

1 AN ACT relating to school employee and volunteer misconduct.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 160 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Family member" means a parent, brother, sister, son, daughter, aunt,*
7 *uncle, or grandparent;*

8 *(b) "Parent" means a parent, legal guardian, or other person or agency*
9 *responsible for a student;*

10 *(c) "School district employee or volunteer" means a school administrator,*
11 *classified or certified employee of a school district, school volunteer,*
12 *nonfaculty coach or assistant coach, student teacher, or sponsor of an*
13 *extracurricular program or activity;*

14 *(d) "Traceable communication system" means one (1) or more electronic*
15 *school notification and communication programs or applications that:*

16 *1. Are designated by a local board of education in accordance with*
17 *subsection (2) of this section;*

18 *2. Trace all communications sent to or by a student; and*

19 *3. Provide parents an opportunity to access and review those*
20 *communications; and*

21 *(e) "Unauthorized electronic communication":*

22 *1. Means an electronic communication with a student by a school district*
23 *employee or volunteer who is not the student's family member that*
24 *occurs outside of a designated traceable communication system and*
25 *without prior written parental consent; and*

26 *2. Includes any personal email account, text messaging, social media, or*
27 *other electronic notification and communication programs outside of*

1 the traceable communication system.

2 (2) Each local board of education shall designate a traceable communication system
3 to be the exclusive means for a school district employee or volunteer to
4 communicate electronically with students. The principal of each public school
5 shall provide parents written or electronic notification within the first ten (10)
6 days of the school year of each electronic school notification and communication
7 program designated within the traceable communication system. The notification
8 shall include instructions for parents to access and review communications sent
9 through each electronic school notification and communication program.

10 (3) (a) Except as provided in subsections (4) and (5) of this section, a school
11 district employee or volunteer shall not communicate electronically with a
12 student:

13 1. Outside of the traceable communication system designated by the local
14 board of education; or

15 2. Through an unauthorized electronic communication program or
16 application.

17 (b) A school district employee that violates paragraph (a) of this subsection
18 shall be subject to disciplinary action in accordance with:

19 1. For certified employees, Section 2 of this Act and KRS 161.790; or

20 2. For classified employees, KRS 161.011(7).

21 (c) A school volunteer that violates paragraph (a) of this subsection shall be
22 prohibited from future school volunteer opportunities.

23 (4) A parent may submit written consent to authorize a designated school district
24 employee or volunteer who is not a family member to communicate electronically
25 with his or her child outside of the traceable communication system. The written
26 consent:

27 (a) Shall be filed in the administrative office of the student's school prior to any

- 1 electronic communication being sent from a school district employee or
2 volunteer to a student outside of the traceable communication system;
- 3 (b) Shall designate a single, specific school district employee or volunteer per
4 each consent form that may communicate with the student outside of the
5 traceable communication system and shall not be transferable to any other
6 school district employee or volunteer;
- 7 (c) May be revoked by a parent at any time;
- 8 (d) May establish terms limiting electronic communication with a student,
9 including a term requiring that a parent be included as a direct party to all
10 electronic communications sent to the student outside of the traceable
11 communication system or establishing an expiration for the term of the
12 consent. Any electronic communication with a student outside of the
13 traceable communication system shall comply with all terms of the written
14 consent; and
- 15 (e) Shall not authorize a school district employee to engage in inappropriate or
16 sexual electronic communication with a student or be used as a basis of a
17 defense for a school district employee that engages in inappropriate or
18 sexual electronic communication.
- 19 (5) Notwithstanding subsections (2) and (3) of this section, this section shall not
20 restrict any electronic communications between a student and his or her family
21 member who is a school district employee or volunteer.
- 22 (6) (a) A school district employee or volunteer that receives a report alleging that
23 another school district employee participated in unauthorized electronic
24 communication shall immediately notify the supervising principal. If the
25 subject of the report is the principal, the employee shall immediately notify
26 the superintendent of the school district. If the subject of the report is the
27 superintendent, the employee shall immediately notify the commissioner of

1 education and the chair of the local board of education.

2 (b) A school district employee that violates paragraph (a) of this subsection
3 shall be subject to disciplinary action in accordance with:

4 1. For certified employees, Section 2 of this Act and KRS 161.790; or

5 2. For classified employees, KRS 161.011(7).

6 (7) (a) Upon receipt of a report alleging that a school district employee or
7 volunteer participated in unauthorized electronic communication, the
8 commissioner of education, a principal, or a superintendent shall
9 immediately:

10 1. Notify the parent of each student that is an alleged party to the
11 unauthorized electronic communications; and

12 2. a. If the individual that is the subject of the report is a certified
13 employee:

14 i. Notify the Education Professional Standards Board, which
15 shall promptly investigate all allegations received under
16 this subsection and proceed with appropriate disciplinary
17 actions in accordance with Section 2 of this Act; and

18 ii. Investigate the underlying allegations and proceed with
19 appropriate disciplinary actions in accordance with KRS
20 161.790;

21 b. If the individual that is the subject of the report is a classified
22 employee, investigate the underlying allegations and proceed
23 with appropriate disciplinary actions in accordance with KRS
24 161.011(7); and

25 c. If the individual that is the subject of the report is a school or
26 district volunteer, the school or district shall investigate the
27 underlying allegations and, if substantiated, the volunteer shall

1 *be prohibited from future school and district volunteer*
 2 *opportunities.*

3 *(b) A principal or superintendent who violates paragraph (a) of this subsection*
 4 *shall be subject to disciplinary action in accordance with Section 2 of this*
 5 *Act and KRS 156.132.*

6 ➔Section 2. KRS 161.120 is amended to read as follows:

7 (1) Except as described in KRS 161.795, the Education Professional Standards Board
 8 may revoke, suspend, or refuse to issue or renew; impose probationary or
 9 supervisory conditions upon; issue a written reprimand or admonishment; or any
 10 combination of those actions regarding any certificate issued under KRS 161.010 to
 11 161.100, or any certificate or license issued under any previous law to
 12 superintendents, principals, teachers, substitute teachers, interns, supervisors,
 13 directors of pupil personnel, or other administrative, supervisory, or instructional
 14 employees for the following reasons:

15 (a) Being convicted of, or entering an "Alford" plea or plea of nolo contendere to,
 16 notwithstanding an order granting probation or suspending imposition of any
 17 sentence imposed following the conviction or entry of the plea, one (1) of the
 18 following:

- 19 1. A felony;
- 20 2. A misdemeanor under KRS Chapter 218A, 508, 509, 510, 522, 525,
 21 529, 530, or 531; or
- 22 3. A misdemeanor involving a student or minor.

