

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.

11 (15) The Office of the Ombudsman shall provide professional support in the
12 evaluation of programs, including but not limited to quality improvement and
13 information analysis and reporting, contract monitoring, program monitoring,
14 and the development of quality service delivery, and a review and resolution of
15 citizen complaints about programs or services of the cabinet when those
16 complaints are unable to be resolved through normal administrative remedies.
17 The Office of the Ombudsman shall compile a report of all citizen complaints
18 about programs or services of the cabinet and shall submit the report by
19 December 1 of each year to the Child Welfare Oversight and Advisory Committee
20 established in Section 1 of this Act. The Office of the Ombudsman shall place an
21 emphasis on research and best practices and program accountability and shall
22 monitor federal compliance. The Office of the Ombudsman shall report to the
23 Office of Inspector General any charge or case against an employee of the
24 Cabinet for Health and Family Services where it has cause to believe the
25 employee has engaged in dishonest, unethical, or illegal conduct or practices
26 related to his or her job duties. The Office of the Ombudsman shall be headed by
27 an executive director who shall be appointed by the secretary with the approval of

1 **the Governor in accordance with KRS 12.050.**

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

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

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

- 22 (1) Any person who is eighteen (18) years of age and who is a resident of this state or
23 who has resided in this state for twelve (12) months next before filing may file a
24 petition for leave to adopt a child in the Circuit Court of the county in which the
25 petitioner resides.
- 26 (2) If the petitioner is married, the husband or wife shall join in a petition for leave to
27 adopt a child unless the petitioner is married to a biological parent of the child to be

1 adopted, except that if the court finds the requirement of a joint petition would serve
2 to deny the child a suitable home, the requirement may be waived.

3 (3) If a child is placed for adoption by the cabinet, by an agency licensed by the cabinet,
4 or with written approval by the secretary of the cabinet, the petition may be filed at
5 the time of placement. In all other adoptions, the petition shall not be filed until the
6 child has resided continuously in the home of the petitioner for at least ninety (90)
7 days immediately prior to the filing of the adoption petition.

8 (4) No petition for adoption shall be filed unless prior to the filing of the petition the
9 child sought to be adopted has been placed for adoption by a child-placing
10 institution or agency, or by the cabinet, or the child has been placed with written
11 approval of the secretary; but no approval shall be necessary in the case of:

12 (a) A child sought to be adopted by a **blood relative, including a relative of half-**
13 **blood, first cousin, aunt, uncle, nephew, niece, and a person of a preceding**
14 **generation as denoted by prefixes of grand, great, or great-great;**
15 **stepparent; or step-sibling**~~[stepparent, grandparent, sister, brother, aunt,~~
16 ~~uncle, great-grandparent, great-aunt, or great-uncle]~~; however, the court in its
17 discretion may order a report in accordance with KRS 199.510 and a
18 background check as provided in KRS 199.473(8);

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

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

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

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

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

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

27 (a) "Allowable costs report" means a report from each child-caring facility **or**

1 child-placing agency that contracts with the department for services and
 2 includes all allowable costs as defined by the Federal Office of Management
 3 and Budget's guidance, including Title 2 of the Code of Federal
 4 Regulations~~[Budget circular A 122, "cost principles for nonprofit~~
 5 ~~organizations,"]~~ and other information the department may require, utilizing
 6 cost data from each child-caring facility's or child-placing agency's most
 7 recent yearly audited financial statement;

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

13 (e)~~—~~ "Department" means the Department for Community Based Services of the
 14 Cabinet for Health and Family Services;

15 (c)~~(d)~~ "Model program cost analysis" means a report based on a time study, the
 16 allowable costs report, and other information required by the department from
 17 each child-caring facility or child-placing agency that contracts with the
 18 department for services that determines a statewide median cost for each
 19 licensed program category of service provided by child-caring facilities or
 20 child-placing agencies; and

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

24 (2) Subject to the limitations set forth in subsection (4) of this section, when the
 25 department chooses to contract with a ~~nonprofit~~ child-caring facility or child-
 26 placing agency for services to a child in the custody of or committed to the
 27 department, the department shall make payments to that facility based on the rate

1 setting methodology developed from the model program cost analysis. The
2 department shall also assure that the methodology:

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

5 (b) Provides children who require out-of-home care or alternative treatment with
6 placements that are as close as possible to their home geographic area **and**
7 **ensure continuity with their families, schools, faiths, and communities;**
8 **[and]**

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

12 **(d) Facilitates provider participation in the State Medicaid Program established**
13 **in accordance with KRS Chapter 205.**

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

16 (4) The secretary shall, to the extent funds are appropriated, establish and implement
17 the rate setting methodology and rate of payment by promulgation of administrative
18 regulations in accordance with KRS Chapter 13A that are consistent with the level
19 and quality of service provided by child-caring facilities. The administrative
20 regulations shall also include the forms and formats for the model program cost
21 analysis.

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

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

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

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

1 (2) "Home county" means the county in which the child's home of removal is
 2 located~~[natural parents, adoptive parents, or guardian reside. If the parents are~~
 3 ~~divorced, the home county is the county of residence of the parent with legal~~
 4 ~~eustody. If the child is committed, the home county is the county of original~~
 5 ~~commitment or case responsibility];~~

6 (3) ~~["Home district" means the Department for Community Based Services district in~~
 7 ~~which the child's home county is located;~~

8 ~~(4)~~ "Type of placement" means the living arrangement, including family foster home,
 9 child-caring facility,~~[care, private child care,]~~ or other residential alternative that is
 10 deemed appropriate for a child as determined by the department~~[district placement~~
 11 ~~coordinator and the social service worker with case responsibility]; and~~

12 ~~(4)~~~~(5)~~ "Unmet need" means the type of facility or placement needed to serve the
 13 child's needs which is unavailable at the time placement is being sought for the
 14 child.

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

16 (1) The department shall establish a procedure throughout the state that is designed to
 17 determine and expedite the placement of children who are in the custody of or
 18 committed to the department. The procedure shall utilize state-level and regional
 19 placement coordinators~~[a statewide placement coordinator and district placement~~
 20 ~~coordinators]~~ who may be state employees or employees of a contracted entity~~, and~~
 21 ~~who shall be assigned and located in each of the department's districts].~~

22 (2) The type of placement selected for a child in the custody of or committed to the
 23 department shall be the best alternative for the child that is in closest proximity to
 24 the child's home county, including considerations of the child's current early
 25 care and education provider or school~~[Upon determining that a child shall be~~
 26 ~~removed from the current living arrangement, the social service worker with~~
 27 ~~responsibility for the child shall contact the district placement coordinator to~~

1 facilitate the placement. In consultation with the social service worker, the district
2 placement coordinator shall determine the appropriate type of placement according
3 to the child's circumstances and needs and shall attempt to locate the appropriate
4 placement within the child's home county.

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

8 ~~(3)~~~~(4)~~ If the type of placement that best suits the child's needs is not available in the
9 child's home county, the ***regional***~~[district]~~ placement coordinator shall document
10 the circumstance as an unmet need and may seek a placement in ***surrounding***
11 ***counties, regions, and the state, in that order***~~[another county located within the~~
12 ~~home district of the child.~~

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

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

21 ~~(4)~~~~(7)~~ If the type of placement that best suits the child's needs is not available within
22 the state, the ***regional***~~[statewide]~~ placement coordinator shall contact the
23 commissioner of the department or the commissioner's designee to explore ***out-of-***
24 ***state*** placement~~[options]~~.

25 **(5) The department shall develop a diligent recruitment plan and reporting to**
26 **support the recruitment and retention of family foster homes that are responsive**
27 **to the needs of children in care, areas of unmet need, and strategies to meet the**

1 *need. The plan and reporting shall be used as a guide in the establishment and*
 2 *modification of agreements with placements for the care of children in the*
 3 *custody of or committed to the cabinet and shall be made available upon request*]

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

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

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

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

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

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

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

20 *(2) The cabinet shall promulgate by administrative regulations the process,*
 21 *procedures, and requirements to ensure that a uniform establishment and*
 22 *understanding of the definition of, and the required documentation within, any home*
 23 *study required pursuant to this chapter is the same for both public and private*
 24 *agencies.*

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

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

- 1 (a) "Cabinet" means the Cabinet for Health and Family Services;
- 2 (b) "Performance-based contracting" means an approach that stresses
- 3 permanency outcomes for children and utilizes a payment structure that
- 4 reinforces provider agencies' efforts to offer services that improve the
- 5 outcomes for children; and
- 6 (c) "Secretary" means the secretary of the Cabinet for Health and Family
- 7 Services.
- 8 (2) The secretary shall designate a study group to make recommendations regarding
- 9 the creation and implementation of performance-based contracting for licensed
- 10 child-caring facilities and child-placing agencies in the Commonwealth.
- 11 (3) The study group shall be composed of the following members:
- 12 (a) The secretary;
- 13 (b) The commissioner for the Department for Community Based Services;
- 14 (c) The director of the Administrative Office of the Courts, or designee;
- 15 (d) One (1) employee of a licensed child-placing agency;
- 16 (e) One (1) employee of a licensed child-caring facility; and
- 17 (f) Any personnel within the Department for Community Based Services that
- 18 the secretary deems necessary.
- 19 (4) In its deliberations, the study group shall include but not be limited to analysis of
- 20 improved timeliness and likelihood of permanency such as reunification,
- 21 adoption, or guardianship; fewer moves for children in foster care; and reduced
- 22 instances of reentries into care.
- 23 (5) The study group shall report its recommendations by December 1, 2018, to the
- 24 Governor and the Interim Joint Committees on Appropriations and Revenue and
- 25 Health and Welfare and Family Services and the Child Welfare Oversight and
- 26 Advisory Committee established in Section 1 of this Act.
- 27 (6) By July 1, 2019 the cabinet shall:

- 1 (a) Establish and implement performance-based contracting for licensed child-
 2 caring facilities and child-placing agencies in the Commonwealth; and
 3 (b) Implement all standards, processes, and procedures established for
 4 performance-based contracting for licensed child-caring facilities and
 5 child-placing agencies for all other programs operated by the cabinet that
 6 provide child-caring and child-placing functions.
 7 (7) The cabinet shall promulgate administrative regulations to implement this
 8 section.

