

1 AN ACT relating to child welfare investigations.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 605 IS CREATED TO
4 READ AS FOLLOWS:

- 5 *(1) Any person who knows or has reasonable cause to believe that a violation of any*
6 *provision of KRS Chapters 600 to 645 relating to a child in out-of-home*
7 *placement has been or is being committed by any person, corporation, or entity,*
8 *shall report or cause to be reported to the Office of the Ombudsman and*
9 *Administrative Review within the cabinet the following information, if known:*
- 10 *(a) The name and address of the offender;*
11 *(b) The offender's place of employment;*
12 *(c) The nature and extent of the violation;*
13 *(d) The identity of the complainant; and*
14 *(e) Any other information that the receiving person reasonably believes might*
15 *be helpful in investigation of the alleged fraud, abuse, or misappropriation.*
- 16 *(2) The identity of any person making a report under this section shall be considered*
17 *confidential by the receiving party. Any person making a report under this*
18 *section regarding the offenses of another shall not be liable in any civil or*
19 *criminal action based on the report if it was made in good faith.*
- 20 *(3) The cabinet, or any person, corporation, or entity it contracts with, shall not,*
21 *without just cause, discharge or in any manner discriminate or retaliate against*
22 *any person who in good faith makes a report permitted by this section, testifies, or*
23 *is about to testify, in any proceeding, including but not limited to a legislative*
24 *hearing, with regard to any report or investigation so long as the person making*
25 *the good-faith report does not publically disclose the names of children, parents,*
26 *guardians, or custodians involved in a dependency, abuse, or neglect*
27 *investigation being conducted pursuant to KRS Chapter 620. Any individual*

1 *injured by any act in violation of this subsection shall have a civil cause of action*
2 *in Circuit Court to enjoin further violations, and to recover the actual damages*
3 *sustained, together with the costs of the lawsuit, including a reasonable fee for*
4 *the individual's attorney of record.*

5 *(4) No employee of the cabinet shall notify the alleged offender of the identity of the*
6 *person who in good faith makes a report permitted by this section nor shall the*
7 *employee notify the alleged offender that a report has been made alleging a*
8 *violation of any provision of KRS Chapters 600 to 645 until such time as civil or*
9 *criminal proceedings have been initiated or a formal investigation has been*
10 *initiated. Any information or report concerning an alleged offender shall be*
11 *considered confidential in accordance with the Kentucky Open Records Law,*
12 *KRS 61.870 to 61.884.*