23 A certified copy of the conviction or plea shall be conclusive evidence of the
 24 conviction or plea;

25 (b) Having sexual contact as defined in KRS 510.010(7) with a student or minor.
 26 Conviction in a criminal proceeding shall not be a requirement for
 27 disciplinary action;

- 1 (c) Committing any act that constitutes fraudulent, corrupt, dishonest, or immoral
2 conduct. If the act constitutes a crime, conviction in a criminal proceeding
3 shall not be a condition precedent to disciplinary action;
- 4 (d) Demonstrating willful or careless disregard for the health, welfare, or safety
5 of others;
- 6 (e) Physical or mental incapacity that prevents the certificate holder from
7 performing duties with reasonable skill, competence, or safety;
- 8 (f) Possessing, using, or being under the influence of alcohol, which impairs the
9 performance of duties;
- 10 (g) Unlawfully possessing or unlawfully using a drug during the performance of
11 duties;
- 12 (h) Incompetency or neglect of duty;
- 13 (i) Making, or causing to be made, any false or misleading statement or
14 concealing a material fact in obtaining issuance or renewal of any certificate;
- 15 (j) Failing to report as required by subsection (3) of this section;
- 16 (k) Failing to comply with an order of the Education Professional Standards
17 Board;
- 18 (l) Violating any state statute relating to schools or the teaching profession;
- 19 (m) Violating the professional code of ethics for Kentucky school certified
20 personnel established by the Education Professional Standards Board through
21 the promulgation of administrative regulation;
- 22 (n) Violating any administrative regulation promulgated by the Education
23 Professional Standards Board or the Kentucky Board of Education; or
- 24 (o) Receiving disciplinary action or having the issuance of a certificate denied or
25 restricted by another jurisdiction on grounds that constitute a violation of this
26 subsection.
- 27 (2) The Education Professional Standards Board shall respond to complaints against a

1 certificate holder by the following process:

2 (a) **1. Except as provided in subparagraph 2. of this paragraph,** within thirty
3 (30) calendar days of the receipt of a completed complaint, board staff
4 shall conduct an initial review to determine whether there is sufficient
5 evidence that a violation may have occurred and shall provide notice of
6 the initial determination to the certificate holder within seven (7)
7 business days that shall include the complete copy of the report and all
8 underlying relevant documents and records, **If the complaint alleges**
9 **unauthorized electronic communication as defined in Section 1 of this**
10 **Act, sexual contact, or other sexual misconduct, the identity of a**
11 **complainant that is not the superintendent and any identifying**
12 **information of the minor involved in the complaint shall remain**
13 **confidential.**^[;]

14 **2. When a complaint alleges unauthorized electronic communication, as**
15 **defined in Section 1 of this Act, sexual contact, or other sexual**
16 **misconduct, the board staff shall have one hundred twenty (120) days**
17 **to conduct the initial review required by subparagraph 1. of this**
18 **paragraph;**

19 (b) Upon receipt of the notice, the certificate holder shall have thirty (30)
20 calendar days to respond or provide a rebuttal to any complaint that was
21 determined to contain sufficient evidence that a violation may have occurred.
22 The response period shall be extended an additional thirty (30) calendar days
23 upon the certificate holder's written request submitted to the board;

24 (c) Within ten (10) business days of the receipt of the certificate holder's response
25 or the end of the response period established in paragraph (b) of this
26 subsection, board staff shall conduct another review of the complaint to
27 determine if sufficient evidence exists to support a violation. If the board staff

1 determines that the evidence is:

2 1. Insufficient, then the board staff shall recommend dismissal and shall
3 notify the certificate holder and the complainant of the recommendation
4 within seven (7) business days of the determination; or

5 2. Sufficient, then the board staff shall have seven (7) business days to
6 notify the certificate holder and the complainant of the determination.

7 Notice to the complainant shall only state that further proceedings will
8 occur;

9 (d) Upon a determination that sufficient evidence exists to support a possible
10 violation, within the notice required under paragraph (c)2. of this subsection,
11 board staff shall initiate an in-person or virtual conference with the certificate
12 holder to share information and to determine if an agreed resolution can be
13 recommended to the board concerning the alleged violation. The conference
14 shall be scheduled within thirty (30) calendar days of the determination. The
15 certificate holder may decline the conference. If the conference does not occur
16 due to the certificate holder's failure to respond within the thirty (30) calendar
17 days, the required conference shall be considered waived. The certificate
18 holder may have an attorney present at the conference;

19 (e) Upon the conclusion of the thirty (30) calendar days conference period, the
20 board shall act on the complaint within thirty (30) calendar days. If the board
21 fails to act on the complaint within the thirty (30) calendar days, then the
22 complaint shall be considered dismissed. The board shall consider the entirety
23 of the complaint with any associated response or recommended agreed
24 resolution to determine:

25 1. Dismissal, conditional dismissal upon completion of training,
26 admonishment, further investigation, or initiation of a hearing;

