  
13 information or issue that the panel member believes should be reported or disclosed  
14 in an effort to facilitate effectiveness and transparency in Kentucky's child  
15 protective services.

16 (15) A member of the external child fatality and near fatality review panel shall not be  
17 held liable for any civil damages or criminal penalties pursuant to KRS 620.990 as a  
18 result of any action taken or omitted in the performance of the member's duties  
19 pursuant to this section and KRS 620.050, except for violations of subsection (11),  
20 (12), or (13) of this section.

21 (16) Beginning in 2014 the Legislative Program Review and Investigations Committee  
22 of the Kentucky General Assembly shall conduct an annual evaluation of the  
23 external child fatality and near fatality review panel established pursuant to this  
24 section to monitor the operations, procedures, and recommendations of the panel  
25 and shall report its findings to the General Assembly.

26 ➔Section 56. KRS 620.320 is amended to read as follows:

27 The duties of the State Citizen Foster Care Review Board shall be to:

- 1 (1) Establish, approve, and provide training programs for local citizen foster care  
2 review board members;
- 3 (2) Review and coordinate the activities of local citizen foster care review boards;
- 4 (3) Establish reporting procedures to be followed by the local citizen foster care review  
5 boards and publish an annual written report compiling data reported by local foster  
6 care review boards which shall include statistics relating, at a minimum, to the  
7 following:
- 8 (a) How the needs of children are being met;
- 9 (b) The number of times children are moved and reasons for the moves;
- 10 (c) The average length of time in care;
- 11 (d) Sibling visitation; and
- 12 (e) The total number and frequency of reviews;
- 13 (4) Publish an annual written report on the effectiveness of such local citizen foster care  
14 review boards; and
- 15 (5) Evaluate and make annual recommendations to the Supreme Court, Governor, and  
16 the **Child Welfare Oversight and Advisory Committee established in Section 1 of**  
17 **this Act**~~[Legislative Research Commission]~~ regarding:
- 18 (a) Laws of the Commonwealth;
- 19 (b) Practices, policies, and procedures within the Commonwealth affecting  
20 permanence for children in out-of-home placement and the investigation of  
21 allegations of abuse and neglect;~~[-and]~~
- 22 (c) **The findings of the local citizen foster care review board community forums**  
23 **conducted pursuant to Section 23 of this Act; and**
- 24 **(d)** The effectiveness or lack thereof and reasons therefor of local citizen foster  
25 care review of children in the custody of the cabinet in bringing about  
26 permanence for the Commonwealth's children.
- 27 ➔Section 57. KRS 17.185 is amended to read as follows:

- 1 (1) As used in this section:
- 2 (a) "Fingerprint card" means the standard Federal Bureau of Investigation FD-258  
3 fingerprint card;
- 4 (b) "Fingerprint-supported background check" means a statewide search of the  
5 centralized criminal history record information system created and maintained  
6 by the Commonwealth utilizing the fingerprints of the subject of the  
7 background check. This shall not include a national check by the Federal  
8 Bureau of Investigation unless other provisions require a national check;  
9 and
- 10 (c) "Name-based background check" means a statewide search of the centralized  
11 criminal history record information system created and maintained by the  
12 Commonwealth utilizing the name, date of birth, and Social Security number  
13 of the subject of the background check. This shall not include a national check  
14 by the Federal Bureau of Investigation.
- 15 (2) Any other provision of law to the contrary notwithstanding, a person may request  
16 the Department of Kentucky State Police to conduct a name-based or fingerprint-  
17 supported background check of himself or herself and release the results to any  
18 person designated by the requester.
- 19 (3) A person requesting a fingerprint-supported background check on himself or herself  
20 shall be fingerprinted by a law enforcement agency or other agency approved by the  
21 Department of Kentucky State Police to submit fingerprints. The fingerprinting  
22 agency shall forward the fingerprints~~[fingerprint card]~~ to the Department of  
23 Kentucky State Police. The fingerprinting agency may charge a fee, not to exceed  
24 the actual cost of processing the request.
- 25 (4) A request for a name-based or fingerprint-supported background check shall be  
26 submitted in a manner~~[on forms]~~ approved by the Department of Kentucky State  
27 Police.

1 (5) The Department of Kentucky State Police may charge a fee for conducting a  
2 background check, not to exceed the actual cost of processing the request, to be paid  
3 by the requester, except that a convenience fee of ten dollars (\$10) may be  
4 assessed for electronic requests and shall be retained by the Department of  
5 Kentucky State Police.

6 (6) The Department of Kentucky State Police shall promulgate administrative  
7 regulations to implement the provisions of this section.

8 ➔Section 58. The following KRS sections are repealed:

- 9 199.565 Statewide swift adoption procedures -- Protocol -- Teams -- Quarterly report.  
10 199.805 Inventory of placements.  
11 200.580 Duty of secretary for health and family services.  
12 200.585 Duty of Department for Community Based Services.  
13 200.590 Eligibility to receive family preservation services.  
14 200.595 Effect of furnishing and acceptance of family preservation services.  
15 200.600 Annual evaluation of family preservation services.  
16 200.605 Funding of family preservation services.