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

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

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

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

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

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

19 3. Employ specially trained caseworkers who shall:

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

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

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

27 d. Arrange for additional assistance, including but not limited to

1 housing, child care, education, and job training, emergency cash
2 grants, state and federally funded public assistance, and other
3 basic support needs; and

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

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

10 (a) Provide the coordination of and planning for the implementation of family
11 preservation services;

12 (b) Provide standards for family preservation services programs;

13 (c) Monitor these services to ensure they meet measurable standards of
14 performance as set forth in state law and as developed by the department;
15 and

16 (d) Provide the initial training and approve any ongoing training required by
17 providers of family preservation services.

18 (3) The department may provide family preservation services directly or may contract
19 to provide these services. In the event the department provides family preservation
20 services with state caseworkers, those caseworkers and cases shall be excluded for
21 the overall caseworker or case averages provided on a quarterly basis to the
22 Legislative Research Commission and the Governor's office under KRS 199.461.
23 Family preservation services caseworkers and cases shall be included in the
24 report as a separate category.

25 (4) If the department contracts to provide family preservation services, the contract
26 shall include:

27 (a) Requirements for acceptance of any client referred by the department for

- 1 family preservation services;
- 2 (b) Caseload standards per caseworker;
- 3 (c) Provision of twenty-four (24) hour crisis intervention services to families
4 served by the program;
- 5 (d) Minimum initial and ongoing training standards for family preservation
6 services staff; and
- 7 (e) Internal programmatic evaluation and cooperation with external evaluation
8 as directed by the department.
- 9 (5) Family preservation services shall be provided only to those children who are at
10 actual, imminent risk of out-of-home placement:
- 11 (a) Who are at risk of commitment as dependent, abused, or neglected;
- 12 (b) Who are emotionally disturbed; and
- 13 (c) Whose families are in conflict such that they are unable to exercise
14 reasonable control of the child.
- 15 (6) Families in which children are at risk of recurring sexual abuse perpetrated by a
16 member of their immediate household who remains in close physical proximity to
17 the victim or whose continued safety from recurring abuse cannot be reasonably
18 ensured, shall not be eligible for family preservation services.
- 19 (7) The implementation of family preservation services shall be limited to those
20 situations where protection can be ensured for children, families, and the
21 community.
- 22 (8) The provision of family preservation services to a family shall constitute a
23 reasonable effort by the Cabinet for Health and Family Services to prevent the
24 removal of a child from the child's home under KRS 620.140, provided that the
25 family has received timely access to other services from the Cabinet for Health
26 and Family Services for which the family is eligible.
- 27 (9) Acceptance of family preservation services shall not be considered an admission

1 to any allegation that initiated the investigation of the family, nor shall refusal of
2 family preservation services be considered as evidence in any proceeding except
3 where the issue is whether the Cabinet for Health and Family Services has made
4 reasonable efforts to prevent removal of a child.

5 (10) No family preservation services program shall compel any family member to
6 engage in any activity or refrain from any activity, which is not reasonably
7 related to remedying any condition that gave rise, or which could reasonably give
8 rise, to any finding of child abuse, neglect, or dependency.

9 (11) The commissioner of the department shall conduct an annual evaluation of the
10 family preservation services, which shall include the following:

11 (a) The number of families receiving family preservation services, the number
12 of children in those families, and the number of children in those families
13 who would have been placed in out-of-home care if the family preservation
14 services had not been available;

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

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

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

21 (e) An overall evaluation of the progress of family preservation services
22 programs during the preceding year, recommendations for improvements in
23 the delivery of this service, and a plan for the continued development of
24 family preservation services to ensure progress towards statewide
25 availability.

26 (12) Nothing in this section shall prohibit the department from developing other in-
27 home services in accordance with its statutory authority to promulgate

1 *administrative regulations in accordance with KRS Chapter 13A or to enter into*
2 *contractual arrangements in accordance with KRS Chapter 45.*

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

- 4 (1) If a certificate of birth of a living person born in the Commonwealth has not been
5 filed within the time period as provided in KRS 213.046, a certificate of birth may
6 be filed in accordance with the administrative regulations of the cabinet. The
7 certificate shall be registered subject to such evidentiary requirements as the cabinet
8 shall by regulation prescribe to substantiate the alleged facts of birth.
- 9 (2) In accordance with the provisions of this section and the administrative regulations
10 established thereunder, the state registrar may issue a record of foreign birth for a
11 person born outside the United States registration area who is subsequently adopted
12 by a Kentucky resident and whose record of birth cannot be obtained from the
13 country of birth. ~~Such certificates shall be plainly endorsed, "not evidence of~~
14 ~~United States citizenship."~~
- 15 (3) Certificates of birth registered one (1) year or more after the date of birth shall be
16 made on forms prescribed and furnished by the state registrar marked "delayed" and
17 shall show on the face of the certificate the date of the delayed registration.
- 18 (4) A summary statement of the evidence submitted in support of the delayed
19 registration shall be endorsed on the certificate.
- 20 (5) The cabinet may refuse to accept any application for a delayed birth certificate or
21 record of foreign birth on which the applicant fails to provide such information as
22 the cabinet may require.
- 23 (6) Each birth certificate filed under this section shall include all Social Security
24 numbers that have been issued to the parents of the child.

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

- 26 (1) Except as provided in subsection (2) of this section, the cabinet shall prescribe by
27 regulation a fee not to exceed five dollars (\$5), to be paid for certified copies of

1 certificates or records, or for a search of the files or records when no copy is made,
2 or for copies or information provided for research, statistical, or administrative
3 purposes.

4 (2) The cabinet shall prescribe by administrative regulation pursuant to KRS Chapter
5 13A a fee not to exceed ten dollars (\$10) to be paid for a certified copy of a record
6 of a birth:

7 (a) Three dollars (\$3) of which shall be used by the Cabinet for Health and
8 Family Services for the sole purpose of contracting for the operation of
9 private, not-for-profit, self-help, education, and support groups for parents
10 who want to prevent or cease physical, sexual, or mental abuse of children;
11 and

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

16 1. The therapeutic food, formulas, supplements, amino acid-based
17 elemental formula, or low-protein modified food products are medically
18 indicated for the therapeutic treatment of inborn errors of metabolism or
19 genetic conditions and are administered under the direction of a
20 physician; and

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

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

26 (4) (a) No fee or compensation shall be allowed or paid for furnishing certificates of
27 birth or death required in support of any claim against the government for

1 compensation, insurance, back pay, or other allowances or benefits for any
2 person who has at any time served as a member of the Army, Navy, Marine
3 Corps, or Air Force of the United States.

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

8 **(c) No fee or compensation shall be allowed or paid for furnishing a certificate**
9 **of birth to a child who is in the custody of or committed to the cabinet,**
10 **including a child who has extended commitment to the cabinet in**
11 **accordance with KRS 610.110(6).**

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

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

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

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

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

24 1. Inflicts or allows to be inflicted upon the child physical or emotional
25 injury as defined in this section by other than accidental means;

26 2. Creates or allows to be created a risk of physical or emotional injury as
27 defined in this section to the child by other than accidental means;

- 1 3. Engages in a pattern of conduct that renders the parent incapable of
2 caring for the immediate and ongoing needs of the child including, but
3 not limited to, parental incapacity due to alcohol and other drug abuse as
4 defined in KRS 222.005;
- 5 4. Continuously or repeatedly fails or refuses to provide essential parental
6 care and protection for the child, considering the age of the child;
- 7 5. Commits or allows to be committed an act of sexual abuse, sexual
8 exploitation, or prostitution upon the child;
- 9 6. Creates or allows to be created a risk that an act of sexual abuse, sexual
10 exploitation, or prostitution will be committed upon the child;
- 11 7. Abandons or exploits the child;
- 12 8. Does not provide the child with adequate care, supervision, food,
13 clothing, shelter, and education or medical care necessary for the child's
14 well-being. A parent or other person exercising custodial control or
15 supervision of the child legitimately practicing the person's religious
16 beliefs shall not be considered a negligent parent solely because of
17 failure to provide specified medical treatment for a child for that reason
18 alone. This exception shall not preclude a court from ordering necessary
19 medical services for a child;
- 20 9. Fails to make sufficient progress toward identified goals as set forth in
21 the court-approved case plan to allow for the safe return of the child to
22 the parent that results in the child remaining committed to the cabinet
23 and remaining in foster care for fifteen (15) of the most recent twenty-
24 two (22) months;
- 25 **10. Is the birth mother and uses a nonprescribed controlled substance or**
26 **misuses a prescribed controlled substance during pregnancy unless**
27 **the birth mother enrolls in and maintains substantial compliance with**

1 **both a substance abuse treatment or recovery program and a regimen**
2 **of prenatal care as recommended by her health care practitioner**
3 **throughout the remaining term of her pregnancy; or**

4 (b) A person twenty-one (21) years of age or older commits or allows to be
5 committed an act of sexual abuse, sexual exploitation, or prostitution upon a
6 child less than sixteen (16) years of age;

7 (2) "Age or developmentally appropriate" has the same meaning as in 42 U.S.C. sec.
8 675(11);

9 (3) "Aggravated circumstances" means the existence of one (1) or more of the
10 following conditions:

11 (a) The parent has not attempted or has not had contact with the child for a period
12 of not less than ninety (90) days;