27 2. Approval of the recommended agreed resolution; or

- 1 3. A deferral if:
- 2 a. The content of the complaint is subject to ongoing:
- 3 i. Criminal investigation or proceedings;
- 4 ii. Child abuse, dependency, or neglect investigation by an
- 5 authorized state agency; or
- 6 iii. Teacher tribunal process as provided in KRS 161.790; or
- 7 b. The deferral is agreed to by the certificate holder; and
- 8 (f) The provision of a confirmation of receipt from the board to the certificate
- 9 holder whenever the certificate holder submits a response or correspondence
- 10 to the board.
- 11 (3) (a) The superintendent of each local school district shall report in writing to the
- 12 Education Professional Standards Board the name, address, phone number,
- 13 Social Security number, and position name of any certified school employee
- 14 in the employee's district whose contract is terminated or not renewed, for
- 15 cause except failure to meet local standards for quality of teaching
- 16 performance prior to the employee gaining tenure; who resigns from, or
- 17 otherwise leaves, a position under threat of contract termination, or
- 18 nonrenewal, for cause; who is convicted in a criminal prosecution; or who
- 19 otherwise may have engaged in any actions or conduct while employed in the
- 20 school district that might reasonably be expected to warrant consideration for
- 21 action against the certificate under subsection (1) of this section. The duty to
- 22 report shall exist without regard to any disciplinary action, or lack thereof, by
- 23 the superintendent, and the required report shall be submitted within thirty
- 24 (30) calendar days of the event giving rise to the duty to report.
- 25 (b) The district superintendent shall inform the Education Professional Standards
- 26 Board in writing of the full facts and circumstances leading to the contract
- 27 termination or nonrenewal, resignation, or other absence, conviction, or

1 otherwise reported actions or conduct of the certified employee, that may
2 warrant action against the certificate under subsection (1) of this section, and
3 shall forward copies of all relevant documents and records in his or her
4 possession.

5 (c) The Education Professional Standards Board shall provide the superintendent
6 confirmation of receipt of any report submitted by the superintendent within
7 seven (7) business days and shall provide the superintendent with notice of:

- 8 1. Whether or not board staff determine that there is sufficient evidence in
9 the report that a violation may have occurred; and
- 10 2. Any board action taken against the certificate holder who is the subject
11 of the report.

12 (d) The Education Professional Standards Board may consider reports and
13 information received from other sources.

14 (e) The certified school employee shall be given a copy of any report provided to
15 the Education Professional Standards Board by the district superintendent or
16 other sources. The employee shall have the right to file a written rebuttal
17 pursuant to subsection (2) of this section to the report which shall be placed in
18 the official file with the report.

19 (4) A finding or action by a school superintendent or tribunal does not create a
20 presumption of a violation or lack of a violation of subsection (1) of this section.

21 (5) The board may issue a written admonishment to the certificate holder if the board
22 determines, based on the evidence, that a violation has occurred that is not of a
23 serious nature. A copy of the written admonishment shall be placed in the official
24 file of the certificate holder. The certificate holder may respond in writing to the
25 admonishment within thirty (30) calendar days of receipt and have that response
26 placed in his or her official certification file. Alternatively, the certificate holder
27 may file a request for a hearing with the board within thirty (30) calendar days of

1 receipt of the admonishment. Upon receipt of a request for a hearing, the board
2 shall set aside the written admonishment and set the matter for hearing pursuant to
3 the provisions of KRS Chapter 13B within thirty (30) calendar days of receipt of the
4 request.

5 (6) (a) In accordance with the timeline specified in this section, the Education
6 Professional Standards Board shall schedule and conduct a hearing in
7 accordance with KRS Chapter 13B:

8 1. Upon determining that a complaint warrants possible revoking,
9 suspending, refusing to renew, imposing probationary or supervisory
10 conditions upon, issuing a written reprimand, or any combination of
11 these actions regarding any certificate;

12 2. After denying an application for a certificate, upon written request filed
13 within thirty (30) calendar days of receipt of the letter advising of the
14 denial; or

15 3. After issuing a written admonishment, upon written request for a
16 hearing filed within thirty (30) calendar days of receipt of the written
17 admonishment.

18 (b) If after the hearing required under paragraph (a) of this subsection is
19 scheduled and the certificate holder or applicant believes the hearing is not
20 timely, the certificate holder or applicant may submit a request for an
21 expedited hearing, and the hearing shall be conducted within sixty (60)
22 calendar days of the request.

23 (c) Upon request, a hearing may be public or private at the discretion of the
24 certified employee or applicant.

25 (d) The hearing shall be conducted before a hearing officer secured by the board
26 pursuant to KRS 13B.030 and the board may:

27 1. Employ hearing officers;

- 1 2. Contract with another agency for hearing officers;
- 2 3. Contract with private attorneys through personal service contracts; or
- 3 4. Secure a hearing officer from the Attorney General's office.
- 4 (e) The hearing shall afford the certificate holder all the rights secured under KRS
- 5 Chapter 13B.
- 6 (7) The Education Professional Standards Board or its chair may take emergency action
- 7 pursuant to KRS 13B.125. Emergency action shall not affect a certificate holder's
- 8 contract or tenure rights in the school district.
- 9 (8) If the Education Professional Standards Board substantiates that sexual contact
- 10 occurred between a certified employee and a student or minor, the employee's
- 11 certificate may be revoked or suspended with mandatory treatment of the employee
- 12 as prescribed by the Education Professional Standards Board. The Education
- 13 Professional Standards Board may require the employee to pay a specified amount
- 14 for mental health services for the student or minor which are needed as a result of
- 15 the sexual contact.
- 16 (9) At any time during the investigative or hearing processes, the board may enter into
- 17 an agreed order or accept an assurance of voluntary compliance with the certificate
- 18 holder.
- 19 (10) The board may reconsider, modify, or reverse its decision on any disciplinary
- 20 action.
- 21 (11) Suspension of a certificate shall be for a specified period of time, not to exceed two
- 22 (2) years.
- 23 (a) At the conclusion of the specified period, upon demonstration of compliance
- 24 with any educational requirements and the terms set forth in the agreed order,
- 25 the certificate shall be reactivated.
- 26 (b) A suspended certificate is subject to expiration and termination.
- 27 (12) Revocation of a certificate is a permanent forfeiture. The board shall establish the

1 minimum period of time before an applicant can apply for a new certificate.

