

1 AN ACT relating to child welfare.

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

3 ➔Section 1. KRS 620.060 is amended to read as follows:

4 (1) The court for the county where the child ordinarily resides or will reside or the  
5 county where the child is present may issue an ex parte emergency custody order  
6 when it appears to the court that removal is in the best interest of the child and that  
7 there are reasonable grounds to believe, as supported by affidavit or by recorded  
8 sworn testimony, that one (1) or more of the following conditions exist and that the  
9 parents or other person exercising custodial control or supervision are unable or  
10 unwilling to protect the child:

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

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

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

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

23 (3) ***Before the court determines the custody placement of the child in accordance***  
24 ***with this section, the cabinet shall:***

25 ***(a) Seek and notify qualified adult relatives or fictive kin as a placement option;***

26 ***(b) Attempt to place siblings together; and***

27 ***(c) Report to the court its findings.***

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

8 ~~(5)~~~~(4)~~ Any person authorized to serve process shall serve the parent or other person  
9 exercising custodial control or supervision with a copy of the emergency custody  
10 order. If such person cannot be found, the sheriff shall make a good faith effort to  
11 notify the nearest known relative, neighbor, or other person familiar with the child.

12 ~~(6)~~~~(5)~~ Within seventy-two (72) hours of the taking of a child into custody without  
13 the consent of his parent or other person exercising custodial control or supervision,  
14 a petition shall be filed pursuant to this chapter.

15 ~~(7)~~~~(6)~~ Nothing herein shall preclude the issuance of arrest warrants pursuant to the  
16 Rules of Criminal Procedure.

17 ➔Section 2. KRS 620.090 is amended to read as follows:

18 (1) If, after completion of the temporary removal hearing, the court finds there are  
19 reasonable grounds to believe the child is dependent, neglected or abused, the court  
20 shall:

21 (a) Issue an order for temporary removal and shall grant temporary custody to the  
22 cabinet or other appropriate person or agency. Preference shall be given to  
23 available and qualified relatives or fictive kin of the child considering the  
24 wishes of the parent or other person exercising custodial control or  
25 supervision, if known. The order shall state the specific reasons for removal  
26 and show that alternative less restrictive placements and services have been  
27 considered. The court may recommend a placement for the child;

- 1 (b) Inquire as to an existing child support order; and
- 2 (c) If there is no existing order, or if the order is to be amended, the court shall:
- 3 1. Make specific findings, either written or on the record, as to:
- 4 a. The child support obligation in the best interest of the child;
- 5 b. The action to be taken by the payee, payor, or any other party by
- 6 making an application for services to the child support office who
- 7 shall take all appropriate action; or
- 8 c. Setting a hearing as soon as practicable; and
- 9 2. Require proper service before establishing a new child support order.
- 10 (2) In placing a child under an order of temporary custody, the cabinet or its designee
- 11 shall use the least restrictive appropriate placement available. Preference shall be
- 12 given to available and qualified relatives *or fictive kin* of the child considering the
- 13 wishes of the parent or other person exercising custodial control or supervision, if
- 14 known. The child may also be placed in a facility or program operated or approved
- 15 by the cabinet, including a foster home, or any other appropriate available
- 16 placement. However, under no circumstance shall the child be placed in a home,
- 17 facility, or other shelter with a child who has been committed to the Department of
- 18 Juvenile Justice for commission of a sex crime as that term is defined in KRS
- 19 17.500, unless the child committed for the commission of a sex crime is kept
- 20 segregated from other children in the home, facility, or other shelter that have not
- 21 been committed for the commission of a sex crime.
- 22 (3) If the court finds there are not reasonable grounds to believe the child is dependent,
- 23 neglected or abused, or if no action is taken within seventy-two (72) hours, the
- 24 emergency custody order shall be dissolved automatically and the cabinet or its
- 25 designee shall return the child to the parent or other person exercising custodial
- 26 control or supervision. A request for a continuance of the hearing by the parent or
- 27 other person exercising custodial control or supervision shall constitute action

1 precluding automatic dissolution of the emergency custody order.

2 (4) When the court issues a temporary order for the custody of a child, the court may  
3 order that, within two (2) weeks, arrangements be made for the child to receive a  
4 thorough medical, visual, and dental examination by a professional authorized by  
5 the Kentucky Revised Statutes to conduct such examinations. The costs of the  
6 examination shall be paid by the cabinet.

7 (5) The child shall remain in temporary custody with the cabinet for a period of time  
8 not to exceed forty-five (45) days from the date of the removal from his home. The  
9 court shall conduct the adjudicatory hearing and shall make a final disposition  
10 within forty-five (45) days of the removal of the child. The court may extend such  
11 time after making written findings establishing the need for the extension and after  
12 finding that the extension is in the child's best interest.

