

1 AN ACT relating to child welfare.

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

3 ➔Section 1. KRS 620.100 is amended to read as follows:

- 4 (1) If the court determines, as a result of a temporary removal hearing, that further
5 proceedings are required, the court shall advise the child and his parent or other
6 person exercising custodial control or supervision of their right to appointment of
7 separate counsel:
- 8 (a) The court shall appoint counsel for the child to be paid for by the Finance and
9 Administration Cabinet. Counsel shall document participation in training on
10 the role of counsel that includes training in early childhood, child, and
11 adolescent development. The clerk of the court shall arrange for service on all
12 parties, including the local representative of the Cabinet for Health and Family
13 Services, of the order appointing counsel. The fee to be fixed by the court
14 shall not exceed five hundred dollars (\$500); however, if the action has final
15 disposition in the District Court, the fee shall not exceed two hundred fifty
16 dollars (\$250);
- 17 (b) The court shall appoint separate counsel for the parent who exercises custodial
18 control or supervision if the parent is unable to afford counsel pursuant to
19 KRS Chapter 31. The clerk of the court shall arrange for service on all parties,
20 including the local representative of the Cabinet for Health and Family
21 Services, of the order appointing counsel. The parent's counsel shall be
22 provided or paid for by the Finance and Administration Cabinet. The fee to be
23 fixed by the court shall not exceed five hundred dollars (\$500); however, if
24 the action has final disposition in the District Court, the fee shall not exceed
25 two hundred fifty dollars (\$250);
- 26 (c) The court shall appoint separate counsel for a person claiming to be a de facto
27 custodian, as defined in KRS 403.270, if the person is unable to afford

1 counsel pursuant to KRS Chapter 31. The clerk of the court shall arrange for
2 service on all parties, including the local representative of the Cabinet for
3 Health and Family Services, of the order appointing counsel. The person's
4 counsel shall be provided or paid for by the Finance and Administration
5 Cabinet. The fee to be fixed by the court shall not exceed five hundred dollars
6 (\$500); however, if the action has final disposition in the District Court, the
7 fee shall not exceed two hundred fifty dollars (\$250);

8 (d) The court may, in the interest of justice, appoint separate counsel for a
9 nonparent who exercises custodial control or supervision of the child, if the
10 person is unable to afford counsel, pursuant to KRS Chapter 31. The clerk of
11 the court shall arrange for service on all parties, including the local
12 representative of the Cabinet for Health and Family Services, of the order
13 appointing counsel. Counsel for the person shall be provided or paid for by the
14 Finance and Administration Cabinet. The fee to be fixed by the court shall not
15 exceed five hundred dollars (\$500); however, if the action has final
16 disposition in the District Court, the fee shall not exceed two hundred fifty
17 dollars (\$250); and

18 (e) The court may, in the interest of justice, appoint a court-appointed special
19 advocate volunteer to represent the best interests of the child pursuant to KRS
20 620.500 to 620.550. The clerk of the court shall arrange for service on all
21 parties, including the local representative of the cabinet, of the order
22 appointing the court-appointed special advocate volunteer.

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

- 1 (3) The adjudication shall determine the truth or falsity of the allegations in the
2 complaint. The burden of proof shall be upon the complainant, and a determination
3 of dependency, neglect, and abuse shall be made by a preponderance of the
4 evidence. The Kentucky Rules of Civil Procedure shall apply.
- 5 (4) The disposition shall determine the action to be taken by the court on behalf of the
6 child and his parent or other person exercising custodial control or supervision.
- 7 (5) Foster parents, preadoptive parents, or relatives providing care for the child shall
8 receive notice of, and shall have a right to be heard in, any proceeding held with
9 respect to the child. This subsection shall not be construed to require that a foster
10 parent, preadoptive parent, or relative caring for the child be made a party to a
11 proceeding solely on the basis of the notice and right to be heard.

