

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 600.020 is amended to read as follows:

4 As used in KRS Chapters 600 to 645, unless the context otherwise requires:

5 (1) "Abused or neglected child" means a child whose health or welfare is harmed or  
6 threatened with harm when:

7 (a) His or her parent, guardian, person in a position of authority or special trust,  
8 as defined in KRS 532.045, or other person exercising custodial control or  
9 supervision of the child:

- 10 1. Inflicts or allows to be inflicted upon the child physical or emotional  
11 injury as defined in this section by other than accidental means;
- 12 2. Creates or allows to be created a risk of physical or emotional injury as  
13 defined in this section to the child by other than accidental means;
- 14 3. Engages in a pattern of conduct that renders the parent incapable of  
15 caring for the immediate and ongoing needs of the child, including but  
16 not limited to parental incapacity due to a substance use disorder as  
17 defined in KRS 222.005;
- 18 4. Continuously or repeatedly fails or refuses to provide essential parental  
19 care and protection for the child, considering the age of the child;
- 20 5. Commits or allows to be committed an act of sexual abuse, sexual  
21 exploitation, or prostitution upon the child;
- 22 6. Creates or allows to be created a risk that an act of sexual abuse, sexual  
23 exploitation, or prostitution will be committed upon the child;
- 24 7. Abandons or exploits the child;
- 25 8. Does not provide the child with adequate care, supervision, food,  
26 clothing, shelter, and education or medical care necessary for the child's  
27 well-being when financially able to do so or offered financial or other

1 means to do so. A parent or other person exercising custodial control or  
2 supervision of the child legitimately practicing the person's religious  
3 beliefs shall not be considered a negligent parent solely because of  
4 failure to provide specified medical treatment for a child for that reason  
5 alone. This exception shall not preclude a court from ordering necessary  
6 medical services for a child;

7 9. Fails to make sufficient progress toward identified goals as set forth in  
8 the court-approved case plan to allow for the safe return of the child to  
9 the parent that results in the child remaining committed to the cabinet  
10 and remaining in foster care for fifteen (15) cumulative months out of  
11 forty-eight (48) months; or

12 10. Commits or allows female genital mutilation as defined in KRS 508.125  
13 to be committed; or

14 (b) A person twenty-one (21) years of age or older commits or allows to be  
15 committed an act of sexual abuse, sexual exploitation, or prostitution upon a  
16 child less than sixteen (16) years of age;

17 (2) "Age or developmentally appropriate" has the same meaning as in 42 U.S.C. sec.  
18 675(11);

19 (3) "Aggravated circumstances" means the existence of one (1) or more of the  
20 following conditions:

21 (a) The parent has not attempted or has not had contact with the child for a period  
22 of not less than ninety (90) days;

23 (b) The parent is incarcerated and will be unavailable to care for the child for a  
24 period of at least one (1) year from the date of the child's entry into foster care  
25 and there is no appropriate relative placement available during this period of  
26 time;

27 (c) The parent has sexually abused the child and has refused available treatment;

- 1 (d) The parent has been found by the cabinet to have engaged in abuse of the  
2 child that required removal from the parent's home two (2) or more times in  
3 the past two (2) years; or
- 4 (e) The parent has caused the child serious physical injury;
- 5 (4) "Beyond the control of parents" means a child who has repeatedly failed to follow  
6 the reasonable directives of his or her parents, legal guardian, or person exercising  
7 custodial control or supervision other than a state agency, which behavior results in  
8 danger to the child or others, and which behavior does not constitute behavior that  
9 would warrant the filing of a petition under KRS Chapter 645;
- 10 (5) "Beyond the control of school" means any child who has been found by the court to  
11 have repeatedly violated the lawful regulations for the government of the school as  
12 provided in KRS 158.150, and as documented in writing by the school as a part of  
13 the school's petition or as an attachment to the school's petition. The petition or  
14 attachment shall describe the student's behavior and all intervention strategies  
15 attempted by the school;
- 16 (6) "Boarding home" means a privately owned and operated home for the boarding and  
17 lodging of individuals which is approved by the Department of Juvenile Justice or  
18 the cabinet for the placement of children committed to the department or the  
19 cabinet;
- 20 (7) "Cabinet" means the Cabinet for Health and Family Services;
- 21 (8) "Certified juvenile facility staff" means individuals who meet the qualifications of,  
22 and who have completed a course of education and training in juvenile detention  
23 developed and approved by, the Department of Juvenile Justice after consultation  
24 with other appropriate state agencies;
- 25 (9) "Child" means any person who has not reached his or her eighteenth birthday,  
26 unless otherwise provided;
- 27 (10) "Child-caring facility" means any facility or group home other than a state facility,