2 (a) At the conclusion of the specified period, and upon demonstration of
3 compliance with any educational requirements and the terms set forth in the
4 agreed order, the applicant shall bear the burden of proof to show that he or
5 she is again fit for practice.

6 (b) The board shall have discretion to impose conditions that it deems reasonably
7 appropriate to ensure the applicant's fitness and the protection of public
8 safety. Any conditions imposed by the board shall address or apply to only
9 that time period after the revocation of the certificate.

10 (13) An appeal from any final order of the Education Professional Standards Board shall
11 be filed in Franklin Circuit Court or the Circuit Court of the county in which the
12 certificate holder was employed when the incident occurred in accordance with
13 KRS Chapter 13B which provides that all final orders of an agency shall be subject
14 to judicial review.

15 ➔Section 3. KRS 158.1415 is amended to read as follows:

16 (1) If a school council or, if none exists, the principal adopts a curriculum for human
17 sexuality or sexually transmitted diseases, instruction shall include but not be
18 limited to the following content:

19 (a) Abstinence from sexual activity is the desirable goal for all school-age
20 children;

21 (b) Abstinence from sexual activity is the only certain way to avoid unintended
22 pregnancy, sexually transmitted diseases, and other associated health
23 problems;

24 (c) The best way to avoid sexually transmitted diseases and other associated
25 health problems is to establish a permanent mutually faithful monogamous
26 relationship;

27 (d) A policy to respect parental rights by ensuring that:

- 1 1. Except as provided in subsection (4)(b) of this section, children in
2 grade five (5) and below do not receive any instruction through
3 curriculum or programs on human sexuality or sexually transmitted
4 diseases; or
- 5 2. Any child, regardless of grade level, enrolled in the district does not
6 receive any instruction or presentation that has a goal or purpose of
7 students studying or exploring gender identity, gender expression, or
8 sexual orientation; and
- 9 (e) A policy to notify a parent in advance and obtain the parent's written consent
10 before the parent's child in grade six (6) or above receives any instruction
11 through curriculum or programs on human sexuality or sexually transmitted
12 diseases authorized in this section.
- 13 (2) Any course, curriculum, or program offered by a public school on the subject of
14 human sexuality provided by school personnel or by third parties authorized by the
15 school shall:
- 16 (a) Provide an alternative course, curriculum, or program without any penalty to
17 the student's grade or standing for students whose parents have not provided
18 written consent as required in subsection (1)(e) of this section;
- 19 (b) Be subject to an inspection by parents of participating students that allows
20 parents to review the following materials:
- 21 1. Curriculum;
- 22 2. Instructional materials;
- 23 3. Lesson plans;
- 24 4. Assessments or tests;
- 25 5. Surveys or questionnaires;
- 26 6. Assignments; and
- 27 7. Instructional activities;

- 1 (c) Be developmentally appropriate; and
- 2 (d) Be limited to a curriculum that has been subject to the reasonable review and
- 3 response by stakeholders in conformity with this subsection and KRS
- 4 160.345(2).
- 5 (3) A public school offering any course, curriculum, or program on the subject of
- 6 human sexuality shall provide ~~written~~ notification to the parents of a student at
- 7 least two (2) weeks prior to the student's planned participation in the course,
- 8 curriculum, or program. The ~~written~~ notification shall:
- 9 (a) Inform the parents of the provisions of subsection (2) of this section;
- 10 (b) Provide the date the course, curriculum, or program is scheduled to begin;
- 11 (c) Detail the process for a parent to review the materials outlined in subsection
- 12 (2) of this section;
- 13 (d) Explain the process for a parent to provide written consent for the student's
- 14 participation in the course, curriculum, or program; and
- 15 (e) Provide the contact information for the teacher or instructor of the course,
- 16 curriculum, or program and a school administrator designated with oversight.
- 17 (4) Nothing in this section shall prohibit school personnel from:
- 18 (a) Discussing human sexuality, including the sexuality of any historic person,
- 19 group, or public figure, where the discussion provides necessary context in
- 20 relation to a topic of instruction from a curriculum approved pursuant to KRS
- 21 160.345;~~or~~
- 22 (b) Providing age-appropriate instruction on child sexual abuse through
- 23 curriculum or programs in accordance with the standards set forth by the
- 24 National Children's Alliance and approved by the Children's Advocacy
- 25 Centers of Kentucky, regardless of grade level; or
- 26 (c) Responding to a question from a student during class regarding human
- 27 sexuality as it relates to a topic of instruction from a curriculum approved

1 pursuant to KRS 160.345.

2 ➔Section 4. KRS 600.020 is amended to read as follows:

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

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

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

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

- 1 supervision of the child legitimately practicing the person's religious
2 beliefs shall not be considered a negligent parent solely because of
3 failure to provide specified medical treatment for a child for that reason
4 alone. This exception shall not preclude a court from ordering necessary
5 medical services for a child;
- 6 9. Fails to make sufficient progress toward identified goals as set forth in
7 the court-approved case plan to allow for the safe return of the child to
8 the parent that results in the child remaining committed to the cabinet
9 and remaining in foster care for fifteen (15) cumulative months out of
10 forty-eight (48) months; or
- 11 10. Commits or allows female genital mutilation as defined in KRS 508.125
12 to be committed; or
- 13 (b) A person twenty-one (21) years of age or older commits or allows to be
14 committed an act of sexual abuse, sexual exploitation, or prostitution upon a
15 child less than sixteen (16) years of age;
- 16 (2) "Age or developmentally appropriate" has the same meaning as in 42 U.S.C. sec.
17 675(11);
- 18 (3) "Aggravated circumstances" means the existence of one (1) or more of the
19 following conditions:
- 20 (a) The parent has not attempted or has not had contact with the child for a period
21 of not less than ninety (90) days;
- 22 (b) The parent is incarcerated and will be unavailable to care for the child for a
23 period of at least one (1) year from the date of the child's entry into foster care
24 and there is no appropriate relative placement available during this period of
25 time;
- 26 (c) The parent has sexually abused the child and has refused available treatment;
- 27 (d) The parent has been found by the cabinet to have engaged in abuse of the

