

1 AN ACT relating to relative and fictive kin caregivers.

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

3 ➔Section 1. KRS 620.140 is amended to read as follows:

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

8 (a) Informal adjustment of the case by agreement, which may be entered into at
9 any time. Informal adjustment may include an agreed plan by which:

10 1. The parent or other person exercising custodial control or supervision
11 agrees that grounds exist for a finding of dependency, neglect, or abuse,
12 and agrees to the conditions of protective orders under paragraph (b) of
13 this subsection for a duration of up to one (1) year;

14 2. The action will be dismissed by the court, without hearing, at the end of
15 the period agreed upon if no motion is brought alleging a violation of a
16 protective order; and

17 3. If a motion is brought alleging a violation of a protective order, a
18 hearing will be held at which the parent or other person exercising
19 custodial control or supervision may contest the alleged violation, but
20 may not contest the original grounds for a finding of dependency,
21 neglect, or abuse. If a violation is found to have occurred, the court may
22 consider other dispositional alternatives pursuant to this section;

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

24 1. Requiring the parent or any other person to abstain from any conduct
25 abusing, neglecting, or making the child dependent;

26 2. Placing the child in his or her own home under supervision of the
27 cabinet or its designee with services as determined to be appropriate by

- 1 the cabinet; and
- 2 3. Orders authorized by KRS 403.715 to 403.785 and by KRS Chapter
- 3 456;
- 4 (c) Removal of the child to the custody of an adult relative, fictive kin, other
- 5 person, or child-caring facility or child-placing agency, taking into
- 6 consideration the wishes of the parent or other person exercising custodial
- 7 control or supervision. Before any child is committed to the cabinet or placed
- 8 out of his or her home under the supervision of the cabinet, the court shall
- 9 determine that reasonable efforts have been made by the court or the cabinet
- 10 to prevent or eliminate the need for removal and that continuation in the home
- 11 would be contrary to the welfare of the child. If a child is to be placed with an
- 12 adult relative or fictive kin, the child, if able, parent, or other person
- 13 exercising custodial control or supervision shall provide a list to the cabinet of
- 14 possible persons to be considered;
- 15 (d) Commitment of the child to the custody of the cabinet for placement for an
- 16 indeterminate period of time not to exceed his or her attainment of the age
- 17 eighteen (18), unless the youth elects to extend his or her commitment beyond
- 18 the age of eighteen (18) under paragraph (e) of this subsection. Beginning at
- 19 least six (6) months prior to an eligible youth attaining the age of eighteen
- 20 (18), the cabinet shall provide the eligible youth with education,
- 21 encouragement, assistance, and support regarding the development of a
- 22 transition plan, and inform the eligible youth of his or her right to extend
- 23 commitment beyond the age of eighteen (18); or
- 24 (e) Extend or reinstate an eligible youth's commitment up to the age of twenty-
- 25 one (21) to receive transitional living support. The request shall be made by
- 26 the youth prior to attaining twenty (20) years of age. A youth may opt in or
- 27 out of extended commitment up to two (2) times prior to attaining twenty (20)

1 years of age, with a ninety (90) day grace period between the time he or she
2 exits and then reenters custody so long as there is documentation that his or
3 her request was submitted prior to attaining twenty (20) years of age. The
4 court may grant an extension or reinstatement of a youth's commitment even
5 if the concurrence of the cabinet occurs after the youth attains twenty (20)
6 years of age. Upon receipt of the request and with the concurrence of the
7 cabinet, the court may authorize commitment up to the age of twenty-one
8 (21).

9 (2) An order of temporary custody to the cabinet shall not be considered as a
10 permissible dispositional alternative.

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

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

20 (a) A notification form that explains and describes the process by which a relative
21 or fictive kin caregiver can be certified as a child-specific foster home and the
22 financial and support benefits that come with that type of placement;

23 (b) A program for a one (1) time monetary benefit as established by an
24 administrative regulation promulgated in accordance with KRS Chapter 13A
25 per child given to the relative or fictive kin caregiver at the time a child is
26 placed with the relative or fictive kin caregiver; and

27 (c) A detailed placement packet that lists all types of supports, financial and

1 otherwise, that are available to a relative or fictive kin caregiver given to the
2 relative or fictive kin caregiver at the time a child is placed with the relative or
3 fictive kin caregiver.

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

10 (3) **Within one hundred twenty (120) days of a placement made by the cabinet due to**
11 **a cabinet finding that a child is abused, neglected, dependent, or a status**
12 **offender, or upon a qualifying event as established in administrative regulation, a**
13 **relative or fictive kin caregiver may apply to become a relative or fictive kin foster**
14 **parent for the child in his or her care.**

15 (4) The custodial, permanency, and service options required by subsection (1) of this
16 section shall reflect nationally recognized best practices.

17 ~~(5)~~~~(4)~~ The cabinet shall maximize services available under federal and state law,
18 including but not limited to Titles IV and XIX of the Social Security Act, to fulfill
19 the requirements of this section.

20 (6) **The cabinet shall, if necessary, seek any state or federal waivers to implement the**
21 **provisions of subsection (3) of this section.**

22 ~~(7)~~~~(5)~~ The cabinet shall promulgate administrative regulations in accordance with
23 KRS Chapter 13A to implement this section.