1 Department of Juvenile Justice contract facility or group home, or one certified by  
2 an appropriate agency as operated primarily for educational or medical purposes,  
3 providing residential care on a twenty-four (24) hour basis to children not related by  
4 blood, adoption, or marriage to the person maintaining the facility;

5 (11) "Child-placing agency" means any agency, other than a state agency, which  
6 supervises the placement of children in foster family homes or child-caring  
7 facilities or which places children for adoption;

8 (12) **"Child-specific foster home" means an individual or family approved by the**  
9 **cabinet as a foster family home for a relative or fictive kin placement;**

10 **(13)** "Clinical treatment facility" means a facility with more than eight (8) beds  
11 designated by the Department of Juvenile Justice or the cabinet for the treatment of  
12 mentally ill children. The treatment program of such facilities shall be supervised  
13 by a qualified mental health professional;

14 **(14)**~~[(13)]~~ "Commitment" means an order of the court which places a child under the  
15 custodial control or supervision of the Cabinet for Health and Family Services,  
16 Department of Juvenile Justice, or another facility or agency until the child attains  
17 the age of eighteen (18) unless otherwise provided by law;

18 **(15)**~~[(14)]~~ "Community-based facility" means any nonsecure, homelike facility licensed,  
19 operated, or permitted to operate by the Department of Juvenile Justice or the  
20 cabinet, which is located within a reasonable proximity of the child's family and  
21 home community, which affords the child the opportunity, if a Kentucky resident,  
22 to continue family and community contact;

23 **(16)**~~[(15)]~~ "Complaint" means a verified statement setting forth allegations in regard to  
24 the child which contain sufficient facts for the formulation of a subsequent petition;

25 **(17)**~~[(16)]~~ "Court" means the juvenile session of District Court unless a statute specifies  
26 the adult session of District Court or the Circuit Court;

27 **(18)**~~[(17)]~~ "Court-designated worker" means that organization or individual delegated by

1 the Administrative Office of the Courts for the purposes of placing children in  
2 alternative placements prior to arraignment, conducting preliminary investigations,  
3 and formulating, entering into, and supervising diversion agreements and  
4 performing such other functions as authorized by law or court order;

5 (19)~~[(18)]~~ "Deadly weapon" has the same meaning as it does in KRS 500.080;

6 (20)~~[(19)]~~ "Department" means the Department for Community Based Services;

7 (21)~~[(20)]~~ "Dependent child" means any child, other than an abused or neglected child,  
8 who is under improper care, custody, control, or guardianship that is not due to an  
9 intentional act of the parent, guardian, or person exercising custodial control or  
10 supervision of the child;

11 (22)~~[(21)]~~ "Detention" means the safe and temporary custody of a juvenile who is  
12 accused of conduct subject to the jurisdiction of the court who requires a restricted  
13 or closely supervised environment for his or her own or the community's protection;

14 (23)~~[(22)]~~ "Detention hearing" means a hearing held by a judge or trial commissioner  
15 within twenty-four (24) hours, exclusive of weekends and holidays, of the start of  
16 any period of detention prior to adjudication;

17 (24)~~[(23)]~~ "Diversion agreement" means a mechanism designed to hold a child  
18 accountable for his or her behavior and, if appropriate, securing services to serve  
19 the best interest of the child and to provide redress for that behavior without court  
20 action and without the creation of a formal court record;

21 (25)~~[(24)]~~ "Eligible youth" means a person who:

- 22 (a) Is or has been committed to the cabinet as dependent, neglected, or abused;  
23 (b) Is eighteen (18) years of age to nineteen (19) years of age; and  
24 (c) Is requesting to extend or reinstate his or her commitment to the cabinet in  
25 order to participate in state or federal educational programs or to establish  
26 independent living arrangements;

27 (26)~~[(25)]~~ "Emergency shelter" is a group home, private residence, foster home, or