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

- 1 an appropriate agency as operated primarily for educational or medical purposes,
2 providing residential care on a twenty-four (24) hour basis to children not related by
3 blood, adoption, or marriage to the person maintaining the facility;
- 4 (11) "Child-placing agency" means any agency, other than a state agency, which
5 supervises the placement of children in foster family homes or child-caring
6 facilities or which places children for adoption;
- 7 (12) "Clinical treatment facility" means a facility with more than eight (8) beds
8 designated by the Department of Juvenile Justice or the cabinet for the treatment of
9 mentally ill children. The treatment program of such facilities shall be supervised
10 by a qualified mental health professional;
- 11 (13) "Commitment" means an order of the court which places a child under the custodial
12 control or supervision of the Cabinet for Health and Family Services, Department
13 of Juvenile Justice, or another facility or agency until the child attains the age of
14 eighteen (18) unless otherwise provided by law;
- 15 (14) "Community-based facility" means any nonsecure, homelike facility licensed,
16 operated, or permitted to operate by the Department of Juvenile Justice or the
17 cabinet, which is located within a reasonable proximity of the child's family and
18 home community, which affords the child the opportunity, if a Kentucky resident,
19 to continue family and community contact;
- 20 (15) "Complaint" means a verified statement setting forth allegations in regard to the
21 child which contain sufficient facts for the formulation of a subsequent petition;
- 22 (16) "Court" means the juvenile session of District Court unless a statute specifies the
23 adult session of District Court or the Circuit Court;
- 24 (17) "Court-designated worker" means that organization or individual delegated by the
25 Administrative Office of the Courts for the purposes of placing children in
26 alternative placements prior to arraignment, conducting preliminary investigations,
27 and formulating, entering into, and supervising diversion agreements and

- 1 performing such other functions as authorized by law or court order;
- 2 (18) "Deadly weapon" has the same meaning as it does in KRS 500.080;
- 3 (19) "Department" means the Department for Community Based Services;
- 4 (20) "Dependent child" means any child, other than an abused or neglected child, who is
5 under improper care, custody, control, or guardianship that is not due to an
6 intentional act of the parent, guardian, or person exercising custodial control or
7 supervision of the child;
- 8 (21) "Detention" means the safe and temporary custody of a juvenile who is accused of
9 conduct subject to the jurisdiction of the court who requires a restricted or closely
10 supervised environment for his or her own or the community's protection;
- 11 (22) "Detention hearing" means a hearing held by a judge or trial commissioner within
12 twenty-four (24) hours, exclusive of weekends and holidays, of the start of any
13 period of detention prior to adjudication;
- 14 (23) "Diversion agreement" means a mechanism designed to hold a child accountable
15 for his or her behavior and, if appropriate, securing services to serve the best
16 interest of the child and to provide redress for that behavior without court action
17 and without the creation of a formal court record;
- 18 (24) "Eligible youth" means a person who:
- 19 (a) Is or has been committed to the cabinet as dependent, neglected, or abused;
- 20 (b) Is eighteen (18) years of age to nineteen (19) years of age; and
- 21 (c) Is requesting to extend or reinstate his or her commitment to the cabinet in
22 order to participate in state or federal educational programs or to establish
23 independent living arrangements;
- 24 (25) "Emergency shelter" is a group home, private residence, foster home, or similar
25 homelike facility which provides temporary or emergency care of children and
26 adequate staff and services consistent with the needs of each child;
- 27 (26) "Emotional injury" means an injury to the mental or psychological capacity or

- 1 emotional stability of a child as evidenced by a substantial and observable
2 impairment in the child's ability to function within a normal range of performance
3 and behavior with due regard to his or her age, development, culture, and
4 environment as testified to by a qualified mental health professional;
- 5 (27) "Evidence-based practices" means policies, procedures, programs, and practices
6 proven by scientific research to reliably produce reductions in recidivism;
- 7 (28) "Fictive kin" means an individual who is not related by birth, adoption, or marriage
8 to a child, but who has an emotionally significant relationship with the child, or an
9 emotionally significant relationship with a biological parent, siblings, or half-
10 siblings of the child in the case of a child from birth to twelve (12) months of age,
11 prior to placement;
- 12 (29) "Firearm" shall have the same meaning as in KRS 237.060 and 527.010;
- 13 (30) "Foster family home" means a private home in which children are placed for foster
14 family care under supervision of the cabinet or a licensed child-placing agency;
- 15 (31) "Graduated sanction" means any of a continuum of accountability measures,
16 programs, and sanctions, ranging from less restrictive to more restrictive in nature,
17 that may include but are not limited to:
- 18 (a) Electronic monitoring;
- 19 (b) Drug and alcohol screening, testing, or monitoring;
- 20 (c) Day or evening reporting centers;
- 21 (d) Reporting requirements;
- 22 (e) Community service; and
- 23 (f) Rehabilitative interventions such as family counseling, substance abuse
24 treatment, restorative justice programs, and behavioral or mental health
25 treatment;
- 26 (32) "Habitual runaway" means any child who has been found by the court to have been
27 absent from his or her place of lawful residence without the permission of his or her

