

1 AN ACT relating to child protection.

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

3 ➔Section 1. KRS 620.040 is amended to read as follows:

- 4 (1) (a) Upon receipt of a report alleging abuse or neglect by a parent, guardian,
5 fictive kin, person in a position of authority, person in a position of special
6 trust, or person exercising custodial control or supervision, pursuant to KRS
7 620.030(1) or (2), or a report alleging a child is a victim of human trafficking
8 pursuant to KRS 620.030(3), the recipient of the report shall immediately
9 notify the cabinet or its designated representative, the local law enforcement
10 agency or the Department of Kentucky State Police, and the Commonwealth's
11 or county attorney of the receipt of the report. If any agency listed above is the
12 reporting source, the recipient shall immediately notify the cabinet or its
13 designated representative, the local law enforcement agency, the Department
14 of Kentucky State Police, and the Commonwealth's or county attorney of the
15 receipt of the report.
- 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 determined, the cabinet shall investigate the
19 allegation or accept the report for an assessment of family needs and, if
20 appropriate, may provide or make referral to any community-based services
21 necessary to reduce risk to the child and to provide family support. A report of
22 sexual abuse or human trafficking of a child shall be considered high risk and
23 shall not be referred to any other community agency.
- 24 (c) The cabinet shall, within seventy-two (72) hours, exclusive of weekends and
25 holidays, make a written report to the Commonwealth's or county attorney
26 and the local law enforcement agency or the Department of Kentucky State
27 Police concerning the action that has been taken on the investigation.

- 1 (d) If the report alleges abuse or neglect by someone other than a parent,
2 guardian, fictive kin, person in a position of authority, person in a position of
3 special trust, or person exercising custodial control or supervision, or the
4 human trafficking of a child, the cabinet shall immediately notify the
5 Commonwealth's or county attorney and the local law enforcement agency or
6 the Department of Kentucky State Police.
- 7 (2) (a) Upon receipt of a report alleging dependency pursuant to KRS 620.030(1) and
8 (2), the recipient shall immediately notify the cabinet or its designated
9 representative.
- 10 (b) Based upon the allegation in the report, the cabinet shall immediately make an
11 initial determination as to the risk of harm and immediate safety of the child.
12 Based upon the level of risk, the cabinet shall investigate the allegation or
13 accept the report for an assessment of family needs and, if appropriate, may
14 provide or make referral to any community-based services necessary to reduce
15 risk to the child and to provide family support. A report of sexual abuse or
16 human trafficking of a child shall be considered high risk and shall not be
17 referred to any other community agency.
- 18 (c) The cabinet need not notify the local law enforcement agency or the
19 Department of Kentucky State Police or Commonwealth's or county attorney
20 of reports made under this subsection unless the report involves the human
21 trafficking of a child, in which case the notification shall be required.
- 22 (3) If the cabinet or its designated representative receives a report of abuse by a person
23 other than a parent, guardian, fictive kin, person in a position of authority, person in
24 a position of special trust, or other person exercising custodial control or
25 supervision of a child, it shall immediately notify the local law enforcement agency
26 or the Department of Kentucky State Police and the Commonwealth's or county
27 attorney of the receipt of the report and its contents, and they shall investigate the

1 matter. The cabinet or its designated representative shall participate in an
2 investigation of noncustodial physical abuse or neglect at the request of the local
3 law enforcement agency or the Department of Kentucky State Police. The cabinet
4 shall participate in all investigations of reported or suspected sexual abuse or human
5 trafficking of a child.

6 (4) School personnel or other persons listed in KRS 620.030(2) do not have the
7 authority to conduct internal investigations in lieu of the official investigations
8 outlined in this section.

9 (5) (a) If, after receiving the report, the law enforcement officer, the cabinet, or its
10 designated representative cannot gain admission to the location of the child, a
11 search warrant shall be requested from, and may be issued by, the judge to the
12 appropriate law enforcement official upon probable cause that the child is
13 dependent, neglected, or abused. If, pursuant to a search under a warrant, a
14 child is discovered and appears to be in imminent danger, the child may be
15 removed by the law enforcement officer.

16 (b) If a child who is in a hospital or under the immediate care of a physician
17 appears to be in imminent danger if he or she is returned to the persons having
18 custody of him or her, the physician or hospital administrator may hold the
19 child without court order, provided that a request is made to the court for an
20 emergency custody order at the earliest practicable time, not to exceed
21 seventy-two (72) hours.

22 (c) Any appropriate law enforcement officer may take a child into protective
23 custody and may hold that child in protective custody without the consent of
24 the parent or other person exercising custodial control or supervision if there
25 exist reasonable grounds for the officer to believe that the child is in danger of
26 imminent death or serious physical injury, is being sexually abused, or is a
27 victim of human trafficking and that the parents or other person exercising

1 custodial control or supervision are unable or unwilling to protect the child.
2 The officer or the person to whom the officer entrusts the child shall, within
3 twelve (12) hours of taking the child into protective custody, request the court
4 to issue an emergency custody order.

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

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

17 2. If, after making the request, consent is not given for the test of blood,
18 breath, or urine, a search warrant shall be requested from and may be
19 issued by the judge to the appropriate law enforcement official upon
20 probable cause that a child fatality or near fatality has occurred and that
21 the person exercising custodial control or supervision of the child at the
22 time of the fatality or near fatality was under the influence.

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

25 (6) **The cabinet shall make efforts as soon as practicable to determine any military**
26 **status of a parent or legal guardian of a child who is the subject of an**
27 **investigation or assessment pursuant to this section. If the cabinet determines**

1 *that the parent or legal guardian is a member of the United States Armed Forces,*
2 *the cabinet shall notify the Department of Defense family advocacy program*
3 *operating within the service member's assigned installation of the investigation or*
4 *assessment and provide case information.*

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

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

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

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

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

1 presented and the agencies' responses assessed.

2 (e) The multidisciplinary team shall provide an annual report to the public of
3 nonidentifying case information to allow assessment of the processing and
4 disposition of child sexual abuse cases and child human trafficking cases
5 involving commercial sexual activity.

6 (f) Multidisciplinary team members and anyone invited by the multidisciplinary
7 team to participate in a meeting shall not divulge case information, including
8 information regarding the identity of the victim or source of the report. Team
9 members and others attending meetings shall sign a confidentiality statement
10 that is consistent with statutory prohibitions on disclosure of this information.

11 (g) The multidisciplinary team shall, pursuant to KRS 431.600 and 431.660,
12 develop a local protocol consistent with the model protocol issued by the
13 Kentucky Multidisciplinary Commission on Child Sexual Abuse. The local
14 team shall submit the protocol to the commission for review and approval.

15 (h) The multidisciplinary team review of a case may include information from
16 reports generated by agencies, organizations, or individuals that are
17 responsible for investigation, prosecution, or treatment in the case, KRS
18 610.320 to KRS 610.340 notwithstanding.

19 (i) To the extent practicable, multidisciplinary teams shall be staffed by the local
20 children's advocacy center.

21 ~~(9)(8)~~ Nothing in this section shall limit the cabinet's investigatory authority under
22 KRS 620.050 or any other obligation imposed by law.