

1 AN ACT relating to dependency, neglect, and abuse.

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

3 ➔Section 1. KRS 620.030 is amended to read as follows:

4 (1) Any person who knows or has reasonable cause to believe that a child is dependent,  
5 neglected, or abused, **or that a child has been born to a parent who has another**  
6 **child in the care, custody, or control of the cabinet or other person as a result of**  
7 **removal pursuant to this chapter,** shall immediately cause an oral or written report  
8 to be made to a local law enforcement agency or to the Department of Kentucky  
9 State Police, the cabinet or its designated representative, the Commonwealth's  
10 attorney, or the county attorney by telephone or otherwise. If the cabinet receives a  
11 report of abuse or neglect allegedly committed by a person other than a parent,  
12 guardian, fictive kin, person in a position of authority, person in a position of  
13 special trust, or person exercising custodial control or supervision, the cabinet shall  
14 refer the matter to the Commonwealth's attorney or the county attorney and the  
15 local law enforcement agency or the Department of Kentucky State Police. Nothing  
16 in this section shall relieve individuals of their obligations to report.

17 (2) (a) Any person, including but not limited to a physician, osteopathic physician,  
18 nurse, teacher, school personnel, social worker, coroner, medical examiner,  
19 child-caring personnel, resident, intern, chiropractor, dentist, optometrist,  
20 emergency medical technician, paramedic, health professional, mental health  
21 professional, peace officer, or any organization or agency for any of the  
22 above, who knows or has reasonable cause to believe that a child is  
23 dependent, neglected, or abused, regardless of whether the person believed to  
24 have caused the dependency, neglect, or abuse is a parent, guardian, fictive  
25 kin, person in a position of authority, person in a position of special trust,  
26 person exercising custodial control or supervision, or another person, or who  
27 has attended such child as a part of his or her professional duties, shall:

- 1           1.   Immediately make an oral report in accordance with subsection (1) of  
2           this section;
- 3           2.   Immediately notify the supervisor of the institution, school, facility,  
4           agency, or designated agent of the person in charge; and
- 5           3.   If requested, in addition to the report required in subsection (1) or (3) of  
6           this section, file with the local law enforcement agency or the  
7           Department of Kentucky State Police, the cabinet or its designated  
8           representative, the Commonwealth's attorney, or county attorney within  
9           forty-eight (48) hours of the original report a written report containing:
  - 10          a.   The names and addresses of the child and his or her parents or  
11          other persons exercising custodial control or supervision;
  - 12          b.   The child's age;
  - 13          c.   The nature and extent of the child's alleged dependency, neglect,  
14          or abuse, including any previous charges of dependency, neglect,  
15          or abuse, to this child or his or her siblings;
  - 16          d.   The name and address of the person allegedly responsible for the  
17          abuse or neglect; and
  - 18          e.   Any other information that the person making the report believes  
19          may be helpful in the furtherance of the purpose of this section.
- 20          (b) Upon notification, the supervisor or the designated agent, if any, shall  
21          facilitate the cooperation of the institution, school, facility, or agency with the  
22          investigation of the report.
- 23          (c) Any person who knowingly causes intimidation, retaliation, or obstruction in  
24          the investigation of the report shall be guilty of a Class A misdemeanor.
- 25          (d) This section shall not require more than one (1) report from any institution,  
26          school, facility, or agency.
- 27          (3) Any person who knows or has reasonable cause to believe that a child is a victim of

1 human trafficking as defined in KRS 529.010 shall immediately cause an oral or  
2 written report to be made to a local law enforcement agency or the Department of  
3 Kentucky State Police; or the cabinet or its designated representative; or the  
4 Commonwealth's attorney or the county attorney; by telephone or otherwise. This  
5 subsection shall apply regardless of whether the person believed to have caused the  
6 human trafficking of the child is a parent, guardian, fictive kin, person in a position  
7 of authority, person in a position of special trust, or person exercising custodial  
8 control or supervision.

9 (4) Any person who knows or has reasonable cause to believe that a child is a victim of  
10 female genital mutilation as defined in KRS 508.125 shall immediately cause an  
11 oral or written report to be made by telephone or otherwise to:

- 12 (a) A local law enforcement agency or the Department of Kentucky State Police;
- 13 (b) The cabinet or its designated representative; or
- 14 (c) The Commonwealth's attorney or the county attorney.