- 1 custodian for at least three (3) days during a one (1) year period;
- 2 (33) "Habitual truant" means any child who has been found by the court to have been
3 reported as a truant as defined in KRS 159.150(1) two (2) or more times during a
4 one (1) year period;
- 5 (34) "Hospital" means, except for purposes of KRS Chapter 645, a licensed private or
6 public facility, health care facility, or part thereof, which is approved by the cabinet
7 to treat children;
- 8 (35) "Independent living" means those activities necessary to assist a committed child to
9 establish independent living arrangements;
- 10 (36) "Informal adjustment" means an agreement reached among the parties, with
11 consultation, but not the consent, of the victim of the crime or other persons
12 specified in KRS 610.070 if the victim chooses not to or is unable to participate,
13 after a petition has been filed, which is approved by the court, that the best interest
14 of the child would be served without formal adjudication and disposition;
- 15 (37) "Intentionally" means, with respect to a result or to conduct described by a statute
16 which defines an offense, that the actor's conscious objective is to cause that result
17 or to engage in that conduct;
- 18 (38) "Least restrictive alternative" means, except for purposes of KRS Chapter 645, that
19 the program developed on the child's behalf is no more harsh, hazardous, or
20 intrusive than necessary; or involves no restrictions on physical movements nor
21 requirements for residential care except as reasonably necessary for the protection
22 of the child from physical injury; or protection of the community, and is conducted
23 at the suitable available facility closest to the child's place of residence to allow for
24 appropriate family engagement;
- 25 (39) "Motor vehicle offense" means any violation of the nonfelony provisions of KRS
26 Chapters 186, 189, or 189A, KRS 177.300, 304.39-110, or 304.39-117;
- 27 (40) "Near fatality" means an injury that, as certified by a physician, places a child in

- 1 serious or critical condition;
- 2 (41) "Needs of the child" means necessary food, clothing, health, shelter, and education;
- 3 (42) "Nonoffender" means a child alleged to be dependent, neglected, or abused and
4 who has not been otherwise charged with a status or public offense;
- 5 (43) "Nonsecure facility" means a facility which provides its residents access to the
6 surrounding community and which does not rely primarily on the use of physically
7 restricting construction and hardware to restrict freedom;
- 8 (44) "Nonsecure setting" means a nonsecure facility or a residential home, including a
9 child's own home, where a child may be temporarily placed pending further court
10 action. Children before the court in a county that is served by a state operated
11 secure detention facility, who are in the detention custody of the Department of
12 Juvenile Justice, and who are placed in a nonsecure alternative by the Department
13 of Juvenile Justice, shall be supervised by the Department of Juvenile Justice;
- 14 (45) "Out-of-home placement" means a placement other than in the home of a parent,
15 relative, or guardian, in a boarding home, clinical treatment facility, community-
16 based facility, detention facility, emergency shelter, fictive kin home, foster family
17 home, hospital, nonsecure facility, physically secure facility, residential treatment
18 facility, or youth alternative center;
- 19 (46) "Parent" means the biological or adoptive mother or father of a child;
- 20 (47) "Person exercising custodial control or supervision" means a person or agency that
21 has assumed the role and responsibility of a parent or guardian for the child, but that
22 does not necessarily have legal custody of the child;
- 23 (48) "Petition" means a verified statement, setting forth allegations in regard to the child,
24 which initiates formal court involvement in the child's case;
- 25 (49) "Physical injury" means substantial physical pain or any impairment of physical
26 condition;
- 27 (50) "Physically secure facility" means a facility that relies primarily on the use of

1 construction and hardware such as locks, bars, and fences to restrict freedom;

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

7 (52) "Qualified mental health professional" means:

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

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

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

19 (d) A licensed registered nurse with a master's degree in psychiatric nursing from
20 an accredited institution and two (2) years of clinical experience with
21 mentally ill persons, or a licensed registered nurse with a bachelor's degree in
22 nursing from an accredited institution who is certified as a psychiatric and
23 mental health nurse by the American Nurses Association and who has three
24 (3) years of inpatient or outpatient clinical experience in psychiatric nursing
25 and who is currently employed by a hospital or forensic psychiatric facility
26 licensed by the Commonwealth or a psychiatric unit of a general hospital, a
27 private agency or company engaged in providing mental health services, or a

1 regional comprehensive care center;

2 (e) A licensed clinical social worker licensed under the provisions of KRS
3 335.100, or a certified social worker licensed under the provisions of KRS
4 335.080 with three (3) years of inpatient or outpatient clinical experience in
5 psychiatric social work and currently employed by a hospital or forensic
6 psychiatric facility licensed by the Commonwealth, a psychiatric unit of a
7 general hospital, a private agency or company engaged in providing mental
8 health services, or a regional comprehensive care center;

9 (f) A marriage and family therapist licensed under the provisions of KRS
10 335.300 to 335.399 with three (3) years of inpatient or outpatient clinical
11 experience in psychiatric mental health practice and currently employed by a
12 hospital or forensic psychiatric facility licensed by the Commonwealth, a
13 psychiatric unit of a general hospital, a private agency or company engaged in
14 providing mental health services, or a regional comprehensive care center;

15 (g) A professional counselor credentialed under the provisions of KRS 335.500 to
16 335.599 with three (3) years of inpatient or outpatient clinical experience in
17 psychiatric mental health practice and currently employed by a hospital or
18 forensic facility licensed by the Commonwealth, a psychiatric unit of a
19 general hospital, a private agency or company engaged in providing mental
20 health services, or a regional comprehensive care center; or

21 (h) A physician assistant licensed under KRS 311.840 to 311.862, who meets one
22 (1) of the following requirements:

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

25 2. Has completed at least one thousand (1,000) hours of clinical experience
26 under a supervising physician, as defined by KRS 311.840, who is a
27 psychiatrist and is certified or eligible for certification by the American