13 (b) The parent is incarcerated and will be unavailable to care for the child for a
14 period of at least one (1) year from the date of the child's entry into foster care
15 and there is no appropriate relative placement available during this period of
16 time;

17 (c) The parent has sexually abused the child and has refused available treatment;

18 (d) The parent has been found by the cabinet to have engaged in abuse of the
19 child that required removal from the parent's home two (2) or more times in
20 the past two (2) years; or

21 (e) The parent has caused the child serious physical injury;

22 (4) "Beyond the control of parents" means a child who has repeatedly failed to follow
23 the reasonable directives of his or her parents, legal guardian, or person exercising
24 custodial control or supervision other than a state agency, which behavior results in
25 danger to the child or others, and which behavior does not constitute behavior that
26 would warrant the filing of a petition under KRS Chapter 645;

27 (5) "Beyond the control of school" means any child who has been found by the court to

- 1 have repeatedly violated the lawful regulations for the government of the school as
2 provided in KRS 158.150, and as documented in writing by the school as a part of
3 the school's petition or as an attachment to the school's petition. The petition or
4 attachment shall describe the student's behavior and all intervention strategies
5 attempted by the school;
- 6 (6) "Boarding home" means a privately owned and operated home for the boarding and
7 lodging of individuals which is approved by the Department of Juvenile Justice or
8 the cabinet for the placement of children committed to the department or the
9 cabinet;
- 10 (7) "Cabinet" means the Cabinet for Health and Family Services;
- 11 (8) "Certified juvenile facility staff" means individuals who meet the qualifications of,
12 and who have completed a course of education and training in juvenile detention
13 developed and approved by, the Department of Juvenile Justice after consultation
14 with other appropriate state agencies;
- 15 (9) "Child" means any person who has not reached his or her eighteenth birthday,
16 unless otherwise provided;
- 17 (10) "Child-caring facility" means any facility or group home other than a state facility,
18 Department of Juvenile Justice contract facility or group home, or one certified by
19 an appropriate agency as operated primarily for educational or medical purposes,
20 providing residential care on a twenty-four (24) hour basis to children not related by
21 blood, adoption, or marriage to the person maintaining the facility;
- 22 (11) "Child-placing agency" means any agency, other than a state agency, which
23 supervises the placement of children in foster family homes or child-caring facilities
24 or which places children for adoption;
- 25 (12) "Clinical treatment facility" means a facility with more than eight (8) beds
26 designated by the Department of Juvenile Justice or the cabinet for the treatment of
27 mentally ill children. The treatment program of such facilities shall be supervised by

- 1 a qualified mental health professional;
- 2 (13) "Commitment" means an order of the court which places a child under the custodial
3 control or supervision of the Cabinet for Health and Family Services, Department of
4 Juvenile Justice, or another facility or agency until the child attains the age of
5 eighteen (18) unless otherwise provided by law;
- 6 (14) "Community-based facility" means any nonsecure, homelike facility licensed,
7 operated, or permitted to operate by the Department of Juvenile Justice or the
8 cabinet, which is located within a reasonable proximity of the child's family and
9 home community, which affords the child the opportunity, if a Kentucky resident, to
10 continue family and community contact;
- 11 (15) "Complaint" means a verified statement setting forth allegations in regard to the
12 child which contain sufficient facts for the formulation of a subsequent petition;
- 13 (16) "Court" means the juvenile session of District Court unless a statute specifies the
14 adult session of District Court or the Circuit Court;
- 15 (17) "Court-designated worker" means that organization or individual delegated by the
16 Administrative Office of the Courts for the purposes of placing children in
17 alternative placements prior to arraignment, conducting preliminary investigations,
18 and formulating, entering into, and supervising diversion agreements and
19 performing such other functions as authorized by law or court order;
- 20 (18) "Deadly weapon" has the same meaning as it does in KRS 500.080;
- 21 (19) "Department" means the Department for Community Based Services;
- 22 (20) "Dependent child" means any child, other than an abused or neglected child, who is
23 under improper care, custody, control, or guardianship that is not due to an
24 intentional act of the parent, guardian, or person exercising custodial control or
25 supervision of the child;
- 26 (21) "Detention" means the safe and temporary custody of a juvenile who is accused of
27 conduct subject to the jurisdiction of the court who requires a restricted or closely

- 1 supervised environment for his or her own or the community's protection;
- 2 (22) "Detention hearing" means a hearing held by a judge or trial commissioner within
3 twenty-four (24) hours, exclusive of weekends and holidays, of the start of any
4 period of detention prior to adjudication;
- 5 (23) "Diversion agreement" means a mechanism designed to hold a child accountable for
6 his or her behavior and, if appropriate, securing services to serve the best interest of
7 the child and to provide redress for that behavior without court action and without
8 the creation of a formal court record;
- 9 (24) "Eligible youth" means a person who:
- 10 (a) Is or has been committed to the cabinet as dependent, neglected, or abused;
- 11 (b) Is eighteen (18) years of age to nineteen (19) years of age; and
- 12 (c) Is requesting to extend or reinstate his or her commitment to the cabinet in
13 order to participate in state or federal educational programs or to establish
14 independent living arrangements;
- 15 (25) "Emergency shelter" is a group home, private residence, foster home, or similar
16 homelike facility which provides temporary or emergency care of children and
17 adequate staff and services consistent with the needs of each child;
- 18 (26) "Emotional injury" means an injury to the mental or psychological capacity or
19 emotional stability of a child as evidenced by a substantial and observable
20 impairment in the child's ability to function within a normal range of performance
21 and behavior with due regard to his or her age, development, culture, and
22 environment as testified to by a qualified mental health professional;
- 23 (27) "Evidence-based practices" means policies, procedures, programs, and practices
24 proven by scientific research to reliably produce reductions in recidivism;
- 25 (28) "Fictive kin" means an individual who is not related by birth, adoption, or marriage
26 to a child, but who has an emotionally significant relationship with the child;
- 27 (29) "Firearm" shall have the same meaning as in KRS 237.060 and 527.010;

- 1 (30) "Foster family home" means a private home in which children are placed for foster
2 family care under supervision of the cabinet or a licensed child-placing agency;
- 3 (31) "Graduated sanction" means any of a continuum of accountability measures,
4 programs, and sanctions, ranging from less restrictive to more restrictive in nature,
5 that may include but are not limited to:
- 6 (a) Electronic monitoring;
 - 7 (b) Drug and alcohol screening, testing, or monitoring;
 - 8 (c) Day or evening reporting centers;
 - 9 (d) Reporting requirements;
 - 10 (e) Community service; and
 - 11 (f) Rehabilitative interventions such as family counseling, substance abuse
12 treatment, restorative justice programs, and behavioral or mental health
13 treatment;
- 14 (32) "Habitual runaway" means any child who has been found by the court to have been
15 absent from his or her place of lawful residence without the permission of his or her
16 custodian for at least three (3) days during a one (1) year period;
- 17 (33) "Habitual truant" means any child who has been found by the court to have been
18 reported as a truant as defined in KRS 159.150(1) two (2) or more times during a
19 one (1) year period;
- 20 (34) "Hospital" means, except for purposes of KRS Chapter 645, a licensed private or
21 public facility, health care facility, or part thereof, which is approved by the cabinet
22 to treat children;
- 23 (35) "Independent living" means those activities necessary to assist a committed child to
24 establish independent living arrangements;
- 25 (36) "Informal adjustment" means an agreement reached among the parties, with
26 consultation, but not the consent, of the victim of the crime or other persons
27 specified in KRS 610.070 if the victim chooses not to or is unable to participate,

- 1 after a petition has been filed, which is approved by the court, that the best interest
2 of the child would be served without formal adjudication and disposition;
- 3 (37) "Intentionally" means, with respect to a result or to conduct described by a statute
4 which defines an offense, that the actor's conscious objective is to cause that result
5 or to engage in that conduct;
- 6 (38) "Least restrictive alternative" means, except for purposes of KRS Chapter 645, that
7 the program developed on the child's behalf is no more harsh, hazardous, or
8 intrusive than necessary; or involves no restrictions on physical movements nor
9 requirements for residential care except as reasonably necessary for the protection
10 of the child from physical injury; or protection of the community, and is conducted
11 at the suitable available facility closest to the child's place of residence to allow for
12 appropriate family engagement;
- 13 (39) "Motor vehicle offense" means any violation of the nonfelony provisions of KRS
14 Chapters 186, 189, or 189A, KRS 177.300, 304.39-110, or 304.39-117;
- 15 (40) "Near fatality" means an injury that, as certified by a physician, places a child in
16 serious or critical condition;
- 17 (41) "Needs of the child" means necessary food, clothing, health, shelter, and education;
- 18 (42) "Nonoffender" means a child alleged to be dependent, neglected, or abused and who
19 has not been otherwise charged with a status or public offense;
- 20 (43) "Nonsecure facility" means a facility which provides its residents access to the
21 surrounding community and which does not rely primarily on the use of physically
22 restricting construction and hardware to restrict freedom;
- 23 (44) "Nonsecure setting" means a nonsecure facility or a residential home, including a
24 child's own home, where a child may be temporarily placed pending further court
25 action. Children before the court in a county that is served by a state operated secure
26 detention facility, who are in the detention custody of the Department of Juvenile
27 Justice, and who are placed in a nonsecure alternative by the Department of