1 similar homelike facility which provides temporary or emergency care of children  
2 and adequate staff and services consistent with the needs of each child;

3 ~~(27)~~~~(26)~~ "Emotional injury" means an injury to the mental or psychological capacity or  
4 emotional stability of a child as evidenced by a substantial and observable  
5 impairment in the child's ability to function within a normal range of performance  
6 and behavior with due regard to his or her age, development, culture, and  
7 environment as testified to by a qualified mental health professional;

8 ~~(28)~~~~(27)~~ "Evidence-based practices" means policies, procedures, programs, and  
9 practices proven by scientific research to reliably produce reductions in recidivism;

10 ~~(29)~~~~(28)~~ "Fictive kin" means an individual who is not related by birth, adoption, or  
11 marriage to a child, but who has an emotionally significant relationship with the  
12 child, or an emotionally significant relationship with a biological parent, siblings, or  
13 half-siblings of the child in the case of a child from birth to twelve (12) months of  
14 age, prior to placement;

15 ~~(30)~~~~(29)~~ "Firearm" shall have the same meaning as in KRS 237.060 and 527.010;

16 ~~(31)~~~~(30)~~ "Foster family home" means a private home in which children are placed for  
17 foster family care under supervision of the cabinet or a licensed child-placing  
18 agency;

19 ~~(32)~~~~(31)~~ "Graduated sanction" means any of a continuum of accountability measures,  
20 programs, and sanctions, ranging from less restrictive to more restrictive in nature,  
21 that may include but are not limited to:

- 22 (a) Electronic monitoring;
- 23 (b) Drug and alcohol screening, testing, or monitoring;
- 24 (c) Day or evening reporting centers;
- 25 (d) Reporting requirements;
- 26 (e) Community service; and
- 27 (f) Rehabilitative interventions such as family counseling, substance abuse

1 treatment, restorative justice programs, and behavioral or mental health  
2 treatment;

3 (33)~~[(32)]~~ "Habitual runaway" means any child who has been found by the court to have  
4 been absent from his or her place of lawful residence without the permission of his  
5 or her custodian for at least three (3) days during a one (1) year period;

6 (34)~~[(33)]~~ "Habitual truant" means any child who has been found by the court to have  
7 been reported as a truant as defined in KRS 159.150(1) two (2) or more times  
8 during a one (1) year period;

9 (35)~~[(34)]~~ "Hospital" means, except for purposes of KRS Chapter 645, a licensed private  
10 or public facility, health care facility, or part thereof, which is approved by the  
11 cabinet to treat children;

12 (36)~~[(35)]~~ "Independent living" means those activities necessary to assist a committed  
13 child to establish independent living arrangements;

14 (37)~~[(36)]~~ "Informal adjustment" means an agreement reached among the parties, with  
15 consultation, but not the consent, of the victim of the crime or other persons  
16 specified in KRS 610.070 if the victim chooses not to or is unable to participate,  
17 after a petition has been filed, which is approved by the court, that the best interest  
18 of the child would be served without formal adjudication and disposition;

19 (38)~~[(37)]~~ "Intentionally" means, with respect to a result or to conduct described by a  
20 statute which defines an offense, that the actor's conscious objective is to cause that  
21 result or to engage in that conduct;

22 (39)~~[(38)]~~ "Least restrictive alternative" means, except for purposes of KRS Chapter  
23 645, that the program developed on the child's behalf is no more harsh, hazardous,  
24 or intrusive than necessary; or involves no restrictions on physical movements nor  
25 requirements for residential care except as reasonably necessary for the protection  
26 of the child from physical injury; or protection of the community, and is conducted  
27 at the suitable available facility closest to the child's place of residence to allow for

1 appropriate family engagement;

2 ~~(40)~~~~[(39)]~~ "Motor vehicle offense" means any violation of the nonfelony provisions of  
3 KRS Chapters 186, 189, or 189A, KRS 177.300, 304.39-110, or 304.39-117;

4 ~~(41)~~~~[(40)]~~ "Near fatality" means an injury that, as certified by a physician, places a child  
5 in serious or critical condition;

6 ~~(42)~~~~[(41)]~~ "Needs of the child" means necessary food, clothing, health, shelter, and  
7 education;

8 ~~(43)~~~~[(42)]~~ "Nonoffender" means a child alleged to be dependent, neglected, or abused  
9 and who has not been otherwise charged with a status or public offense;

