

1 AN ACT relating to child dependency, neglect, or abuse.

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

3 ➔Section 1. KRS 620.145 is amended to read as follows:

- 4 (1) Within sixty (60) days of the commitment date of a child due to abuse, neglect, or  
5 dependency, the Cabinet for Health and Family Services shall provide the court  
6 with jurisdiction an assessment of the child to determine:
- 7 (a) The child's current and historical educational functioning;
  - 8 (b) The child's emotional and behavioral functioning; and
  - 9 (c) The extent to which the child's life experiences and circumstances of  
10 commitment have created a disabling condition requiring special educational  
11 programming or other services to provide the child an appropriate public  
12 education.
- 13 (2) Upon discerning of an emotional, behavioral, or other disabling condition with  
14 negative impact upon a child's educational experience, the Cabinet for Health and  
15 Family Services as guardian of the child shall ensure that whatever services  
16 necessary are obtained to allow the child the benefit of a free, appropriate public  
17 education.
- 18 (3) Services required to allow the child a free, appropriate public education shall be  
19 limited to those required under Section 504 of Pub. L. 93-112, Pub. L. 94-142, or  
20 other federal statutes affecting children with emotional or behavioral disabilities.
- 21 (4) The Cabinet for Health and Family Services shall include activities undertaken to  
22 ensure a child committed to the Cabinet for Health and Family Services receives  
23 adequate public education in the ***thirty (30) calendar day***~~[six (6) month]~~ case  
24 progress report required by KRS 620.240.
- 25 (5) Any child removed from his home due to abuse, neglect, or dependency and placed  
26 in the least restrictive appropriate placement available shall, for the purposes of  
27 acquiring an appropriate public education, be considered a resident of the school

1 district where the placement occurs.

2 (6) The Cabinet for Health and Family Services shall provide a copy of the assessment  
3 required by subsection (1) of this section to the foster parent, or other agency or  
4 entity providing residential care to a committed child, within five (5) days of filing  
5 the assessment with the court.

6 ➔Section 2. KRS 620.180 is amended to read as follows:

7 (1) The cabinet may promulgate administrative regulations to implement the provisions  
8 of this chapter. The cabinet may also promulgate administrative regulations  
9 pursuant to the requirements of Public Law 96-272 as to the maximum number of  
10 children who at any time during a fiscal year, will remain in foster care after having  
11 been in such care for a period in excess of twenty-four (24) months, together with  
12 the steps to be taken to achieve such goal.

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

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

16 1. Within ten (10) calendar days of the temporary removal hearing  
17 provided for in this chapter, a case conference shall be held on all  
18 children placed with the cabinet for the purpose of establishing a  
19 specific treatment plan which may include preventive and reunification  
20 services for the child and his parent or other person exercising custodial  
21 control or supervision. Additional case conferences and reviews shall be  
22 held as appropriate, but shall be held at least every six (6) months. The  
23 parent or other person exercising custodial control or supervision and his  
24 counsel, if any, shall have the right to be present at and participate in  
25 such conferences. The child; the child's attorney, if any; the parent or  
26 other person exercising custodial control or supervision and his attorney  
27 of record, if any; and the county attorney shall be notified of, and may be

- 1 present at and participate in such conferences;
- 2 2. On-going case work and supportive services shall be provided as  
3 indicated to best meet the needs of the child as established by the review  
4 and planning process; and
- 5 3. There may be procedures for providing for appropriate visitation  
6 between the parents and the child based on the needs of the child;
- 7 (b) The procedures for reporting every thirty (30) calendar days to a committing  
8 court the status and plans for children committed to the cabinet as dependent,  
9 neglected or abused and placed in foster family homes;
- 10 (c) By January 1, 2019, the establishment and implementation of the processes,  
11 procedures, and requirements to ensure that children committed to the cabinet  
12 as dependent, neglected, or abused and placed in foster family homes are  
13 timely reunified with their biological family or identified for and placed in a  
14 new permanent home. These processes, procedures, and requirements shall  
15 include but not be limited to the following:
- 16 1. A case review and recommendation submitted to the committing court  
17 related to whether the best interest of the child is reunification or  
18 termination of parental rights after the child has been committed to the  
19 cabinet a total of six (6) cumulative months;
- 20 2. An additional case review and recommendation submitted to the  
21 committing court every three (3) cumulative months after the initial six  
22 (6) months if a child is still in the custody of the cabinet;
- 23 3. A petition to the court of appropriate jurisdiction seeking the termination  
24 of parental rights and authority to place the child for adoption in  
25 accordance with this chapter and KRS Chapter 625 no later than after a  
26 child has been committed to the cabinet for a total of fifteen (15)  
27 cumulative months out of forty-eight (48) months; and

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

7           (d) By October 1, 2019, the establishment and implementation of the processes,  
8 procedures, and requirements to ensure that children committed to the cabinet  
9 as dependent, neglected, or abused and placed in qualified residential  
10 treatment facilities are subject to case reviews within sixty (60) days of the  
11 start of each placement in accordance with 42 U.S.C. sec. 675a(c)(2).

12           ➔Section 3. KRS 620.240 is amended to read as follows:

13 The cabinet shall file for each child a case progress report at least once every **thirty (30)**  
14 **calendar days**~~[six (6) months]~~ with the court and the Administrative Office of the Courts  
15 Citizen Foster Care Review Board Program. The first case progress report after the child  
16 is placed in the custody of the cabinet by an order of temporary custody or commitment  
17 shall be mailed to the Administrative Office of the Courts Citizen Foster Care Review  
18 Board Program and subsequent case progress reports shall be provided to the local citizen  
19 foster care review board within the case file. **The most recently filed case progress report**  
20 **shall be delivered electronically by the cabinet to all parties and counsels of the case,**  
21 **within seventy-two (72) hours, exclusive of weekends and holidays, prior to any**  
22 **hearings conducted related to the case. The delivery of the case progress reports to**  
23 **parties and counsels shall be consistent and comply with any order issued by the court.**

24 The case progress report shall include but is not limited to:

- 25 (1) The length of time the child has been in the custody of the cabinet;  
26 (2) The number, location, and date for each placement during the time the child has  
27 been in the custody of the cabinet;

- 1 (3) A description of the services and assistance provided or arranged by the cabinet to  
2 the parents since the last case permanency plan or case progress report, and results  
3 achieved;
- 4 (4) A description of the efforts and progress of the parents since the last case  
5 permanency plan and case progress report, including the number and dates of  
6 parental visits and the extent, quality, and frequency of the parents' communication  
7 with the child;
- 8 (5) The barriers, familial and institutional, to returning the child home or releasing the  
9 child from the custody of the cabinet and services that are not currently available in  
10 the community;
- 11 (6) An evaluation of the child's current placement and services provided to the child;
- 12 (7) Recommendations for necessary services required to release the child from the  
13 custody of the cabinet, to return the child home, or to facilitate another permanent  
14 placement;
- 15 (8) A timetable for the child's return home or other permanent placement; and
- 16 (9) If return home is not recommended, a specific recommendation for a permanent  
17 placement, including termination of parental rights if appropriate. If continued  
18 foster care is recommended, an explanation as to why another permanent placement  
19 is not appropriate.