- 1 Juvenile Justice, shall be supervised by the Department of Juvenile Justice;
- 2 (45) "Out-of-home placement" means a placement other than in the home of a parent,
3 relative, or guardian, in a boarding home, clinical treatment facility, community-
4 based facility, detention facility, emergency shelter, fictive kin home, foster family
5 home, hospital, nonsecure facility, physically secure facility, residential treatment
6 facility, or youth alternative center;
- 7 (46) "Parent" means the biological or adoptive mother or father of a child;
- 8 (47) "Person exercising custodial control or supervision" means a person or agency that
9 has assumed the role and responsibility of a parent or guardian for the child, but that
10 does not necessarily have legal custody of the child;
- 11 (48) "Petition" means a verified statement, setting forth allegations in regard to the child,
12 which initiates formal court involvement in the child's case;
- 13 (49) "Physical injury" means substantial physical pain or any impairment of physical
14 condition;
- 15 (50) "Physically secure facility" means a facility that relies primarily on the use of
16 construction and hardware such as locks, bars, and fences to restrict freedom;
- 17 (51) "Public offense action" means an action, excluding contempt, brought in the interest
18 of a child who is accused of committing an offense under KRS Chapter 527 or a
19 public offense which, if committed by an adult, would be a crime, whether the same
20 is a felony, misdemeanor, or violation, other than an action alleging that a child
21 sixteen (16) years of age or older has committed a motor vehicle offense;
- 22 (52) "Qualified mental health professional" means:
- 23 (a) A physician licensed under the laws of Kentucky to practice medicine or
24 osteopathy, or a medical officer of the government of the United States while
25 engaged in the performance of official duties;
- 26 (b) A psychiatrist licensed under the laws of Kentucky to practice medicine or
27 osteopathy, or a medical officer of the government of the United States while

- 1 engaged in the practice of official duties, and who is certified or eligible to
2 apply for certification by the American Board of Psychiatry and Neurology,
3 Inc.;
- 4 (c) A psychologist with the health service provider designation, a psychological
5 practitioner, a certified psychologist, or a psychological associate licensed
6 under the provisions of KRS Chapter 319;
- 7 (d) A licensed registered nurse with a master's degree in psychiatric nursing from
8 an accredited institution and two (2) years of clinical experience with mentally
9 ill persons, or a licensed registered nurse with a bachelor's degree in nursing
10 from an accredited institution who is certified as a psychiatric and mental
11 health nurse by the American Nurses Association and who has three (3) years
12 of inpatient or outpatient clinical experience in psychiatric nursing and who is
13 currently employed by a hospital or forensic psychiatric facility licensed by
14 the Commonwealth or a psychiatric unit of a general hospital or a regional
15 comprehensive care center;
- 16 (e) A licensed clinical social worker licensed under the provisions of KRS
17 335.100, or a certified social worker licensed under the provisions of KRS
18 335.080 with three (3) years of inpatient or outpatient clinical experience in
19 psychiatric social work and currently employed by a hospital or forensic
20 psychiatric facility licensed by the Commonwealth or a psychiatric unit of a
21 general hospital or a regional comprehensive care center;
- 22 (f) A marriage and family therapist licensed under the provisions of KRS 335.300
23 to 335.399 with three (3) years of inpatient or outpatient clinical experience in
24 psychiatric mental health practice and currently employed by a hospital or
25 forensic psychiatric facility licensed by the Commonwealth, a psychiatric unit
26 of a general hospital, or a regional comprehensive care center; or
- 27 (g) A professional counselor credentialed under the provisions of KRS 335.500 to

- 1 335.599 with three (3) years of inpatient or outpatient clinical experience in
2 psychiatric mental health practice and currently employed by a hospital or
3 forensic facility licensed by the Commonwealth, a psychiatric unit of a general
4 hospital, or a regional comprehensive care center;
- 5 (53) "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C.
6 sec. 675(10);
- 7 (54) "Residential treatment facility" means a facility or group home with more than eight
8 (8) beds designated by the Department of Juvenile Justice or the cabinet for the
9 treatment of children;
- 10 (55) "Retain in custody" means, after a child has been taken into custody, the continued
11 holding of the child by a peace officer for a period of time not to exceed twelve (12)
12 hours when authorized by the court or the court-designated worker for the purpose
13 of making preliminary inquiries;
- 14 (56) "Risk and needs assessment" means an actuarial tool scientifically proven to
15 identify specific factors and needs that are related to delinquent and noncriminal
16 misconduct;
- 17 (57) "School personnel" means those certified persons under the supervision of the local
18 public or private education agency;
- 19 (58) "Secretary" means the secretary of the Cabinet for Health and Family Services;
- 20 (59) "Secure juvenile detention facility" means any physically secure facility used for the
21 secure detention of children other than any facility in which adult prisoners are
22 confined;
- 23 (60) "Serious physical injury" means physical injury which creates a substantial risk of
24 death or which causes serious and prolonged disfigurement, prolonged impairment
25 of health, or prolonged loss or impairment of the function of any bodily member or
26 organ;
- 27 (61) "Sexual abuse" includes but is not necessarily limited to any contacts or interactions

1 in which the parent, guardian, person in a position of authority or special trust, as
2 defined in KRS 532.045, or other person having custodial control or supervision of
3 the child or responsibility for his or her welfare, uses or allows, permits, or
4 encourages the use of the child for the purposes of the sexual stimulation of the
5 perpetrator or another person;

6 (62) "Sexual exploitation" includes but is not limited to a situation in which a parent,
7 guardian, person in a position of authority or special trust, as defined in KRS
8 532.045, or other person having custodial control or supervision of a child or
9 responsible for his or her welfare, allows, permits, or encourages the child to engage
10 in an act which constitutes prostitution under Kentucky law; or a parent, guardian,
11 person in a position of authority or special trust, as defined in KRS 532.045, or
12 other person having custodial control or supervision of a child or responsible for his
13 or her welfare, allows, permits, or encourages the child to engage in an act of
14 obscene or pornographic photographing, filming, or depicting of a child as provided
15 for under Kentucky law;

16 (63) "Social service worker" means any employee of the cabinet or any private agency
17 designated as such by the secretary of the cabinet or a social worker employed by a
18 county or city who has been approved by the cabinet to provide, under its
19 supervision, services to families and children;

20 (64) "Staff secure facility for residential treatment" means any setting which assures that
21 all entrances and exits are under the exclusive control of the facility staff, and in
22 which a child may reside for the purpose of receiving treatment;

23 (65) (a) "Status offense action" is any action brought in the interest of a child who is
24 accused of committing acts, which if committed by an adult, would not be a
25 crime. Such behavior shall not be considered criminal or delinquent and such
26 children shall be termed status offenders. Status offenses shall include:

27 1. Beyond the control of school or beyond the control of parents;

- 1 2. Habitual Runaway;
- 2 3. Habitual truant;
- 3 4. Tobacco offenses as provided in KRS 438.305 to 438.340; and
- 4 5. Alcohol offenses as provided in KRS 244.085.
- 5 (b) Status offenses shall not include violations of state or local ordinances which
- 6 may apply to children such as a violation of curfew;
- 7 (66) "Take into custody" means the procedure by which a peace officer or other
- 8 authorized person initially assumes custody of a child. A child may be taken into
- 9 custody for a period of time not to exceed two (2) hours;
- 10 (67) "Transitional living support" means all benefits to which an eligible youth is
- 11 entitled upon being granted extended or reinstated commitment to the cabinet by the
- 12 court;
- 13 (68) "Transition plan" means a plan that is personalized at the direction of the youth that:
- 14 (a) Includes specific options on housing, health insurance, education, local
- 15 opportunities for mentors and continuing support services, and workforce
- 16 supports and employment services; and
- 17 (b) Is as detailed as the youth may elect;
- 18 (69) "Valid court order" means a court order issued by a judge to a child alleged or found
- 19 to be a status offender:
- 20 (a) Who was brought before the court and made subject to the order;
- 21 (b) Whose future conduct was regulated by the order;
- 22 (c) Who was given written and verbal warning of the consequences of the
- 23 violation of the order at the time the order was issued and whose attorney or
- 24 parent or legal guardian was also provided with a written notice of the
- 25 consequences of violation of the order, which notification is reflected in the
- 26 record of the court proceedings; and
- 27 (d) Who received, before the issuance of the order, the full due process rights

1 guaranteed by the Constitution of the United States;

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

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

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

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

11 (1) The cabinet is authorized to expend available funds to provide for the board,
12 lodging, and care of children who would otherwise be placed in foster care or who
13 are placed by the cabinet in a foster home or boarding home, or may arrange for
14 payments or contributions by any local governmental unit, or public or private
15 agency or organization, willing to make payments or contributions for such purpose.
16 The cabinet may accept any gift, devise, or bequest made to it for its purposes.

17 (2) The cabinet shall establish a reimbursement system, within existing appropriation
18 amounts, for foster parents that comes as close as possible to meeting the actual cost
19 of caring for foster children. The cabinet shall consider providing additional
20 reimbursement for foster parents who obtain additional training, and foster parents
21 who have served for an extended period of time. In establishing a reimbursement
22 system, the cabinet shall, to the extent possible within existing appropriation
23 amounts, address the additional cost associated with providing care to children with
24 exceptional needs.

25 (3) The cabinet shall review reimbursement rates paid to foster parents on a biennial
26 basis and shall issue a report in October of each odd-numbered year to the
27 Legislative Research Commission comparing the rates paid by Kentucky to the

1 figures presented in the Expenditures on Children by Families Annual Report
 2 prepared by the United States Department of Agriculture and the rates paid to foster
 3 parents by other states. To the extent that funding is available, reimbursement rates
 4 paid to foster parents shall be increased on an annual basis to reflect cost of living
 5 increases.

6 (4) The cabinet is encouraged to develop pilot projects both within the state system and
 7 in collaboration with private child caring agencies to test alternative delivery
 8 systems and nontraditional funding mechanisms.