- 1 Board of Psychiatry and Neurology, Inc.;
- 2 3. Holds a master's degree from a physician assistant program accredited
- 3 by the Accreditation Review Commission on Education for the
- 4 Physician Assistant or its predecessor or successor agencies, is
- 5 practicing under a supervising physician as defined by KRS 311.840,
- 6 and:
- 7 a. Has two (2) years of clinical experience in the assessment,
- 8 evaluation, and treatment of mental disorders; or
- 9 b. Has been employed by a hospital or forensic psychiatric facility
- 10 licensed by the Commonwealth or a psychiatric unit of a general
- 11 hospital or a private agency or company engaged in the provision
- 12 of mental health services or a regional community program for
- 13 mental health and individuals with an intellectual disability for at
- 14 least two (2) years; or
- 15 4. Holds a bachelor's degree, possesses a current physician assistant
- 16 certificate issued by the board prior to July 15, 2002, is practicing under
- 17 a supervising physician as defined by KRS 311.840, and:
- 18 a. Has three (3) years of clinical experience in the assessment,
- 19 evaluation, and treatment of mental disorders; or
- 20 b. Has been employed by a hospital or forensic psychiatric facility
- 21 licensed by the Commonwealth or a psychiatric unit of a general
- 22 hospital or a private agency or company engaged in the provision
- 23 of mental health services or a regional community program for
- 24 mental health and individuals with an intellectual disability for at
- 25 least three (3) years;
- 26 (53) "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C.
- 27 sec. 675(10);

- 1 (54) "Residential treatment facility" means a facility or group home with more than eight
2 (8) beds designated by the Department of Juvenile Justice or the cabinet for the
3 treatment of children;
- 4 (55) "Retain in custody" means, after a child has been taken into custody, the continued
5 holding of the child by a peace officer for a period of time not to exceed twelve (12)
6 hours when authorized by the court or the court-designated worker for the purpose
7 of making preliminary inquiries;
- 8 (56) "Risk and needs assessment" means an actuarial tool scientifically proven to
9 identify specific factors and needs that are related to delinquent and noncriminal
10 misconduct;
- 11 (57) "Safety plan" means a written agreement developed by the cabinet and agreed to by
12 a family that clearly describes the protective services that the cabinet will provide
13 the family in order to manage risks~~[threats]~~ to a child's safety;
- 14 (58) "School personnel" means those certified persons under the supervision of the local
15 public or private education agency;
- 16 (59) "Secretary" means the secretary of the Cabinet for Health and Family Services;
- 17 (60) "Secure juvenile detention facility" means any physically secure facility used for
18 the secure detention of children other than any facility in which adult prisoners are
19 confined;
- 20 (61) "Serious physical injury" means physical injury which creates a substantial risk of
21 death or which causes serious and prolonged disfigurement, prolonged impairment
22 of health, or prolonged loss or impairment of the function of any bodily member or
23 organ;
- 24 (62) "Sexual abuse" includes but is not necessarily limited to any contacts or interactions
25 in which the parent, guardian, person in a position of authority or special trust, as
26 defined in KRS 532.045, or other person having custodial control or supervision of
27 the child or responsibility for his or her welfare, uses or allows, permits, or

1 encourages the use of the child for the purposes of the sexual stimulation of the
2 perpetrator or another person;

3 (63) "Sexual exploitation" includes but is not limited to a situation in which a parent,
4 guardian, person in a position of authority or special trust, as defined in KRS
5 532.045, or other person having custodial control or supervision of a child or
6 responsible for his or her welfare, allows, permits, or encourages the child to
7 engage in an act which constitutes prostitution under Kentucky law; or a parent,
8 guardian, person in a position of authority or special trust, as defined in KRS
9 532.045, 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 of obscene or pornographic photographing, filming, or depicting of
12 a child as provided for under Kentucky law;

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

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

20 (66) "Statewide reporting system" means a system for making and compiling reports of
21 child dependency, neglect, and abuse in Kentucky made via telephone call or in
22 writing by a member of the public;

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

27 1. Beyond the control of school or beyond the control of parents;

- 1 2. Habitual runaway;
- 2 3. Habitual truant; and
- 3 4. Alcohol offenses as provided in KRS 244.085.
- 4 (b) Status offenses shall not include violations of state or local ordinances which
- 5 may apply to children such as a violation of curfew;
- 6 (68) "Take into custody" means the procedure by which a peace officer or other
- 7 authorized person initially assumes custody of a child. A child may be taken into
- 8 custody for a period of time not to exceed two (2) hours;
- 9 (69) "Transitional living support" means all benefits to which an eligible youth is
- 10 entitled upon being granted extended or reinstated commitment to the cabinet by the
- 11 court;
- 12 (70) "Transition plan" means a plan that is personalized at the direction of the youth that:
- 13 (a) Includes specific options on housing, health insurance, education, local
- 14 opportunities for mentors and continuing support services, and workforce
- 15 supports and employment services; and
- 16 (b) Is as detailed as the youth may elect;
- 17 (71) "Valid court order" means a court order issued by a judge to a child alleged or
- 18 found to be a status offender:
- 19 (a) Who was brought before the court and made subject to the order;
- 20 (b) Whose future conduct was regulated by the order;
- 21 (c) Who was given written and verbal warning of the consequences of the
- 22 violation of the order at the time the order was issued and whose attorney or
- 23 parent or legal guardian was also provided with a written notice of the
- 24 consequences of violation of the order, which notification is reflected in the
- 25 record of the court proceedings; and
- 26 (d) Who received, before the issuance of the order, the full due process rights
- 27 guaranteed by the Constitution of the United States;

1 (72) "Violation" means any offense, other than a traffic infraction, for which a sentence
2 of a fine only can be imposed;

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

6 (74) "Youthful offender" means any person regardless of age, transferred to Circuit
7 Court under the provisions of KRS Chapter 635 or 640 and who is subsequently
8 convicted in Circuit Court.

9 ➔Section 5. KRS 620.032 is amended to read as follows:

10 (1) By November 1 of each year, beginning in 2021, the cabinet shall submit to the
11 Legislative Research Commission a comprehensive report that does not identify
12 individuals, detailing the number of reports the cabinet has received regarding
13 female genital mutilation as defined in KRS 508.125, the number of reports in
14 which the cabinet has investigated and determined that a child is the victim of
15 female genital mutilation, and the number of cases in which services were provided.