10 ~~(44)~~~~[(43)]~~ "Nonsecure facility" means a facility which provides its residents access to  
11 the surrounding community and which does not rely primarily on the use of  
12 physically restricting construction and hardware to restrict freedom;

13 ~~(45)~~~~[(44)]~~ "Nonsecure setting" means a nonsecure facility or a residential home,  
14 including a child's own home, where a child may be temporarily placed pending  
15 further court action. Children before the court in a county that is served by a state  
16 operated secure detention facility, who are in the detention custody of the  
17 Department of Juvenile Justice, and who are placed in a nonsecure alternative by  
18 the Department of Juvenile Justice, shall be supervised by the Department of  
19 Juvenile Justice;

20 ~~(46)~~~~[(45)]~~ "Out-of-home placement" means a placement other than in the home of a  
21 parent, relative, or guardian, in a boarding home, clinical treatment facility,  
22 community-based facility, detention facility, emergency shelter, fictive kin home,  
23 foster family home, hospital, nonsecure facility, physically secure facility,  
24 residential treatment facility, or youth alternative center;

25 ~~(47)~~~~[(46)]~~ "Parent" means the biological or adoptive mother or father of a child;

26 ~~(48)~~~~[(47)]~~ "Person exercising custodial control or supervision" means a person or agency  
27 that has assumed the role and responsibility of a parent or guardian for the child, but



1 that does not necessarily have legal custody of the child;

2 ~~(49)~~~~(48)~~ "Petition" means a verified statement, setting forth allegations in regard to the  
3 child, which initiates formal court involvement in the child's case;

4 ~~(50)~~~~(49)~~ "Physical injury" means substantial physical pain or any impairment of  
5 physical condition;

6 ~~(51)~~~~(50)~~ "Physically secure facility" means a facility that relies primarily on the use of  
7 construction and hardware such as locks, bars, and fences to restrict freedom;

8 ~~(52)~~~~(51)~~ "Public offense action" means an action, excluding contempt, brought in the  
9 interest of a child who is accused of committing an offense under KRS Chapter 527  
10 or a public offense which, if committed by an adult, would be a crime, whether the  
11 same is a felony, misdemeanor, or violation, other than an action alleging that a  
12 child sixteen (16) years of age or older has committed a motor vehicle offense;

13 ~~(53)~~~~(52)~~ "Qualified mental health professional" means:

14 (a) A physician licensed under the laws of Kentucky to practice medicine or  
15 osteopathy, or a medical officer of the government of the United States while  
16 engaged in the performance of official duties;

17 (b) A psychiatrist licensed under the laws of Kentucky to practice medicine or  
18 osteopathy, or a medical officer of the government of the United States while  
19 engaged in the practice of official duties, and who is certified or eligible to  
20 apply for certification by the American Board of Psychiatry and Neurology,  
21 Inc.;

22 (c) A psychologist with the health service provider designation, a psychological  
23 practitioner, a certified psychologist, or a psychological associate licensed  
24 under the provisions of KRS Chapter 319;

25 (d) A licensed registered nurse with a master's degree in psychiatric nursing from  
26 an accredited institution and two (2) years of clinical experience with  
27 mentally ill persons, or a licensed registered nurse with a bachelor's degree in

- 1 nursing from an accredited institution who is certified as a psychiatric and  
2 mental health nurse by the American Nurses Association and who has three  
3 (3) years of inpatient or outpatient clinical experience in psychiatric nursing  
4 and who is currently employed by a hospital or forensic psychiatric facility  
5 licensed by the Commonwealth or a psychiatric unit of a general hospital, a  
6 private agency or company engaged in providing mental health services, or a  
7 regional comprehensive care center;
- 8 (e) A licensed clinical social worker licensed under the provisions of KRS  
9 335.100, or a certified social worker licensed under the provisions of KRS  
10 335.080 with three (3) years of inpatient or outpatient clinical experience in  
11 psychiatric social work and currently employed by a hospital or forensic  
12 psychiatric facility licensed by the Commonwealth, a psychiatric unit of a  
13 general hospital, a private agency or company engaged in providing mental  
14 health services, or a regional comprehensive care center;
- 15 (f) A marriage and family therapist licensed under the provisions of KRS  
16 335.300 to 335.399 with three (3) years of inpatient or outpatient clinical  
17 experience in psychiatric mental health practice and currently employed by a  
18 hospital or forensic psychiatric facility licensed by the Commonwealth, a  
19 psychiatric unit of a general hospital, a private agency or company engaged in  
20 providing mental health services, or a regional comprehensive care center;
- 21 (g) A professional counselor credentialed under the provisions of KRS 335.500 to  
22 335.599 with three (3) years of inpatient or outpatient clinical experience in  
23 psychiatric mental health practice and currently employed by a hospital or  
24 forensic facility licensed by the Commonwealth, a psychiatric unit of a  
25 general hospital, a private agency or company engaged in providing mental  
26 health services, or a regional comprehensive care center; or
- 27 (h) A physician assistant licensed under KRS 311.840 to 311.862, who meets one