9 (5) To the extent funds are available, the cabinet may establish a program for kinship
 10 care, monetary provisions for relative caregivers, a guardianship assistance
 11 program under Federal Title IV-E of the Social Security Act, and other relative
 12 caregiver and fictive kin services that support~~[provides]~~ a safe, developmentally
 13 appropriate, and more permanent placement with a qualified relative or fictive kin
 14 for a child who~~[that]~~ would otherwise be placed in another out-of-home
 15 placement~~[foster care due to abuse, neglect, or death of both parents].~~

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

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

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

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

24 ~~(7) Foster parents shall have the authority to make decisions regarding haircuts and~~
 25 ~~hairstyles for foster children who are in their care for thirty (30) days or more.]~~

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

27 (1) After a public or status offense petition has been filed and after such further

1 investigation as the court may direct, unless the parties appear voluntarily, the court
2 shall issue a summons briefly reciting the substance of the petition and requiring the
3 person who has the custody or control of the child to appear personally and bring
4 the child before the court at a time and place stated. If the person so summoned is
5 other than a parent or guardian of the child, the parent or guardian or both shall also
6 be notified of the pendency of the proceeding and of the time and place appointed.
7 Summons may be issued requiring the appearance of any other person whose
8 presence, in the opinion of the judge, is necessary.

9 (2) The summons and notice provided for in subsection (1) of this section shall be
10 served personally by the delivery of a copy thereof to the person summoned, unless
11 the judge is satisfied that personal service would be impracticable, in which event
12 the judge may order service by mail addressed to the last known address. Service by
13 mail shall be deemed to be effected upon mailing. Notice by mail shall be presumed
14 sufficient if mailed at least forty-eight (48) hours before the time for appearance
15 specified in the summons or notice.

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

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

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

27 **(1) If the cabinet determines that a child, who is in the custody of the cabinet**

1 through an emergency, temporary, or permanent court order as a result of
 2 dependency, neglect, or abuse and is in foster care, should be moved from a
 3 current placement to a new placement or reunified with their family, the cabinet
 4 shall provide verbal and written notification to the foster parents at least seven (7)
 5 calendar days prior to the new placement or reunification occurring.

6 (2) The cabinet's mandate to provide the notification required by this section shall
 7 not be required if the cabinet determines the child is in eminent danger.

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

10 Testimony offered by an alleged responsible parent or person exercising custodial
 11 control or supervision in an adjudication of a petition under this chapter for
 12 dependency, abuse, or neglect shall not be admissible in any criminal proceeding for
 13 charges arising from the same transaction or occurrence except for the purposes of
 14 impeachment.

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

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

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

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

24 (1) Anyone acting upon reasonable cause in the making of a report or acting under KRS
 25 620.030 to 620.050 in good faith shall have immunity from any liability, civil or
 26 criminal, that might otherwise be incurred or imposed. Any such participant shall
 27 have the same immunity with respect to participation in any judicial proceeding

- 1 resulting from such report or action. However, any person who knowingly makes a
2 false report and does so with malice shall be guilty of a Class A misdemeanor.
- 3 (2) Any employee or designated agent of a children's advocacy center shall be immune
4 from any civil liability arising from performance within the scope of the person's
5 duties as provided in KRS 620.030 to 620.050. Any such person shall have the
6 same immunity with respect to participation in any judicial proceeding. Nothing in
7 this subsection shall limit liability for negligence. Upon the request of an employee
8 or designated agent of a children's advocacy center, the Attorney General shall
9 provide for the defense of any civil action brought against the employee or
10 designated agent as provided under KRS 12.211 to 12.215.
- 11 (3) Neither the husband-wife nor any professional-client/patient privilege, except the
12 attorney-client and clergy-penitent privilege, shall be a ground for refusing to report
13 under this section or for excluding evidence regarding a dependent, neglected, or
14 abused child or the cause thereof, in any judicial proceedings resulting from a report
15 pursuant to this section. This subsection shall also apply in any criminal proceeding
16 in District or Circuit Court regarding a dependent, neglected, or abused child.
- 17 (4) Upon receipt of a report of an abused, neglected, or dependent child pursuant to this
18 chapter, the cabinet as the designated agency or its delegated representative shall
19 initiate a prompt investigation or assessment of family needs, take necessary action,
20 and shall offer protective services toward safeguarding the welfare of the child. The
21 cabinet shall work toward preventing further dependency, neglect, or abuse of the
22 child or any other child under the same care, and preserve and strengthen family
23 life, where possible, by enhancing parental capacity for adequate child care.
- 24 (5) The report of suspected child abuse, neglect, or dependency and all information
25 obtained by the cabinet or its delegated representative, as a result of an investigation
26 or assessment made pursuant to this chapter, except for those records provided for
27 in subsection (6) of this section, shall not be divulged to anyone except:

- 1 (a) Persons suspected of causing dependency, neglect, or abuse;
- 2 (b) The custodial parent or legal guardian of the child alleged to be dependent,
3 neglected, or abused;
- 4 (c) Persons within the cabinet with a legitimate interest or responsibility related to
5 the case;
- 6 (d) A licensed child-caring facility or child-placing agency evaluating placement
7 for or serving a child who is believed to be the victim of an abuse, neglect, or
8 dependency report;
- 9 (e) Other medical, psychological, educational, or social service agencies, child
10 care administrators, corrections personnel, or law enforcement agencies,
11 including the county attorney's office, the coroner, and the local child fatality
12 response team, that have a legitimate interest in the case;
- 13 (f) A noncustodial parent when the dependency, neglect, or abuse is
14 substantiated;
- 15 (g) Members of multidisciplinary teams as defined by KRS 620.020 and which
16 operate pursuant to KRS 431.600;
- 17 (h) Employees or designated agents of a children's advocacy center;
- 18 (i) Those persons so authorized by court order; or
- 19 (j) The external child fatality and near fatality review panel established by KRS
20 620.055.
- 21 (6) (a) Files, reports, notes, photographs, records, electronic and other
22 communications, and working papers used or developed by a children's
23 advocacy center in providing services under this chapter are confidential and
24 shall not be disclosed except to the following persons:
- 25 1. Staff employed by the cabinet, law enforcement officers, and
26 Commonwealth's and county attorneys who are directly involved in the
27 investigation or prosecution of the case, including a cabinet

1 **investigation or assessment of child abuse, neglect, and dependency in**
 2 **accordance with this chapter;**

3 2. Medical and mental health professionals listed by name in a release of
 4 information signed by the guardian of the child, provided that the
 5 information shared is limited to that necessary to promote the physical or
 6 psychological health of the child or to treat the child for abuse-related
 7 symptoms;

8 3. The court and those persons so authorized by a court order;~~[-and]~~

9 4. The external child fatality and near fatality review panel established by
 10 KRS 620.055; **and**

11 **5. The parties to an administrative hearing conducted by the cabinet or**
 12 **its designee in accordance with KRS Chapter 13B in an appeal of a**
 13 **cabinet-substantiated finding of child abuse or neglect. Following the**
 14 **administrative hearing and any judicial appeals, the parties to the**
 15 **administrative hearing shall return all files, reports, notes,**
 16 **photographs, records, electronic and other communications, and**
 17 **working papers used or developed by the children's advocacy center to**
 18 **the cabinet.**

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

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

25 (8) Nothing in this section shall prohibit employees or designated agents of a children's
 26 advocacy center from disclosing information during a multidisciplinary team review
 27 of a child sexual abuse case as set forth under KRS 620.040. Persons receiving this

1 information shall sign a confidentiality statement consistent with statutory
2 prohibitions on disclosure of this information.

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

8 (10) (a) An interview of a child recorded at a children's advocacy center shall not be
9 duplicated, except that the Commonwealth's or county attorney prosecuting
10 the case may:

- 11 1. Make and retain one (1) copy of the interview; and
- 12 2. Make one (1) copy for the defendant's or respondent's counsel that the
13 defendant's or respondent's counsel shall not duplicate.

14 (b) The defendant's or respondent's counsel shall file the copy with the court
15 clerk at the close of the case.

16 (c) Unless objected to by the victim or victims, the court, on its own motion, or
17 on motion of the attorney for the Commonwealth shall order all recorded
18 interviews that are introduced into evidence or are in the possession of the
19 children's advocacy center, law enforcement, the prosecution, or the court to
20 be sealed.

21 (d) The provisions of this subsection shall not be construed as to contravene the
22 Rules of Criminal Procedure relating to discovery.

23 (11) Identifying information concerning the individual initiating the report under KRS
24 620.030 shall not be disclosed except:

- 25 (a) To law enforcement officials that have a legitimate interest in the case;
- 26 (b) To the agency designated by the cabinet to investigate or assess the report;
- 27 (c) To members of multidisciplinary teams as defined by KRS 620.020 that

1 operated under KRS 431.600

2 (d) Under a court order, after the court has conducted an in camera review of the
3 record of the state related to the report and has found reasonable cause to
4 believe that the reporter knowingly made a false report; or

5 (e) The external child fatality and near fatality review panel established by KRS
6 620.055.

7 (12) (a) Information may be publicly disclosed by the cabinet in a case where child
8 abuse or neglect has resulted in a child fatality or near fatality.

9 (b) The cabinet shall conduct an internal review of any case where child abuse or
10 neglect has resulted in a child fatality or near fatality and the cabinet had prior
11 involvement with the child or family. The cabinet shall prepare a summary
12 that includes an account of:

13 1. The cabinet's actions and any policy or personnel changes taken or to be
14 taken, including the results of appeals, as a result of the findings from
15 the internal review; and

16 2. Any cooperation, assistance, or information from any agency of the state
17 or any other agency, institution, or facility providing services to the child
18 or family that were requested and received by the cabinet during the
19 investigation of a child fatality or near fatality.

20 (c) The cabinet shall submit a report by September 1 of each year containing an
21 analysis of all summaries of internal reviews occurring during the previous
22 year and an analysis of historical trends to the Governor, the General
23 Assembly, and the state child fatality review team created under KRS
24 211.684.