15 This subsection shall apply regardless of whether the person believed to have  
16 caused the female genital mutilation of the child is a parent, guardian, or person  
17 exercising custodial control or supervision.

18 (5) Neither the husband-wife nor any professional-client/patient privilege, except the  
19 attorney-client and clergy-penitent privilege, shall be a ground for refusing to report  
20 under this section or for excluding evidence regarding a dependent, neglected, or  
21 abused child or the cause thereof, in any judicial proceedings resulting from a report  
22 pursuant to this section. This subsection shall also apply in any criminal proceeding  
23 in District or Circuit Court regarding a dependent, neglected, or abused child.

24 (6) The cabinet upon request shall receive from any agency of the state or any other  
25 agency, institution, or facility providing services to the child or his or her family,  
26 such cooperation, assistance, and information as will enable the cabinet to fulfill its  
27 responsibilities under KRS 620.030, 620.040, and 620.050.

1 (7) Nothing in this section shall limit the cabinet's investigatory authority under KRS  
2 620.050 or any other obligation imposed by law.

3 (8) Any person who intentionally violates the provisions of this section shall be guilty  
4 of a:

5 (a) Class B misdemeanor for the first offense;

6 (b) Class A misdemeanor for the second offense; and

7 (c) Class D felony for each subsequent offense.

8 ➔Section 2. KRS 620.040 is amended to read as follows:

9 (1) (a) Upon receipt of a report alleging abuse or neglect by a parent, guardian,  
10 fictive kin, person in a position of authority, person in a position of special  
11 trust, or person exercising custodial control or supervision, pursuant to KRS  
12 620.030(1) or (2),~~[or]~~ a report alleging a child is a victim of human  
13 trafficking pursuant to KRS 620.030(3), **or a report that a child has been**  
14 **born to a parent who has another child in the care, custody, or control of**  
15 **the cabinet or other person as a result of removal pursuant to this chapter,**  
16 the recipient of the report shall immediately notify the cabinet or its  
17 designated representative, the local law enforcement agency or the  
18 Department of Kentucky State Police, and the Commonwealth's or county  
19 attorney of the receipt of the report. If any agency listed above is the reporting  
20 source, the recipient shall immediately notify the cabinet or its designated  
21 representative, the local law enforcement agency, the Department of  
22 Kentucky State Police, and the Commonwealth's or county attorney of the  
23 receipt of the report.

24 (b) Based upon the allegation in the report, the cabinet shall immediately make an  
25 initial determination as to the risk of harm and immediate safety of the child.  
26 Based upon the level of risk determined, the cabinet shall investigate the  
27 allegation or accept the report for an assessment of family needs and, if

1 appropriate, may provide or make referral to any community-based services  
2 necessary to reduce risk to the child and to provide family support. A report of  
3 sexual abuse or human trafficking of a child shall be considered high risk and  
4 shall not be referred to any other community agency.

- 5 (c) 1. There is a rebuttable presumption that a child born to a parent who  
6 has another child in the care, custody, or control of the cabinet or  
7 other person as a result of removal pursuant to this chapter is in  
8 immediate danger of dependency, neglect, or abuse and the cabinet  
9 shall immediately make an initial determination as to the risk of harm  
10 and immediate safety of the child. If the cabinet determines that the  
11 presumption has been rebutted, either due to the fact that the parent is  
12 successfully participating in cabinet- or court-directed services or due  
13 to other reasons, and the child is not subject to an immediate threat to  
14 the child's health or safety, the cabinet shall provide written notice of  
15 the determination; the previous allegations, complaints, or petitions  
16 against the parent; and the evidence rebutting the presumption to the  
17 court within twenty-four (24) hours of making the determination.
- 18 2. Following removal of a child from the custody of the child's parent  
19 after an investigation required by this paragraph, the cabinet shall not  
20 return the child to the parent's custody unless:
- 21 a. A guardian ad litem has been appointed for the child;  
22 b. A full investigation has been conducted by the department as  
23 required by this section, and the results of the investigation,  
24 including any previous allegations, complaints, or petitions of  
25 dependency, neglect, or abuse against the parent, have been  
26 presented to the court at a hearing to determine whether the  
27 child is dependent, neglected, or abused; and

1                                    *c. The court determines by clear and convincing evidence that the*  
2                                    *child will be provided a safe home.*

3            (d) The cabinet shall, within seventy-two (72) hours, exclusive of weekends and  
4            holidays, make a written report to the Commonwealth's or county attorney  
5            and the local law enforcement agency or the Department of Kentucky State  
6            Police concerning the action that has been taken on the investigation.