1 (1) of the following requirements:

2 1. Provides documentation that he or she has completed a psychiatric  
3 residency program for physician assistants;

4 2. Has completed at least one thousand (1,000) hours of clinical experience  
5 under a supervising physician, as defined by KRS 311.840, who is a  
6 psychiatrist and is certified or eligible for certification by the American  
7 Board of Psychiatry and Neurology, Inc.;

8 3. Holds a master's degree from a physician assistant program accredited  
9 by the Accreditation Review Commission on Education for the  
10 Physician Assistant or its predecessor or successor agencies, is  
11 practicing under a supervising physician as defined by KRS 311.840,  
12 and:

13 a. Has two (2) years of clinical experience in the assessment,  
14 evaluation, and treatment of mental disorders; or

15 b. Has been employed by a hospital or forensic psychiatric facility  
16 licensed by the Commonwealth or a psychiatric unit of a general  
17 hospital or a private agency or company engaged in the provision  
18 of mental health services or a regional community program for  
19 mental health and individuals with an intellectual disability for at  
20 least two (2) years; or

21 4. Holds a bachelor's degree, possesses a current physician assistant  
22 certificate issued by the board prior to July 15, 2002, is practicing under  
23 a supervising physician as defined by KRS 311.840, and:

24 a. Has three (3) years of clinical experience in the assessment,  
25 evaluation, and treatment of mental disorders; or

26 b. Has been employed by a hospital or forensic psychiatric facility  
27 licensed by the Commonwealth or a psychiatric unit of a general

1 hospital or a private agency or company engaged in the provision  
2 of mental health services or a regional community program for  
3 mental health and individuals with an intellectual disability for at  
4 least three (3) years;

5 ~~(54)~~~~(53)~~ "Reasonable and prudent parent standard" has the same meaning as in 42  
6 U.S.C. sec. 675(10);

7 ~~(55)~~~~(54)~~ "Residential treatment facility" means a facility or group home with more  
8 than eight (8) beds designated by the Department of Juvenile Justice or the cabinet  
9 for the treatment of children;

10 ~~(56)~~~~(55)~~ "Retain in custody" means, after a child has been taken into custody, the  
11 continued holding of the child by a peace officer for a period of time not to exceed  
12 twelve (12) hours when authorized by the court or the court-designated worker for  
13 the purpose of making preliminary inquiries;

14 ~~(57)~~~~(56)~~ "Risk and needs assessment" means an actuarial tool scientifically proven to  
15 identify specific factors and needs that are related to delinquent and noncriminal  
16 misconduct;

17 ~~(58)~~~~(57)~~ "School personnel" means those certified persons under the supervision of the  
18 local public or private education agency;

19 ~~(59)~~~~(58)~~ "Secretary" means the secretary of the Cabinet for Health and Family  
20 Services;

21 ~~(60)~~~~(59)~~ "Secure juvenile detention facility" means any physically secure facility used  
22 for the secure detention of children other than any facility in which adult prisoners  
23 are confined;

24 ~~(61)~~~~(60)~~ "Serious physical injury" means physical injury which creates a substantial  
25 risk of death or which causes serious and prolonged disfigurement, prolonged  
26 impairment of health, or prolonged loss or impairment of the function of any bodily  
27 member or organ;