25 (13) When an adult who is the subject of information made confidential by subsection
26 (5) of this section publicly reveals or causes to be revealed any significant part of
27 the confidential matter or information, the confidentiality afforded by subsection (5)

1 of this section is presumed voluntarily waived, and confidential information and
2 records about the person making or causing the public disclosure, not already
3 disclosed but related to the information made public, may be disclosed if disclosure
4 is in the best interest of the child or is necessary for the administration of the
5 cabinet's duties under this chapter.

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

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

- 21 (a) Evaluating or arranging a placement for the child;
- 22 (b) Arranging appropriate treatment services for the child; or
- 23 (c) Establishing visitation between the child and a relative, including a sibling of
24 the child.

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

26 (1) The court for the county where the child ordinarily resides or will reside or the
27 county where the child is present may issue an ex parte emergency custody order

1 when it appears to the court that removal is in the best interest of the child and that
2 there are reasonable grounds to believe, as supported by affidavit or by recorded
3 sworn testimony, that one (1) or more of the following conditions exist and that the
4 parents or other person exercising custodial control or supervision are unable or
5 unwilling to protect the child:

6 (a) The child is in danger of imminent death or serious physical injury or is being
7 sexually abused;

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

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

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

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

25 (4) Any person authorized to serve process shall serve the parent or other person
26 exercising custodial control or supervision with a copy of the emergency custody
27 order. If such person cannot be found, the sheriff shall make a good faith effort to

1 notify the nearest known relative, neighbor, or other person familiar with the child.

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

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

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

8 (1) A dependency, neglect, or abuse action may be commenced by the filing of a
9 petition by any interested person in the juvenile session of the District Court.

10 (2) After a petition has been filed, the clerk of the court shall issue, and the sheriff or
11 other person authorized to serve process, except an employee of the Cabinet for
12 Health and Family Services,~~[agent]~~ shall serve, a copy of the petition and a
13 summons to the parent or other person exercising custodial control or supervision,
14 unless their identity or location is unknown, in which case the petition and
15 summons shall be served as directed by the court, which means may include
16 service on the nearest known adult relative, service by mail to the last known
17 address, or other service directed by the court and given in a manner reasonably
18 calculated to give actual notice. Service may be by warning order if other means
19 are not effective~~[on the nearest known adult relative].~~

20 (3) The summons shall include an explanation of the importance of the petition and an
21 explanation of the rights of the parent or other person exercising custodial control in
22 any subsequent proceedings. The summons shall emphasize the importance of
23 immediately contacting the court about legal representation and to be advised of the
24 date, time, and place when the parent or other person exercising custodial control or
25 supervision is to appear before the court. The summons shall include written
26 notification that the case may be reviewed by a local citizen foster care review
27 board and the report of the board review shall become part of the court record.

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

- 2 (1) The cabinet may promulgate administrative regulations to implement the provisions
3 of this chapter. The cabinet may also promulgate administrative regulations
4 pursuant to the requirements of Public Law 96-272 as to the maximum number of
5 children who at any time during a fiscal year, will remain in foster care after having
6 been in such care for a period in excess of twenty-four (24) months, together with
7 the steps to be taken to achieve such goal.
- 8 (2) The cabinet shall promulgate administrative regulations to provide the following:
- 9 (a) The method used to periodically review the status of children placed in foster
10 family homes which shall include, but not be limited to, the following:
- 11 1. Within thirty (30)~~five (5)~~ days, exclusive of weekends and holidays, of
12 the temporary removal hearing provided for in this chapter, a case
13 conference shall be held on all children placed with the cabinet for the
14 purpose of establishing a specific treatment plan which may include
15 preventive and reunification services for the child and his parent or other
16 person exercising custodial control or supervision. Additional case
17 conferences and reviews shall be held as appropriate, but shall be held at
18 least every six (6) months. The parent or other person exercising
19 custodial control or supervision and his counsel, if any, shall have the
20 right to be present at and participate in such conferences. The child; the
21 child's attorney, if any; the parent or other person exercising custodial
22 control or supervision and his attorney of record, if any; and the county
23 attorney shall be notified of, and may be present at and participate in
24 such conferences;
- 25 2. On-going case work and supportive services shall be provided as
26 indicated to best meet the needs of the child as established by the review
27 and planning process; and

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

3 (b) The procedures for reporting to a committing court the status and plans for
4 children committed to the cabinet as dependent, neglected or abused and
5 placed in foster family homes; and

6 (c) By January 1, 2019, the establishment and implementation of the processes,
7 procedures, and requirements to ensure that children committed to the
8 cabinet as dependent, neglected, or abused and placed in foster family
9 homes are timely reunified with their biological family or identified for and
10 placed in a new permanent home. These processes, procedures, and
11 requirements shall include but not be limited to the following:

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

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

19 3. A petition to the committing court seeking the termination of parental
20 rights and authority to place the child for adoption in accordance with
21 this chapter and KRS Chapter 625 no later than after a child has been
22 committed to the cabinet for a total of fifteen (15) cumulative months;
23 and

24 4. A plan to ensure, no longer than thirty (30) working days after a court
25 enters a judgment of termination of parental rights to a child that is
26 committed to the cabinet, that the cabinet shall complete and submit
27 all work to the court related to the child's case.

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

- 2 (1) Subject to the provisions of KRS 620.230, the local citizen foster care review board
3 shall review the case of each child placed in the custody of the cabinet by an order
4 of temporary custody or commitment by the court in the county or counties which
5 the local board serves. The review shall occur at least once every six (6) months
6 until the child is no longer in the custody of the cabinet or until an adoption
7 proceeding becomes final.
- 8 (2) During each six (6) month review, the local citizen foster care review board shall
9 review:
- 10 (a) The past, current, and future status of the child and his placement as shown
11 through the case permanency plan, case record, case progress reports
12 submitted by the cabinet, and other information as the board may require;
- 13 (b) The efforts or adjustment the parent has made in his circumstances, conduct,
14 or conditions to make it in the child's best interest to return him to his home
15 within a reasonable period of time considering the age of the child;
- 16 (c) The efforts of the cabinet to locate and provide services to the biological
17 parents of the child;
- 18 (d) The efforts of the cabinet and other agencies to facilitate the return of the child
19 to the home or to find an alternative permanent placement if reunion with the
20 parent or previous custodian is not feasible. The cabinet shall report to the
21 board all factors which either favor or mitigate against any decision or
22 alternative with regard to these matters; and
- 23 (e) Any problems, solutions, or alternatives which may be capable of exploration,
24 or other matters with regard to the child as the cabinet or the board determine
25 to be explored with regard to the best interests of the state or of the child.
- 26 (3) Upon completion of a training curriculum developed and provided jointly by the
27 Administrative Office of the Courts and by the Department for Community Based

1 Services and approved by the state review board in regard to child sexual abuse, the
 2 local citizen foster care review board may review, at the discretion of the board, a
 3 sample of all petitions filed in the District Court of the county served by the board
 4 alleging sexual abuse of any child, not to exceed two hundred (200) petitions per
 5 year statewide, in order to determine the adequacy of the investigation, and the
 6 appropriateness of findings, adjudication, and disposition of the court. The board
 7 shall have access to all records of the cabinet, medical professionals, and law
 8 enforcement agencies pertaining to these cases. The board shall provide the cabinet
 9 and the court a full report of the findings and recommendations concerning the
 10 review.

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

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

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

- 26 (a) Whether there is a plan for permanence;
- 27 (b) Whether the plan is progressing; and

1 (c) The appropriateness of the current placement or plan for permanence. If the
2 local foster care review board determines that a current placement or plan for
3 permanence is inappropriate, a ~~separate~~ notification shall be provided to the
4 court, and the cabinet which shall summarize the position of the local foster
5 care review board, the response of the cabinet, if any, to the concerns
6 expressed by the local foster care review board, and any action proposed by
7 the local foster care review board.

8 (2) The local foster care review board shall submit to the court, with a copy to the
9 cabinet, within fourteen (14) days of each meeting of the board, a list of each case
10 reviewed in which a child has been moved three (3) or more times within a six (6)
11 month period. The list shall include the name of the case, the court number, if
12 available, the cabinet case number, the age, sex, and race of the child, and the
13 number of moves that have occurred.

14 ➔Section 25. KRS 620.310 is amended to read as follows:

15 (1) There is hereby established a State Citizen Foster Care Review Board. The State
16 Citizen Foster Care Review Board shall consist of all chairmen of the local foster
17 care review boards.

18 (2) The State Citizen Foster Care Review Board shall **biennially**~~annually~~ elect a
19 chairman and vice chairman to serve in the absence of the chairman.

20 (3) The State Citizen Foster Care Review Board shall meet at least annually, and more
21 frequently upon the call of the chairman, or as the board shall determine.

22 (4) Members of the State Citizen Foster Care Review Board may only receive
23 compensation for travel mileage cost and overnight lodging at a rate consistent with
24 that provided to state employees as provided under the law of the Commonwealth.

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

26 (1) The Circuit Court may involuntarily terminate all parental rights of a parent of a
27 named child, if the Circuit Court finds from the pleadings and by clear and

1 convincing evidence that:

- 2 (a) 1. The child has been adjudged to be an abused or neglected child, as
- 3 defined in KRS 600.020(1), by a court of competent jurisdiction;
- 4 2. The child is found to be an abused or neglected child, as defined in KRS
- 5 600.020(1), by the Circuit Court in this proceeding; or
- 6 3. The parent has been convicted of a criminal charge relating to the
- 7 physical or sexual abuse or neglect of any child and that physical or
- 8 sexual abuse, neglect, or emotional injury to the child named in the
- 9 present termination action is likely to occur if the parental rights are not
- 10 terminated;

11 **(b) The Cabinet for Health and Family Services has filed a petition with the**
 12 **court pursuant to Section 22 of this Act;** and

13 ~~(c)~~ Termination would be in the best interest of the child.