7            (e)~~(d)~~ If the report alleges abuse or neglect by someone other than a parent,  
8            guardian, fictive kin, person in a position of authority, person in a position of  
9            special trust, or person exercising custodial control or supervision, or the  
10           human trafficking of a child, the cabinet shall immediately notify the  
11           Commonwealth's or county attorney and the local law enforcement agency or  
12           the Department of Kentucky State Police.

13        (2) (a) Upon receipt of a report alleging dependency pursuant to KRS 620.030(1) and  
14           (2), the recipient shall immediately notify the cabinet or its designated  
15           representative.

16           (b) Based upon the allegation in the report, the cabinet shall immediately make an  
17           initial determination as to the risk of harm and immediate safety of the child.  
18           Based upon the level of risk, the cabinet shall investigate the allegation or  
19           accept the report for an assessment of family needs and, if appropriate, may  
20           provide or make referral to any community-based services necessary to reduce  
21           risk to the child and to provide family support. A report of sexual abuse or  
22           human trafficking of a child shall be considered high risk and shall not be  
23           referred to any other community agency.

24           (c) The cabinet need not notify the local law enforcement agency or the  
25           Department of Kentucky State Police or Commonwealth's or county attorney  
26           of reports made under this subsection unless the report involves the human  
27           trafficking of a child, in which case the notification shall be required.

- 1 (3) If the cabinet or its designated representative receives a report of abuse by a person  
2 other than a parent, guardian, fictive kin, person in a position of authority, person in  
3 a position of special trust, or other person exercising custodial control or  
4 supervision of a child, it shall immediately notify the local law enforcement agency  
5 or the Department of Kentucky State Police and the Commonwealth's or county  
6 attorney of the receipt of the report and its contents, and they shall investigate the  
7 matter. The cabinet or its designated representative shall participate in an  
8 investigation of noncustodial physical abuse or neglect at the request of the local  
9 law enforcement agency or the Department of Kentucky State Police. The cabinet  
10 shall participate in all investigations of reported or suspected sexual abuse or human  
11 trafficking of a child.
- 12 (4) School personnel or other persons listed in KRS 620.030(2) do not have the  
13 authority to conduct internal investigations in lieu of the official investigations  
14 outlined in this section.
- 15 (5) (a) If, after receiving the report, the law enforcement officer, the cabinet, or its  
16 designated representative cannot gain admission to the location of the child, a  
17 search warrant shall be requested from, and may be issued by, the judge to the  
18 appropriate law enforcement official upon probable cause that the child is  
19 dependent, neglected, or abused. If, pursuant to a search under a warrant, a  
20 child is discovered and appears to be in imminent danger, the child may be  
21 removed by the law enforcement officer.
- 22 (b) If a child who is in a hospital or under the immediate care of a physician  
23 appears to be in imminent danger if he or she is returned to the persons having  
24 custody of him or her, the physician or hospital administrator may hold the  
25 child without court order, provided that a request is made to the court for an  
26 emergency custody order at the earliest practicable time, not to exceed  
27 seventy-two (72) hours.

1 (c) Any appropriate law enforcement officer may take a child into protective  
2 custody and may hold that child in protective custody without the consent of  
3 the parent or other person exercising custodial control or supervision if there  
4 exist reasonable grounds for the officer to believe that the child is in danger of  
5 imminent death or serious physical injury, is being sexually abused, or is a  
6 victim of human trafficking and that the parents or other person exercising  
7 custodial control or supervision are unable or unwilling to protect the child.  
8 The officer or the person to whom the officer entrusts the child shall, within  
9 twelve (12) hours of taking the child into protective custody, request the court  
10 to issue an emergency custody order.

11 (d) When a law enforcement officer, hospital administrator, or physician takes a  
12 child into custody without the consent of the parent or other person exercising  
13 custodial control or supervision, he or she shall provide written notice to the  
14 parent or other person stating the reasons for removal of the child. Failure of  
15 the parent or other person to receive notice shall not, by itself, be cause for  
16 civil or criminal liability.