1 ~~(62)~~~~((61))~~ "Sexual abuse" includes but is not necessarily limited to any contacts or  
2 interactions in which the parent, guardian, person in a position of authority or  
3 special trust, as defined in KRS 532.045, or other person having custodial control or  
4 supervision of the child or responsibility for his or her welfare, uses or allows,  
5 permits, or encourages the use of the child for the purposes of the sexual  
6 stimulation of the perpetrator or another person;

7 ~~(63)~~~~((62))~~ "Sexual exploitation" includes but is not limited to a situation in which a  
8 parent, guardian, person in a position of authority or special trust, as defined in  
9 KRS 532.045, or other person having custodial control or supervision of a child or  
10 responsible for his or her welfare, allows, permits, or encourages the child to  
11 engage in an act which constitutes prostitution under Kentucky law; or a parent,  
12 guardian, person in a position of authority or special trust, as defined in KRS  
13 532.045, or other person having custodial control or supervision of a child or  
14 responsible for his or her welfare, allows, permits, or encourages the child to  
15 engage in an act of obscene or pornographic photographing, filming, or depicting of  
16 a child as provided for under Kentucky law;

17 ~~(64)~~~~((63))~~ "Social service worker" means any employee of the cabinet or any private  
18 agency designated as such by the secretary of the cabinet or a social worker  
19 employed by a county or city who has been approved by the cabinet to provide,  
20 under its supervision, services to families and children;

21 ~~(65)~~~~((64))~~ "Staff secure facility for residential treatment" means any setting which  
22 assures that all entrances and exits are under the exclusive control of the facility  
23 staff, and in which a child may reside for the purpose of receiving treatment;

24 ~~(66)~~~~((65))~~ (a) "Status offense action" is any action brought in the interest of a child  
25 who is accused of committing acts, which if committed by an adult, would not  
26 be a crime. Such behavior shall not be considered criminal or delinquent and  
27 such children shall be termed status offenders. Status offenses shall include:

- 1           1. Beyond the control of school or beyond the control of parents;
- 2           2. Habitual runaway;
- 3           3. Habitual truant; and
- 4           4. Alcohol offenses as provided in KRS 244.085.

5           (b) Status offenses shall not include violations of state or local ordinances which  
6           may apply to children such as a violation of curfew;

7    (67)~~((66))~~ "Take into custody" means the procedure by which a peace officer or other  
8           authorized person initially assumes custody of a child. A child may be taken into  
9           custody for a period of time not to exceed two (2) hours;

10   (68)~~((67))~~ "Transitional living support" means all benefits to which an eligible youth is  
11           entitled upon being granted extended or reinstated commitment to the cabinet by the  
12           court;

13   (69)~~((68))~~ "Transition plan" means a plan that is personalized at the direction of the  
14           youth that:

15           (a) Includes specific options on housing, health insurance, education, local  
16           opportunities for mentors and continuing support services, and workforce  
17           supports and employment services; and

18           (b) Is as detailed as the youth may elect;

19   (70)~~((69))~~ "Valid court order" means a court order issued by a judge to a child alleged or  
20           found to be a status offender:

21           (a) Who was brought before the court and made subject to the order;

22           (b) Whose future conduct was regulated by the order;

23           (c) Who was given written and verbal warning of the consequences of the  
24           violation of the order at the time the order was issued and whose attorney or  
25           parent or legal guardian was also provided with a written notice of the  
26           consequences of violation of the order, which notification is reflected in the  
27           record of the court proceedings; and

1 (d) Who received, before the issuance of the order, the full due process rights  
2 guaranteed by the Constitution of the United States;

3 ~~(71)~~~~(70)~~ "Violation" means any offense, other than a traffic infraction, for which a  
4 sentence of a fine only can be imposed;

5 ~~(72)~~~~(71)~~ "Youth alternative center" means a nonsecure facility, approved by the  
6 Department of Juvenile Justice, for the detention of juveniles, both prior to  
7 adjudication and after adjudication, which meets the criteria specified in KRS  
8 15A.320; and

9 ~~(73)~~~~(72)~~ "Youthful offender" means any person regardless of age, transferred to Circuit  
10 Court under the provisions of KRS Chapter 635 or 640 and who is subsequently  
11 convicted in Circuit Court.