14 (2) No termination of parental rights shall be ordered unless the Circuit Court also finds
 15 by clear and convincing evidence the existence of one (1) or more of the following
 16 grounds:

- 17 (a) That the parent has abandoned the child for a period of not less than ninety
- 18 (90) days;
- 19 (b) That the parent has inflicted or allowed to be inflicted upon the child, by other
- 20 than accidental means, serious physical injury;
- 21 (c) That the parent has continuously or repeatedly inflicted or allowed to be
- 22 inflicted upon the child, by other than accidental means, physical injury or
- 23 emotional harm;
- 24 (d) That the parent has been convicted of a felony that involved the infliction of
- 25 serious physical injury to any child;
- 26 (e) That the parent, for a period of not less than six (6) months, has continuously
- 27 or repeatedly failed or refused to provide or has been substantially incapable

1 of providing essential parental care and protection for the child and that there
2 is no reasonable expectation of improvement in parental care and protection,
3 considering the age of the child;

4 (f) That the parent has caused or allowed the child to be sexually abused or
5 exploited;

6 (g) That the parent, for reasons other than poverty alone, has continuously or
7 repeatedly failed to provide or is incapable of providing essential food,
8 clothing, shelter, medical care, or education reasonably necessary and
9 available for the child's well-being and that there is no reasonable expectation
10 of significant improvement in the parent's conduct in the immediately
11 foreseeable future, considering the age of the child;

12 (h) That:

13 1. The parent's parental rights to another child have been involuntarily
14 terminated;

15 2. The child named in the present termination action was born subsequent
16 to or during the pendency of the previous termination; and

17 3. The conditions or factors which were the basis for the previous
18 termination finding have not been corrected;

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

22 (j) That the child has been in foster care under the responsibility of the cabinet
23 for fifteen (15) cumulative ~~[of the most recent twenty-two (22)]~~ months
24 preceding the filing of the petition to terminate parental rights.

25 (3) In determining the best interest of the child and the existence of a ground for
26 termination, the Circuit Court shall consider the following factors:

27 (a) Mental illness as defined by KRS 202A.011(9), or an intellectual disability as

- 1 defined by KRS 202B.010(9) of the parent as certified by a qualified mental
2 health professional, which renders the parent consistently unable to care for
3 the immediate and ongoing physical or psychological needs of the child for
4 extended periods of time;
- 5 (b) Acts of abuse or neglect as defined in KRS 600.020(1) toward any child in the
6 family;
- 7 (c) If the child has been placed with the cabinet, whether the cabinet has, prior to
8 the filing of the petition made reasonable efforts as defined in KRS 620.020 to
9 reunite the child with the parents unless one or more of the circumstances
10 enumerated in KRS 610.127 for not requiring reasonable efforts have been
11 substantiated in a written finding by the District Court;
- 12 (d) The efforts and adjustments the parent has made in his circumstances,
13 conduct, or conditions to make it in the child's best interest to return him to his
14 home within a reasonable period of time, considering the age of the child;
- 15 (e) The physical, emotional, and mental health of the child and the prospects for
16 the improvement of the child's welfare if termination is ordered; and
- 17 (f) The payment or the failure to pay a reasonable portion of substitute physical
18 care and maintenance if financially able to do so.
- 19 (4) If the child has been placed with the cabinet, the parent may present testimony
20 concerning the reunification services offered by the cabinet and whether additional
21 services would be likely to bring about lasting parental adjustment enabling a return
22 of the child to the parent.
- 23 (5) If the parent proves by a preponderance of the evidence that the child will not
24 continue to be an abused or neglected child as defined in KRS 600.020(1) if
25 returned to the parent the court in its discretion may determine not to terminate
26 parental rights.
- 27 (6) Upon the conclusion of proof and argument of counsel, the Circuit Court shall enter

1 findings of fact, conclusions of law, and a decision as to each parent-respondent
2 within thirty (30) days either:

- 3 (a) Terminating the right of the parent; or
4 (b) Dismissing the petition and stating whether the child shall be returned to the
5 parent or shall remain in the custody of the state.

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

7 Any order for the involuntary termination of parental rights shall be conclusive and
8 binding on all parties, except that an appeal made within thirty (30) days may be taken
9 from a judgment or order of the Circuit Court involuntarily terminating parental rights in
10 accordance with the Kentucky Rules of Civil Procedure.

11 ➔SECTION 28. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO
12 READ AS FOLLOWS:

13 (1) As used in this section, "putative father" means a male who may be a child's
14 father, but who:

15 (a) Is not married to the child's mother on or before the date that the child is
16 born;

17 (b) Has not established paternity of the child in a court or agency proceeding in
18 this or another state before the filing of a petition for adoption of the child;

19 or

20 (c) Has not completed an acknowledgment of paternity affidavit before the
21 filing of a petition for adoption of the child.

22 (2) The cabinet shall establish a putative father registry and promulgate
23 administrative regulations to administer the registry in accordance with this
24 section.

25 (3) (a) A putative father may register with the putative father registry by providing
26 the following information to the cabinet:

27 1. The putative father's name, date of birth, place of birth, place of

1 residence, and an address at which he may be served with notice of the
2 filing of a petition for adoption;

3 2. The mother's name, date of birth, place of birth, place of residence,
4 and mailing address, if known; and

5 3. Any other information described in subsection (4) of this section that
6 is known to the putative father.

7 (b) A putative father who registers under this section is responsible for:

8 1. Verifying with the cabinet the accuracy of the registration; and

9 2. Submitting to the cabinet an amended registration each time the
10 information supplied by the putative father changes.

11 (c) A putative father who has registered pursuant to this section may revoke a
12 registration at any time.

13 (4) The cabinet shall maintain the following information in the putative father
14 registry:

15 (a) The putative father's name, date of birth, place of birth, place of residence,
16 and an address at which he may be served with notice of the filing of a
17 petition for adoption;

18 (b) The mother's name, date of birth, place of birth, place of residence, and
19 mailing address, if known;

20 (c) The child's name, date of birth, and place of birth, if known;

21 (d) The date that the cabinet receives a putative father's registration;

22 (e) The name of any attorney or agency that requests the cabinet to search the
23 registry pursuant to Section 29 of this Act and the date of the request; and

24 (f) Any other information that the cabinet determines is necessary to access the
25 information in the registry.

26 (5) If a child's mother provides the name of a potential putative father and his place
27 of residence and mailing address, if known, to the cabinet, the cabinet shall, to

1 the best of its ability, notify the potential putative father to inform him of his
2 opportunity to register with the putative father registry.

3 (6) The cabinet shall store the registry's data so that it is accessible under the
4 following:

5 (a) The putative father's name;

6 (b) The mother's name; or

7 (c) The child's name.

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

10 (a) A putative father;

11 (b) A mother;

12 (c) A child;

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

14 (e) An attorney who represents:

15 1. Prospective adoptive parents;

16 2. Petitioners in an adoption;

17 3. A mother;

18 4. A putative father; or

19 5. A child-placing agency;

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

21 1. Prospective adoptive parents;

22 2. Petitioners in an adoption;

23 3. A mother; or

24 4. A putative father; or

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

26 (8) The cabinet may release the certified copy of the registration form to a person
27 under subsection (7)(a) to (c) of this section only if the information contained in

1 the registration form names the requesting person.

2 (9) A person who makes a request pursuant to this section shall state that the
3 requesting person is entitled to receive the information under this section.

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

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

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

1 or contributed to the death of another child as a result of physical or sexual
 2 abuse or neglect; or

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

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

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

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

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

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

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

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

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

25 (2) Prior to the approval of an application to place or receive a child, the fee required
 26 pursuant to subsection (13) of this section shall be paid and a home study shall be
 27 completed. The purpose of the home study shall be to review the background of the

1 applicant and determine the suitability of the applicant to receive a child, taking into
2 account at all times the best interest of the child for whom application to receive has
3 been made.

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

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

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

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

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

24 (4) The adoption worker making the home study shall make a finding in writing
25 recommending either that the application be granted or that the application be
26 denied. The recommendation of the adoption worker shall then be reviewed by the
27 secretary.

- 1 (5) Based on the report and recommendation of the adoption worker making the home
2 study, the secretary shall grant or refuse permission for the applicant to place or
3 receive a child as early as practicable, but, in any case, the decision shall be made
4 within sixty (60) days after the receipt of the application. In reaching a decision, the
5 secretary shall be guided by the ability of the persons wishing to receive the child to
6 give the child a suitable home, and shall at all times consider the best interest of the
7 child from a financial, medical, psychological, and psychiatric standpoint.
- 8 (6) If the application is refused, the secretary shall in general terms furnish in writing
9 the reasons for his or her refusal.
- 10 (7) Any person who seeks temporary custody of a child prior to the secretary's ruling on
11 an application for adoption shall file a petition seeking temporary custody, with a
12 notice of intent to adopt, with the Circuit Court that will have jurisdiction of the
13 adoption proceedings. The clerk of the court shall send a notice of the filing of the
14 petition to the cabinet. A hearing on the petition shall occur no later than seventy-
15 two (72) hours after the filing of the petition, excluding weekends and holidays.
16 Proceedings under this subsection shall be incorporated into the court's adoption
17 file. If the adoption is not finalized within six (6) months of the filing of the petition
18 and notice of intent, the court shall conduct a hearing on the status and custody of
19 the child.
- 20 (8) Upon a finding by the Circuit Court that the child should be placed prior to the
21 secretary's ruling on the application, the Circuit Court may grant the applicant
22 temporary custody of the child pending the decision of the secretary. Temporary
23 custody shall not be granted to an applicant unless a background check, including
24 but not limited to a criminal records check by the Justice and Public Safety Cabinet
25 or the Administrative Office of the Courts and a background check of child abuse
26 and neglect records maintained by the cabinet, has been submitted to and reviewed
27 by the court. The background check required for temporary custody shall be part of

1 the home study required under subsection (2) of this section. If the application is
2 denied by the secretary, the temporary custody order shall be set aside and, upon
3 motion of the cabinet or of the child's parent or parents, the Circuit Court may order
4 the child returned to the biological parent or parents or the child's custody may be
5 awarded to the cabinet, another licensed child-placing agency, or other individuals
6 deemed appropriate by the court. This section shall not be deemed to permit the
7 completion of any adoption proceeding without the approval of the secretary and
8 compliance with KRS 615.030, if required.