12 **(6) If the court determines that further proceedings are required, the court shall, in**
13 **the interest of justice, ensure that separate counsel is available to advise a cabinet**
14 **employee in court anytime that the cabinet employee is required to be in court.**

15 ➔Section 2. KRS 620.142 is amended to read as follows:

16 (1) The cabinet shall develop custodial, permanency, and service options, including but
17 not limited to monetary supports, that shall be available to a relative or fictive kin
18 caregiver in the instance that a child, who would otherwise be placed in another out-
19 of-home placement, is placed with him or her due to a cabinet finding that the child
20 is abused, neglected, or dependent, as determined by an assessment or investigation
21 conducted in accordance with this chapter. **The custodial, permanency, and service**
22 **options available to a relative or fictive kin caregiver shall include but not be**
23 **limited to:**

24 **(a) A notification form that explains and describes the process that a relative or**
25 **fictive kin caregiver can be certified as a child-specific foster home and the**
26 **financial and support benefits that come with that type of placement;**

27 **(b) A one (1) time three hundred fifty dollar (\$350) electronic benefit transfer**

1 card per child given to the relative or fictive kin caregiver at the time a child
2 is placed with the relative or fictive kin caregiver; and
3 (c) A detailed placement packet that lists all types of supports, financial and
4 otherwise, that are available to a relative or fictive kin caregiver given to the
5 relative or fictive kin caregiver at the time a child is placed with the relative
6 or fictive kin caregiver.

7 (2) The cabinet shall disclose to a prospective relative or fictive kin caregiver each of
8 the options established in subsection (1) of this section prior to the child's
9 placement. The prospective relative or fictive kin caregiver shall select the option
10 that best represents the level of care and support needed for the child while the child
11 is receiving treatment and care in the placement with the relative or fictive kin
12 caregiver.

13 (3) The custodial, permanency, and service options required by subsection (1) of this
14 section shall reflect nationally recognized best practices.

15 (4) The cabinet shall maximize services available under federal and state law, including
16 but not limited to Titles IV and XIX of the Social Security Act, to fulfill the
17 requirements of this section.

18 (5) The cabinet shall promulgate administrative regulations in accordance with KRS
19 Chapter 13A to implement this section.

20 ➔Section 3. KRS 620.360 is amended to read as follows:

21 (1) Persons who provide foster care services to children who have been committed to
22 the custody of the state shall be considered a primary partner and member of a
23 professional team caring for foster children. Foster parents shall have the following
24 rights:

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

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

- 1 (c) To receive information and training about foster parents' rights,
2 responsibilities, and access to local and statewide support groups, including
3 but not limited to the Kentucky Foster/Adoptive Care Association, the
4 Kentucky Foster and Adoptive Parent Network, and Adoption Support of
5 Kentucky;
- 6 (d) To receive information and training to improve skills in the daily care and in
7 meeting the special needs of foster children;
- 8 (e) To receive timely and adequate financial reimbursement for knowledgeable
9 and quality care of a child in foster care within budgetary limitations;
- 10 (f) To maintain the foster family's own routines and values while respecting the
11 rights and confidentiality of each foster child placed in their home;
- 12 (g) To receive a period of respite from providing foster care, pursuant to cabinet
13 policies;
- 14 (h) To receive, upon an open records request, a copy of all information contained
15 in the cabinet's records about the family's foster home and the foster care
16 services provided by the family consistent with KRS 605.160;
- 17 (i) To access cabinet support and assistance as necessary twenty-four (24) hours
18 per day, seven (7) days per week;
- 19 (j) To receive, prior to a child being placed in the foster home pursuant to KRS
20 605.090, information relating to the child's behavior, family background, or
21 health history that may jeopardize the health or safety of any member of the
22 foster family's household, including other foster children, and similar
23 information that may affect the manner in which foster care services are
24 provided, consistent with KRS 605.160. In an emergency situation, the cabinet
25 shall provide information as soon as it is available;
- 26 (k) To refuse placement of a child within the foster home and to request, with
27 reasonable notice to the cabinet, the removal of a child from the foster home