17 (e) 1. If a report includes a child fatality or near fatality, and the law  
18 enforcement officer has reasonable grounds to believe any parent or  
19 person exercising custodial control or supervision of the child was under  
20 the influence of alcohol or drugs at the time the fatality or near fatality  
21 occurred, the law enforcement officer shall request a test of blood,  
22 breath, or urine from that person.

23 2. If, after making the request, consent is not given for the test of blood,  
24 breath, or urine, a search warrant shall be requested from and may be  
25 issued by the judge to the appropriate law enforcement official upon  
26 probable cause that a child fatality or near fatality has occurred and that  
27 the person exercising custodial control or supervision of the child at the



1                   time of the fatality or near fatality was under the influence.

2                   3. Any test requested under this section shall be conducted pursuant to the  
3                   testing procedures and requirements in KRS 189A.103.

4 (6) To the extent practicable and when in the best interest of a child alleged to have  
5                   been abused, interviews with the child shall be conducted at a children's advocacy  
6                   center.

7 (7) (a) One (1) or more multidisciplinary teams may be established in every county  
8                   or group of contiguous counties.

9                   (b) Membership of the multidisciplinary team shall include but shall not be  
10                  limited to social service workers employed by the Cabinet for Health and  
11                  Family Services and law enforcement officers. Additional team members may  
12                  include Commonwealth's and county attorneys, children's advocacy center  
13                  staff, mental health professionals, medical professionals, victim advocates  
14                  including advocates for victims of human trafficking, educators, and other  
15                  related professionals, as deemed appropriate.

16               (c) The multidisciplinary team shall review child sexual abuse cases and child  
17               human trafficking cases involving commercial sexual activity referred by  
18               participating professionals, including those in which the alleged perpetrator  
19               does not have custodial control or supervision of the child or is not  
20               responsible for the child's welfare. The purpose of the multidisciplinary team  
21               shall be to review investigations, assess service delivery, and to facilitate  
22               efficient and appropriate disposition of cases through the criminal justice  
23               system.

24               (d) The team shall hold regularly scheduled meetings if new reports of sexual  
25               abuse or child human trafficking cases involving commercial sexual activity  
26               are received or if active cases exist. At each meeting, each active case shall be  
27               presented and the agencies' responses assessed.

- 1 (e) The multidisciplinary team shall provide an annual report to the public of  
2 nonidentifying case information to allow assessment of the processing and  
3 disposition of child sexual abuse cases and child human trafficking cases  
4 involving commercial sexual activity.
- 5 (f) Multidisciplinary team members and anyone invited by the multidisciplinary  
6 team to participate in a meeting shall not divulge case information, including  
7 information regarding the identity of the victim or source of the report. Team  
8 members and others attending meetings shall sign a confidentiality statement  
9 that is consistent with statutory prohibitions on disclosure of this information.
- 10 (g) The multidisciplinary team shall, pursuant to KRS 431.600 and 431.660,  
11 develop a local protocol consistent with the model protocol issued by the  
12 Kentucky Multidisciplinary Commission on Child Sexual Abuse. The local  
13 team shall submit the protocol to the commission for review and approval.
- 14 (h) The multidisciplinary team review of a case may include information from  
15 reports generated by agencies, organizations, or individuals that are  
16 responsible for investigation, prosecution, or treatment in the case, KRS  
17 610.320 to KRS 610.340 notwithstanding.
- 18 (i) To the extent practicable, multidisciplinary teams shall be staffed by the local  
19 children's advocacy center.
- 20 (8) Nothing in this section shall limit the cabinet's investigatory authority under KRS  
21 620.050 or any other obligation imposed by law.
- 22 ➔Section 3. KRS 620.050 is amended to read as follows:
- 23 (1) Anyone acting upon reasonable cause in the making of a report or acting under  
24 KRS 620.030 to 620.050 in good faith shall have immunity from any liability, civil  
25 or criminal, that might otherwise be incurred or imposed. Any such participant shall  
26 have the same immunity with respect to participation in any judicial proceeding  
27 resulting from such report or action. However, any person who knowingly makes a

