

1 AN ACT relating to allowing biological parents and foster parents the right to seek  
2 enforcement in Circuit Court for the cabinet's violations of certain rules, provisions,  
3 regulations, or statutory requirements.

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

5 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO  
6 READ AS FOLLOWS:

7 *(1) Any biological parent or foster parent, with whom a child has been placed for no*  
8 *less than six (6) months, who is or may be adversely affected by a violation by the*  
9 *cabinet or any of its officers, agents, or employees acting within the scope of their*  
10 *employment of any provision, rule, regulation, or statutory requirement set forth*  
11 *in KRS 199.473, 199.510, 620.180, 620.240, 620.270, 620.350, 620.355, 620.360,*  
12 *620.365, 625.050, or 625.070 may initiate an enforcement action against the*  
13 *cabinet in the Circuit Court of the county in which the child resides.*

14 *(2) If the court finds that a violation under subsection (1) of this section has*  
15 *occurred, it shall make an appropriate order compelling the cabinet or the*  
16 *officer, agent, or employee to comply with or obey the same by injunction,*  
17 *mandamus, or other appropriate remedy, and, upon failure to do so, the cabinet*  
18 *or such officer, agent, or employee shall be held in contempt of court and shall be*  
19 *subject to the penalties provided by the laws of the Commonwealth in such cases.*

20 *(3) The court having jurisdiction of a complaint made pursuant to subsection (1) of*  
21 *this section may, in its final order, award costs of litigation, including but not*  
22 *limited to attorney fees, to the petitioner, if the court determines such an award is*  
23 *appropriate.*

24 *(4) The petitioner shall not be required to exhaust administrative remedies before*  
25 *proceeding with his or her petition.*

26 *(5) It is the intention of the General Assembly to provide the means to enable a*  
27 *person negligently injured by the cabinet or any of its officers, agents, or*

1        employees while acting within the scope of their employment with the cabinet to  
2        be able to assert their just claims as herein provided. The Commonwealth thereby  
3        waives sovereign immunity defense only in the limited situations as set forth in  
4        this section. It is further the intention of the General Assembly to otherwise  
5        expressly reserve the sovereign immunity of the cabinet, and its officers, agents,  
6        and employees while acting in the scope of their employment in all other  
7        situations except where sovereign immunity is specifically and expressly waived  
8        as set forth by statute.