- 1 without fear of reprisal;
- 2 (l) To communicate, with an appropriate release of information consistent with
3 KRS 605.160, with other professionals who work directly with the foster
4 child, including but not limited to teachers, therapists, and health care
5 practitioners and to notify the cabinet within twenty-four (24) hours of the
6 communication;
- 7 (m) To assist the cabinet in the development of the child's plan of care;
- 8 (n) To receive an explanatory notice from the cabinet, consistent with KRS
9 620.130 and when it is in the best interest of the child, when a foster child's
10 case plan has changed and, except in an immediate response to a child
11 protective services investigation involving the foster home, an explanatory
12 notice of termination or change in placement affecting the foster home within
13 fourteen (14) days of the change or termination in placement;
- 14 (o) To have priority consideration for placement if a child who has previously
15 been placed in the foster home reenters foster care, consistent with KRS
16 605.130 and 620.130 and to the extent it is in the best interest of the child;
- 17 (p) To have priority consideration for adoption if a foster child who has been
18 placed in the foster home for a period of at least twelve (12) consecutive
19 months becomes eligible for adoption consistent with KRS 605.130 and
20 620.130 and to the extent it is in the best interest of the child;
- 21 (q) To maintain contact with the foster child after the child leaves the foster
22 home, unless the child, a biological parent, the cabinet when the cabinet
23 retains custody of the child, or other foster or adoptive parent refuses such
24 contact; and
- 25 (r) To receive notice of, have a right to attend, and have a right to be heard in,
26 either verbally or in writing, any cabinet or court proceeding held with respect
27 to the child. This paragraph shall not be construed to require that a foster

1 parent caring for the child be made a party to a proceeding solely on the basis
2 of the notice and rights to attend and be heard.

3 (2) The responsibilities of foster parents shall include but not be limited to the
4 following:

- 5 (a) To maintain an orderly and clean home;
- 6 (b) To ensure that the child has adequate resources for personal hygiene and
7 clothing;
- 8 (c) To provide recreational and spiritual opportunities for the child, in accordance
9 with cabinet policies;
- 10 (d) To attend all school and case planning meetings involving a foster child
11 placed in their home whenever possible, subject to KRS 620.130 and the
12 confidentiality requirements of 42 U.S.C. sec. 671;
- 13 (e) To abide by cabinet policies relating to discipline of a foster child; and
14 (f) To support the involvement of a foster child's biological family whenever
15 possible and in accordance with cabinet policies.

16 (3) The cabinet shall provide specific training on investigations of alleged child abuse
17 or neglect in a foster home to a person appointed by the Kentucky Foster/Adoptive
18 Care Association. The training shall include the rights of a foster parent during an
19 investigation. Training shall be consistent with 42 U.S.C. sec. 5106(a).

20 (4) The cabinet shall promulgate administrative regulations ***within thirty (30) days of***
21 ***the effective date of this Act*** to:

22 (a) Establish that ***all requirements of*** foster parent approval shall be effective for
23 a minimum of three (3) years before ***any*** reevaluation is required; ***and***

24 (b) ***Establish that all foster parent reevaluation courses be offered as online***
25 ***and in-person courses and allow the foster parent to choose the format that***
26 ***he or she wants to use for reevaluation.***

27 (5) Nothing in this section shall be construed to establish monetary liability of or cause

1 of action against the cabinet.

2 ➔Section 4. KRS 620.365 is amended to read as follows:

- 3 (1) If the cabinet determines that a child, who is in the custody of the cabinet through
4 an emergency, temporary, or permanent court order as a result of dependency,
5 neglect, or abuse and is in foster care, should be moved from a current placement to
6 a new placement or reunified with their family, the cabinet shall provide verbal and
7 written notification to the foster parents and the child-caring facility or child-placing
8 agency where the child is residing at least ten (10) calendar days prior to the new
9 placement or reunification occurring.
- 10 (2) **If a child, who is in the custody of the cabinet through an emergency, temporary,**
11 **or permanent court order as a result of dependency, neglect, or abuse, has been**
12 **in the same foster family home for a period of nine (9) months, it shall be**
13 **presumed that the cabinet has not identified any other placement options and the**
14 **child shall remain in the foster family home unless the cabinet has concerns for**
15 **the child's well-being. The foster parent or parents of the foster family home**
16 **shall, after this nine (9) month period, be the first persons considered to be the**
17 **child's permanent adoptive home after termination of parental rights occurs.**
- 18 (3) The cabinet's mandate to provide the notification required by this section shall not
19 be required if the cabinet determines the child is in imminent danger.