- 1 false report and does so with malice shall be guilty of a Class A misdemeanor.
- 2 (2) Any employee or designated agent of a children's advocacy center shall be immune  
3 from any civil liability arising from performance within the scope of the person's  
4 duties as provided in KRS 620.030 to 620.050. Any such person shall have the  
5 same immunity with respect to participation in any judicial proceeding. Nothing in  
6 this subsection shall limit liability for negligence. Upon the request of an employee  
7 or designated agent of a children's advocacy center, the Attorney General shall  
8 provide for the defense of any civil action brought against the employee or  
9 designated agent as provided under KRS 12.211 to 12.215.
- 10 (3) Neither the husband-wife nor any professional-client/patient privilege, except the  
11 attorney-client and clergy-penitent privilege, shall be a ground for refusing to report  
12 under this section or for excluding evidence regarding a dependent, neglected, or  
13 abused child or the cause thereof, in any judicial proceedings resulting from a report  
14 pursuant to this section. This subsection shall also apply in any criminal proceeding  
15 in District or Circuit Court regarding a dependent, neglected, or abused child.
- 16 (4) Upon receipt of a report of an abused, neglected, or dependent child pursuant to this  
17 chapter, *or a report of a child who has been born to a parent who has another*  
18 *child in the care, custody, or control of the cabinet or other person as a result of*  
19 *removal pursuant to this chapter,* the cabinet as the designated agency or its  
20 delegated representative shall initiate a prompt investigation or assessment of  
21 family needs, take necessary action, and shall offer protective services toward  
22 safeguarding the welfare of the child. The cabinet shall work toward preventing  
23 further dependency, neglect, or abuse of the child or any other child under the same  
24 care, and preserve and strengthen family life, where possible, by enhancing parental  
25 capacity for adequate child care.
- 26 (5) The report of suspected child abuse, neglect, or dependency and all information  
27 obtained by the cabinet or its delegated representative, as a result of an investigation

1 or assessment made pursuant to this chapter, except for those records provided for  
2 in subsection (6) of this section, shall not be divulged to anyone except:

- 3 (a) Persons suspected of causing dependency, neglect, or abuse;
- 4 (b) The custodial parent or legal guardian of the child alleged to be dependent,  
5 neglected, or abused;
- 6 (c) Persons within the cabinet with a legitimate interest or responsibility related  
7 to the case;
- 8 (d) A licensed child-caring facility or child-placing agency evaluating placement  
9 for or serving a child who is believed to be the victim of an abuse, neglect, or  
10 dependency report;
- 11 (e) Other medical, psychological, educational, or social service agencies, child  
12 care administrators, corrections personnel, or law enforcement agencies,  
13 including the county attorney's office, the coroner, and the local child fatality  
14 response team, that have a legitimate interest in the case;
- 15 (f) A noncustodial parent when the dependency, neglect, or abuse is  
16 substantiated;
- 17 (g) Members of multidisciplinary teams as defined by KRS 620.020 and which  
18 operate pursuant to KRS 431.600;
- 19 (h) Employees or designated agents of a children's advocacy center;
- 20 (i) Those persons so authorized by court order; or
- 21 (j) The external child fatality and near fatality review panel established by KRS  
22 620.055.

23 (6) (a) Files, reports, notes, photographs, records, electronic and other  
24 communications, and working papers used or developed by a children's  
25 advocacy center in providing services under this chapter are confidential and  
26 shall not be disclosed except to the following persons:

- 27 1. Staff employed by the cabinet, law enforcement officers, and

1 Commonwealth's and county attorneys who are directly involved in the  
2 investigation or prosecution of the case, including a cabinet  
3 investigation or assessment of child abuse, neglect, and dependency in  
4 accordance with this chapter;

- 5 2. Medical and mental health professionals listed by name in a release of  
6 information signed by the guardian of the child, provided that the  
7 information shared is limited to that necessary to promote the physical  
8 or psychological health of the child or to treat the child for abuse-related  
9 symptoms;
- 10 3. The court and those persons so authorized by a court order;
- 11 4. The external child fatality and near fatality review panel established by  
12 KRS 620.055; and
- 13 5. The parties to an administrative hearing conducted by the cabinet or its  
14 designee in accordance with KRS Chapter 13B in an appeal of a cabinet-  
15 substantiated finding of abuse or neglect. The children's advocacy center  
16 may, in its sole discretion, provide testimony in lieu of files, reports,  
17 notes, photographs, records, electronic and other communications, and  
18 working papers used or developed by the center if the center determines  
19 that the release poses a threat to the safety or well-being of the child, or  
20 would be in the best interests of the child. Following the administrative  
21 hearing and any judicial review, the parties to the administrative hearing  
22 shall return all files, reports, notes, photographs, records, electronic and  
23 other communications, and working papers used or developed by the  
24 children's advocacy center to the center.