13 (6) If custody is granted to a grandparent of the child pursuant to this section, the court  
14 shall consider granting reasonable visitation rights to any other grandparent of the  
15 child if the court determines the grandparent has a significant and viable  
16 relationship with the child as established in KRS 405.021(1)(c).

17 **(7) Before the court determines the custody placement of the child in accordance**  
18 **with this section, the cabinet shall:**

19 **(a) Seek and notify qualified adult relatives or fictive kin as a placement option;**

20 **(b) Attempt to place siblings together; and**

21 **(c) Report to the court its findings.**

22 ➔Section 3. KRS 620.140 is amended to read as follows:

23 (1) In determining the disposition of all cases brought on behalf of dependent,  
24 neglected, or abused children, the juvenile session of the District Court, in the best  
25 interest of the child, shall have but shall not be limited to the following  
26 dispositional alternatives:

27 (a) Informal adjustment of the case by agreement, which may be entered into at

1 any time. Informal adjustment may include an agreed plan by which:

- 2 1. The parent or other person exercising custodial control or supervision  
3 agrees that grounds exist for a finding of dependency, neglect, or abuse,  
4 and agrees to the conditions of protective orders under paragraph (b) of  
5 this subsection for a duration of up to one (1) year;
- 6 2. The action will be dismissed by the court, without hearing, at the end of  
7 the period agreed upon if no motion is brought alleging a violation of a  
8 protective order; and
- 9 3. If a motion is brought alleging a violation of a protective order, a  
10 hearing will be held at which the parent or other person exercising  
11 custodial control or supervision may contest the alleged violation, but  
12 may not contest the original grounds for a finding of dependency,  
13 neglect, or abuse. If a violation is found to have occurred, the court may  
14 consider other dispositional alternatives pursuant to this section;

15 (b) Protective orders, such as the following:

- 16 1. Requiring the parent or any other person to abstain from any conduct  
17 abusing, neglecting, or making the child dependent;
- 18 2. Placing the child in his or her own home under supervision of the  
19 cabinet or its designee with services as determined to be appropriate by  
20 the cabinet; and
- 21 3. Orders authorized by KRS 403.715 to 403.785 and by KRS Chapter  
22 456;

23 (c) Removal of the child to the custody of an adult relative, fictive kin, other  
24 person, or child-caring facility or child-placing agency, taking into  
25 consideration the wishes of the parent or other person exercising custodial  
26 control or supervision. Before any child is committed to the cabinet or placed  
27 out of his or her home under the supervision of the cabinet, the court shall

1 determine that reasonable efforts have been made by the court or the cabinet  
2 to prevent or eliminate the need for removal and that continuation in the home  
3 would be contrary to the welfare of the child. If a child is to be placed with an  
4 adult relative or fictive kin the parent or other person exercising custodial  
5 control or supervision shall provide a list to the cabinet of possible persons to  
6 be considered;

7 (d) Commitment of the child to the custody of the cabinet for placement for an  
8 indeterminate period of time not to exceed his or her attainment of the age  
9 eighteen (18), unless the youth elects to extend his or her commitment beyond  
10 the age of eighteen (18) under paragraph (e) of this subsection. Beginning at  
11 least six (6) months prior to an eligible youth attaining the age of eighteen  
12 (18), the cabinet shall provide the eligible youth with education,  
13 encouragement, assistance, and support regarding the development of a  
14 transition plan, and inform the eligible youth of his or her right to extend  
15 commitment beyond the age of eighteen (18); or

16 (e) Extend or reinstate an eligible youth's commitment up to the age of twenty-  
17 one (21) to receive transitional living support. The request shall be made by  
18 the youth prior to attaining twenty (20) years of age. A youth may opt in or  
19 out of extended commitment up to two (2) times prior to attaining twenty (20)  
20 years of age, with a ninety (90) day grace period between the time he or she  
21 exits and then reenters custody so long as there is documentation that his or  
22 her request was submitted prior to attaining twenty (20) years of age. The  
23 court may grant an extension or reinstatement of a youth's commitment even  
24 if the concurrence of the cabinet occurs after the youth attains twenty (20)  
25 years of age. Upon receipt of the request and with the concurrence of the  
26 cabinet, the court may authorize commitment up to the age of twenty-one  
27 (21).

- 1 (2) *Before the court determines the custody placement of the child in accordance*  
2 *with subsection (1) of this section, the cabinet shall:*  
3 *(a) Seek and notify qualified adult relatives or fictive kin as a placement option;*  
4 *(b) Attempt to place siblings together; and*  
5 *(c) Report to the court its findings.*  
6 (3) An order of temporary custody to the cabinet shall not be considered as a  
7 permissible dispositional alternative.