9 (9) In any case where the cabinet refuses to approve the placement of a child for
10 adoption when requested by the parent or parents of the child, or refuses the request
11 of any person or persons that a child be placed with that person or those persons for
12 adoption, the decision of the secretary in so refusing shall be final unless within ten
13 (10) days after notice of refusal, the biological or proposed adopting parent or
14 parents shall appeal to the Circuit Court of the county in which the adoption is
15 proposed. No placement shall be disapproved on the basis of the religious, ethnic,
16 racial, or interfaith background of the adoptive applicant, if the placement is made
17 with the consent of the parent.

18 (10) The cabinet may refuse to approve the placement of a child for adoption if the
19 child's custodial parent is unwilling for the child to be placed for adoption with the
20 proposed adoptive family. The cabinet may approve or deny the placement, in spite
21 of the fact that the custodial parent or parents are unwilling to be interviewed by the
22 cabinet or other approving entity, or if, after diligent efforts have been made, the
23 adoption worker is unable to locate or interview the custodial parent or parents. The
24 cabinet shall be made a party defendant to the appeal. In the hearing of an appeal,
25 the court shall review the findings of the secretary and shall determine if the
26 secretary has acted arbitrarily, unlawfully, or in a manner that constitutes an abuse
27 of discretion.

- 1 (11) If a child who does not fall within the exception provided for in KRS 199.470(4)~~[-or~~
2 (~~5~~) is placed or received in a home without the court's review of the background
3 check required under this section or the permission of the secretary for health and
4 family services, or if permission to receive a child has been denied, a representative
5 of the cabinet shall notify in writing or may petition the juvenile session of District
6 Court of the county in which the child is found setting out the facts concerning the
7 child. When the petition has been filed, the court shall take jurisdiction of the child
8 and shall provide for it as it would provide for a dependent, neglected, or abused
9 child under KRS Chapter 620, except that the child may not be placed in the home
10 of the applicants who are to receive the child unless permission to do so is granted
11 by the secretary or the action is ordered by a Kentucky court of competent
12 jurisdiction.
- 13 (12) When either the custodial parent or parents of the child to be placed or the persons
14 wishing to receive the child reside out-of-state, the requirement of KRS 615.030,
15 Interstate Compact on the Placement of Children, shall be met before the cabinet
16 gives approval for the child's placement.
- 17 (13) The secretary of the Cabinet for Health and Family Services shall be paid a
18 nonrefundable fee of two hundred dollars (\$200) upon the filing of the written
19 application for permission to place or receive a child. Payment shall be made by
20 certified or cashier's check only. All funds collected under this section shall be
21 deposited in a restricted account, which is hereby created, for the purpose of
22 subsidizing an adoptive parent for suitable care of a special-needs child as
23 authorized in KRS 199.555.
- 24 (14) Nothing in this statute shall be construed to limit the authority of the cabinet or a
25 child-placing institution or agency to determine the proper disposition of a child
26 committed to it by the juvenile session of District Court or the Circuit Court, prior
27 to the filing of an application to place or receive.

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

- 2 (1) The petition shall allege:
- 3 (a) The name, date, place of birth, place of residence, and mailing address of each
4 petitioner, and, if married, the date and place of their marriage;
- 5 (b) The name, date, place of birth, place of residence, and mailing address, if
6 known, of the child sought to be adopted;
- 7 (c) Relationship, if any, of the child to each petitioner;
- 8 (d) Full name by which the child shall be known after adoption;
- 9 (e) A full description of the property, if any, of the child so far as it is known to
10 the petitioner;
- 11 (f) The names of the parents of the child and the address of each living parent, if
12 known. The name of the biological father of a child born out of wedlock shall
13 not be given unless paternity is established in a legal action, or unless an
14 affidavit is filed stating that the affiant is the father of the child. If certified
15 copies of orders terminating parental rights are filed as provided in subsection
16 (2) of this section, the name of any parent whose rights have been terminated
17 shall not be given;
- 18 (g) The name and address of the child's guardian, if any, or of the cabinet,
19 institution, or agency having legal custody of the child;
- 20 (h) Any further facts necessary for the location of the person or persons whose
21 consent to the adoption is required, or whom KRS 199.480 requires to be
22 made a party to or notified of the proceeding; and
- 23 (i) If any fact required by this subsection to be alleged is unknown to the
24 petitioners, the lack of knowledge shall be alleged.
- 25 (2) There shall be filed with the petition certified copies of any orders terminating
26 parental rights. Any consent to adoption shall be filed prior to the entry of the
27 adoption judgment.

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

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

5 (1) A petition for the voluntary termination of parental rights shall be entitled "In the
6 interest of..., a child." The petition may be filed by a parent or counsel when the
7 appearance-waiver and consent-to-adopt forms are signed by the parent, counsel,
8 and cabinet representative under the conditions described in KRS 625.041(3) and
9 (4).

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

14 (a) Name and place of residence of each petitioner;

15 (b) Name, sex, date of birth, and place of residence of the child;

16 (c) Name and relationship of each petitioner to the child;

17 (d) A concise statement of the factual basis for the termination of parental rights;

18 (e) Name and address of the person or of the cabinet or authorized agency to
19 which parental rights are sought to be transferred; and

20 (f) A statement that the person, cabinet, or authorized agency to whom custody is
21 to be given has facilities available, is willing to receive the custody of the
22 child, and the person, if not excepted by KRS 199.470(4)~~[-or-(5)]~~, has applied
23 for the written permission of the secretary or the secretary's designee for the
24 child's placement. This provision shall not affect the right of a court to grant
25 temporary custody under KRS 199.473.

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

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

- 2 (1) Within three (3) days after a petition for the voluntary termination of parental rights
3 is filed, the Circuit Court shall set a date for a hearing which shall not be more than
4 thirty (30) calendar days after the petition is filed. In any case in which the child's
5 permanent custody is proposed to be transferred to an individual not excepted by
6 KRS 199.470(4)~~[-or-(5)]~~, a final order of termination shall be entered only if the
7 proposed custodian has received the written approval of the secretary or the
8 secretary's designee for the child's placement as required by KRS 199.473.
- 9 (2) The Circuit Court shall require notice to be served upon the local representative of
10 the cabinet in any case in which a statement from the cabinet of willingness to
11 accept custody of the child has not been filed with the petition, or custody of the
12 child is to be placed with an individual unless the placement has been approved by
13 the cabinet. It shall not be necessary to serve notice upon the cabinet if custody of
14 the child is to be placed with the cabinet or with a child-placing agency.
- 15 (3) Proceedings under this chapter shall be completed as soon as practicable. All
16 hearings shall be held before the Circuit Court privately for the purpose of
17 determining the facts.
- 18 (4) An official stenographic or mechanical record shall be made of the proceedings and
19 retained for a period of five (5) years.
- 20 (5) The best interests of the child shall be considered paramount, including but not
21 limited to matters relating to child support.
- 22 (6) At the time of the hearing, the Circuit Court, after full and complete inquiry, shall
23 determine whether each petitioner is fully aware of the purpose of the proceedings
24 and the consequences of the provisions of this chapter.

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

- 26 (1) If the Circuit Court determines that parental rights are to be voluntarily terminated
27 in accordance with the provisions of this chapter, it shall make an order terminating

1 all parental rights and obligations of the parent and releasing the child from all legal
2 obligations to the parent and vesting care and custody of the child in the person,
3 agency, or cabinet the court believes is best qualified to receive custody.

4 (2) Upon consent by the Cabinet for Health and Family Services, the child may be
5 declared a ward of the state and custody vested in the cabinet or in any child-placing
6 agency or child-caring facility licensed by the cabinet or in another person if all
7 persons with parental rights to the child under the law have had their rights
8 terminated voluntarily or involuntarily. If the other person is not excepted by KRS
9 199.470(4)~~or (5)~~, a grant of permanent custody shall be made only if the proposed
10 custodian has received the written approval of the secretary or the secretary's
11 designee for the child's placement.

12 ➔Section 41. The secretary of the Cabinet for Health and Family Services shall
13 designate a study group to make recommendations regarding the feasibility and
14 implementation of the privatization of all foster care services in the Commonwealth. In its
15 deliberations, the study group shall include but not be limited to analysis of improved
16 timeliness and likelihood of permanency such as reunification, adoption, or guardianship,
17 fewer moves for children in foster care, reduced instances of re-entries into care, and
18 financial implications. The study group shall report its recommendations by December 1,
19 2018, to the Governor and the Interim Joint Committees on Appropriations and Revenue
20 and Health and Welfare and Family Services and the Child Welfare Oversight and
21 Advisory Committee established in Section 1 of this Act.

22 ➔Section 42. The following KRS sections are repealed:

23 199.565 Statewide swift adoption procedures -- Protocol -- Teams -- Quarterly report.

24 199.805 Inventory of placements.

25 200.580 Duty of secretary for health and family services.

26 200.585 Duty of Department for Community Based Services.

27 200.590 Eligibility to receive family preservation services.

- 1 200.595 Effect of furnishing and acceptance of family preservation services.
- 2 200.600 Annual evaluation of family preservation services.
- 3 200.605 Funding of family preservation services.