25 (b) The provisions of this subsection shall not be construed as to contravene the  
26 Rules of Criminal Procedure relating to discovery.

27 (7) Nothing in this section shall prohibit a parent or guardian from accessing records

1 for his or her child providing that the parent or guardian is not currently under  
2 investigation by a law enforcement agency or the cabinet relating to the abuse or  
3 neglect of a child.

4 (8) Nothing in this section shall prohibit employees or designated agents of a children's  
5 advocacy center from disclosing information during a multidisciplinary team  
6 review of a child sexual abuse case as set forth under KRS 620.040. Persons  
7 receiving this information shall sign a confidentiality statement consistent with  
8 statutory prohibitions on disclosure of this information.

9 (9) Employees or designated agents of a children's advocacy center may confirm to  
10 another children's advocacy center that a child has been seen for services. If an  
11 information release has been signed by the guardian of the child, a children's  
12 advocacy center may disclose relevant information to another children's advocacy  
13 center.

14 (10) (a) An interview of a child recorded at a children's advocacy center shall not be  
15 duplicated, except that the Commonwealth's or county attorney prosecuting  
16 the case may:

- 17 1. Make and retain one (1) copy of the interview; and
- 18 2. Make one (1) copy for the defendant's or respondent's counsel that the  
19 defendant's or respondent's counsel shall not duplicate.

20 (b) The defendant's or respondent's counsel shall file the copy with the court clerk  
21 at the close of the case.

22 (c) Unless objected to by the victim or victims, the court, on its own motion, or  
23 on motion of the attorney for the Commonwealth shall order all recorded  
24 interviews that are introduced into evidence or are in the possession of the  
25 children's advocacy center, law enforcement, the prosecution, or the court to  
26 be sealed.

27 (d) The provisions of this subsection shall not be construed as to contravene the

1 Rules of Criminal Procedure relating to discovery.

- 2 (11) Identifying information concerning the individual initiating the report under KRS  
3 620.030 shall not be disclosed except:
- 4 (a) To law enforcement officials that have a legitimate interest in the case;
  - 5 (b) To the agency designated by the cabinet to investigate or assess the report;
  - 6 (c) To members of multidisciplinary teams as defined by KRS 620.020 that  
7 operated under KRS 431.600
  - 8 (d) Under a court order, after the court has conducted an in camera review of the  
9 record of the state related to the report and has found reasonable cause to  
10 believe that the reporter knowingly made a false report; or
  - 11 (e) The external child fatality and near fatality review panel established by KRS  
12 620.055.
- 13 (12) (a) Information may be publicly disclosed by the cabinet in a case where child  
14 abuse or neglect has resulted in a child fatality or near fatality.
- 15 (b) The cabinet shall conduct an internal review of any case where child abuse or  
16 neglect has resulted in a child fatality or near fatality and the cabinet had prior  
17 involvement with the child or family. The cabinet shall prepare a summary  
18 that includes an account of:
    - 19 1. The cabinet's actions and any policy or personnel changes taken or to be  
20 taken, including the results of appeals, as a result of the findings from  
21 the internal review; and
    - 22 2. Any cooperation, assistance, or information from any agency of the state  
23 or any other agency, institution, or facility providing services to the  
24 child or family that were requested and received by the cabinet during  
25 the investigation of a child fatality or near fatality.
  - 26 (c) The cabinet shall submit a report by September 1 of each year containing an  
27 analysis of all summaries of internal reviews occurring during the previous

1           year and an analysis of historical trends to the Governor, the General  
2           Assembly, and the state child fatality review team created under KRS  
3           211.684.