12 ➔Section 2. KRS 620.140 is amended to read as follows:

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

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

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

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

26 3. If a motion is brought alleging a violation of a protective order, a  
27 hearing will be held at which the parent or other person exercising

1           custodial control or supervision may contest the alleged violation, but  
2           may not contest the original grounds for a finding of dependency,  
3           neglect, or abuse. If a violation is found to have occurred, the court may  
4           consider other dispositional alternatives pursuant to this section;

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

- 6           1. Requiring the parent or any other person to abstain from any conduct  
7           abusing, neglecting, or making the child dependent;
- 8           2. Placing the child in his or her own home under supervision of the  
9           cabinet or its designee with services as determined to be appropriate by  
10          the cabinet; and
- 11          3. Orders authorized by KRS 403.715 to 403.785 and by KRS Chapter  
12          456;

13       (c) Removal of the child to the custody of an adult relative, fictive kin, other  
14       person, or child-caring facility or child-placing agency, taking into  
15       consideration the wishes of the parent or other person exercising custodial  
16       control or supervision. Before any child is committed to the cabinet or placed  
17       out of his or her home under the supervision of the cabinet, the court shall  
18       determine that reasonable efforts have been made by the court or the cabinet  
19       to prevent or eliminate the need for removal and that continuation in the home  
20       would be contrary to the welfare of the child. If a child is to be placed with an  
21       adult relative or fictive kin, the child, if able, parent, or other person  
22       exercising custodial control or supervision shall provide a list to the cabinet of  
23       possible persons to be considered;

24       (d) Commitment of the child to the custody of the cabinet for placement for an  
25       indeterminate period of time not to exceed his or her attainment of the age  
26       eighteen (18), unless the youth elects to extend his or her commitment beyond  
27       the age of eighteen (18) under paragraph (e) of this subsection. Beginning at



1           least six (6) months prior to an eligible youth attaining the age of eighteen  
2           (18), the cabinet shall provide the eligible youth with education,  
3           encouragement, assistance, and support regarding the development of a  
4           transition plan, and inform the eligible youth of his or her right to extend  
5           commitment beyond the age of eighteen (18); or

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

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

20          ➔Section 3. KRS 620.142 is amended to read as follows:

21          (1) The cabinet shall develop custodial, permanency, and service options, including but  
22          not limited to monetary supports, that shall be available to a relative or fictive kin  
23          caregiver in the instance that a child, who would otherwise be placed in another  
24          out-of-home placement, is placed with him or her due to a cabinet finding that the  
25          child is abused, neglected, or dependent, as determined by an assessment or  
26          investigation conducted in accordance with this chapter. The custodial,  
27          permanency, and service options available to a relative or fictive kin caregiver shall

- 1 include but not be limited to:
- 2 (a) A notification form that explains and describes the process by which a relative  
3 or fictive kin caregiver can be certified as a child-specific foster home and the  
4 financial and support benefits that come with that type of placement;
- 5 (b) A program for a one (1) time monetary benefit as established by an  
6 administrative regulation promulgated in accordance with KRS Chapter 13A  
7 per child given to the relative or fictive kin caregiver at the time a child is  
8 placed with the relative or fictive kin caregiver; and
- 9 (c) A detailed placement packet that lists all types of supports, financial and  
10 otherwise, that are available to a relative or fictive kin caregiver given to the  
11 relative or fictive kin caregiver at the time a child is placed with the relative or  
12 fictive kin caregiver.
- 13 (2) The cabinet shall disclose to a prospective relative or fictive kin caregiver each of  
14 the options established in subsection (1) of this section prior to the child's  
15 placement. The prospective relative or fictive kin caregiver shall select the option  
16 that best represents the level of care and support needed for the child while the child  
17 is receiving treatment and care in the placement with the relative or fictive kin  
18 caregiver.
- 19 (3) **At any time before or after a child is placed with a relative or fictive kin caregiver**  
20 **in accordance with the provisions of Section 2 of this Act and this section, the**  
21 **relative or fictive kin caregiver is eligible to apply to the cabinet to be certified as**  
22 **a child-specific foster home for a child who is currently placed with or may be**  
23 **placed with him or her.**
- 24 (4) The custodial, permanency, and service options required by subsection (1) of this  
25 section shall reflect nationally recognized best practices.
- 26 (5)~~(4)~~ The cabinet shall maximize services available under federal and state law,  
27 including but not limited to Titles IV and XIX of the Social Security Act, to fulfill

1 the requirements of this section.

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

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