4 (13) When an adult who is the subject of information made confidential by subsection  
5 (5) of this section publicly reveals or causes to be revealed any significant part of  
6 the confidential matter or information, the confidentiality afforded by subsection (5)  
7 of this section is presumed voluntarily waived, and confidential information and  
8 records about the person making or causing the public disclosure, not already  
9 disclosed but related to the information made public, may be disclosed if disclosure  
10 is in the best interest of the child or is necessary for the administration of the  
11 cabinet's duties under this chapter.

12 (14) As a result of any report of suspected child abuse or neglect, photographs and X-  
13 rays or other appropriate medical diagnostic procedures may be taken or caused to  
14 be taken, without the consent of the parent or other person exercising custodial  
15 control or supervision of the child, as a part of the medical evaluation or  
16 investigation of these reports. These photographs and X-rays or results of other  
17 medical diagnostic procedures may be introduced into evidence in any subsequent  
18 judicial proceedings or an administrative hearing conducted by the cabinet or its  
19 designee in accordance with KRS Chapter 13B in an appeal of a cabinet-  
20 substantiated finding of child abuse or neglect. The person performing the  
21 diagnostic procedures or taking photographs or X-rays shall be immune from  
22 criminal or civil liability for having performed the act. Nothing herein shall limit  
23 liability for negligence.

24 (15) In accordance with 42 U.S.C. sec. 671, the cabinet shall share information about a  
25 child in the custody of the cabinet with a relative or a parent of the child's sibling  
26 for the purposes of:

27 (a) Evaluating or arranging a placement for the child;



- 1 (b) Arranging appropriate treatment services for the child; or
- 2 (c) Establishing visitation between the child and a relative, including a sibling of
- 3 the child.

4 (16) In accordance with 42 U.S.C. sec. 671, the cabinet shall, in the case of siblings  
 5 removed from their home who are not jointly placed, provide for frequent visitation  
 6 or other ongoing interaction between the siblings, unless the cabinet determines that  
 7 frequent visitation or other ongoing interaction would be contrary to the safety or  
 8 well-being of any of the siblings.

9 ➔Section 4. KRS 620.060 is amended to read as follows:

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

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

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

24 (c) The child is in immediate danger due to the parent's failure or refusal to  
 25 provide for the safety or needs of the child; or

26 (d) The parent or other person exercising custodial control or supervision has  
 27 another child in the care, custody, or control of the cabinet or other person

1                   *as a result a removal pursuant to this chapter, creating a rebuttable*  
2                   *presumption that the child is in immediate danger of dependency, neglect,*  
3                   *or abuse.*

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

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

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

18 (5) Within seventy-two (72) hours of the taking of a child into custody without the  
19 consent of his *or her* parent or other person exercising custodial control or  
20 supervision, a petition shall be filed pursuant to this chapter.

21 (6) Nothing herein shall preclude the issuance of arrest warrants pursuant to the Rules  
22 of Criminal Procedure.

23 ➔Section 5. KRS 620.080 is amended to read as follows:

24 (1) Unless waived by the child and his *or her* parent or other person exercising  
25 custodial control or supervision, a temporary removal hearing shall be held:

26 (a) Within seventy-two (72) hours, excluding weekends and holidays, of the time  
27 when an emergency custody order is issued or when a child is taken into

1 custody without the consent of his or her parent or other person exercising  
2 custodial control or supervision; and

3 (b) In cases commenced by the filing of a petition, within ten (10) days of the  
4 date of filing.

5 (2) At a temporary removal hearing, the court shall determine whether there are  
6 reasonable grounds to believe that the child would be dependent, neglected, or  
7 abused if returned to or left in the custody of his or her parent or other person  
8 exercising custodial control or supervision even though it is not proved  
9 conclusively who has perpetrated the dependency, neglect, or abuse. For good  
10 cause, the court may allow hearsay evidence. The Commonwealth shall bear the  
11 burden of proof by a preponderance of the evidence and if the Commonwealth  
12 should fail to establish same, the child shall be released to or retained in the custody  
13 of his or her parent or other person exercising custodial control or supervision.

14 **(3) There is a rebuttable presumption that the child would be dependent, neglected,**  
15 **or abused if returned to or left in the custody of his or her parent or other person**  
16 **exercising custodial control or supervision if the parent or other person**  
17 **exercising custodial control or supervision has another child in the care, custody,**  
18 **or control of the cabinet or other person as a result a removal pursuant to this**  
19 **chapter.**