16 (2) Beginning August 1, 2024, and monthly thereafter, the cabinet shall **make available**
17 **on its website and** deliver to the Legislative Research Commission for referral to
18 the Interim Joint Committee, Senate Standing Committee, and House Standing
19 Committee on Families and Children, a report on the monthly child protective
20 services intakes received by the cabinet. The monthly report shall include at a
21 minimum the following:

22 (a) Total number of all **reports**~~[intakes]~~;

23 (b) All child protective services response **reports**~~[intakes]~~;

24 (c) **Reports**~~[intakes]~~ with allegations of:

25 **1.** Abuse; and

26 **2.** Neglect;

27 (d) Reports that met acceptance criteria;

- 1 (e) Reports with a substantiated or services needed finding; and
 2 (f) Reports with a substantiated finding.

3 ➔Section 6. KRS 620.040 is amended to read as follows:

4 (1) (a) Upon receipt of a report alleging abuse or neglect of a child as defined in KRS
 5 600.020 by a parent, guardian, fictive kin, person in a position of authority,
 6 person in a position of special trust, or person exercising custodial control or
 7 supervision, pursuant to KRS 620.030(1) or (2), or a report alleging a child is
 8 a victim of human trafficking pursuant to KRS 620.030(3), the recipient of the
 9 report shall immediately notify the cabinet or its designated representative, the
 10 local law enforcement agency or the Department of Kentucky State Police,
 11 and the Commonwealth's or county attorney of the receipt of the report. If any
 12 agency listed above is the reporting source, the recipient shall immediately
 13 notify the cabinet or its designated representative, the local law enforcement
 14 agency, the Department of Kentucky State Police, and the Commonwealth's
 15 or county attorney of the 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. *If the:*

24 *1. Cabinet's initial determination is that there is risk of harm and*
 25 *immediate safety concerns for the child, the cabinet shall physically*
 26 *locate the child within fourteen (14) days of the initial determination;*

27 *2. Child is under the age of five (5) years or has other developmental or*

1 *cognitive delays or a significant medical or mental health condition,*
 2 *the cabinet shall physically locate the child within five (5) working*
 3 *days of the initial determination; and*
 4 *3. Cabinet does not physically locate the child according to the timeline*
 5 *established in this paragraph, the cabinet shall contact local law*
 6 *enforcement to assist in locating the child.*

7 (c) In making the initial determination as to the risk of harm and immediate
 8 safety of the child pursuant to paragraph (b) of this subsection, the cabinet
 9 shall at a minimum:

- 10 1. Consider the age and vulnerability of a child, particularly for ages five
 11 (5) years of age and under, when assessing allegations of abuse and
 12 neglect;
- 13 2. ~~Automatically~~ Accept for investigation a subsequent report from a
 14 professional reporting source, who makes a report pursuant to the
 15 requirements in KRS Chapter 620 that a child is abused or neglected and
 16 identifies himself or herself by name, title, and employer, when the same
 17 or similar allegation has been reported by one (1) or more unique
 18 professional reporting sources within the past thirty (30) days. For the
 19 purposes of this subparagraph "professional reporting source" means an
 20 individual who is a social worker, therapist, medical professional,
 21 educator, judge, attorney, law enforcement officer, or any other
 22 individual holding a degree or position in a field related to the safety and
 23 care of children; and
- 24 3. Automatically accept for investigation a report from a court of
 25 appropriate jurisdiction that makes a report pursuant to the requirements
 26 in KRS Chapter 620 that a child is abused or neglected or identifies that
 27 the child is *an alleged victim of domestic violence and abuse as defined*

1 in KRS 403.720 or sexual assault as defined in KRS 456.010~~fa~~
2 ~~plaintiff~~ in an active emergency protective order or temporary
3 interpersonal protection order case.

4 (d) The cabinet shall, within seventy-two (72) hours, exclusive of weekends and
5 holidays, make a written report, including but not limited to electronic
6 submissions, to the Commonwealth's or county attorney and the local law
7 enforcement agency or the Department of Kentucky State Police concerning
8 the action that has been taken on the investigation.

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

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

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

26 *1. Cabinet's initial determination is that there is risk of harm and*
27 *immediate safety concerns for the child, the cabinet shall physically*

- 1 locate the child within fourteen (14) days of the initial determination;
 2 2. Child is under the age of five (5) years or has other developmental or
 3 cognitive delays or significant medical or mental health condition, the
 4 cabinet shall physically locate the child within five (5) working days of
 5 the initial determination; and
 6 3. Cabinet does not physically locate the child according to the timeline
 7 established in this paragraph, the cabinet shall contact local law
 8 enforcement to assist in locating the child.

9 (c) In making the initial determination as to the risk of harm and immediate
 10 safety of the child pursuant to paragraph (b) of this subsection, the cabinet
 11 shall at a minimum:

- 12 1. Consider the age and vulnerability of a child, particularly for ages five
 13 (5) years of age and under, when assessing allegations of dependency;
 14 2. ~~Automatically~~ Accept for investigation a subsequent report from a
 15 professional reporting source, who makes a report pursuant to the
 16 requirements in KRS Chapter 620 that a child is dependent and
 17 identifies himself or herself by name, title, and employer, when the same
 18 or similar allegation has been reported by one (1) or more unique
 19 professional reporting sources within the past thirty (30) days. For the
 20 purposes of this subparagraph "professional reporting source" means an
 21 individual who is a social worker, therapist, medical professional,
 22 educator, judge, attorney, law enforcement officer, or any other
 23 individual holding a degree or position in a field related to the safety and
 24 care of children; and
 25 3. Automatically accept for investigation a report from a court of
 26 appropriate jurisdiction that makes a report pursuant to the requirements
 27 in KRS Chapter 620 that a child is dependent or identifies that the child

1 is *an alleged victim of domestic violence and abuse as defined in KRS*
2 *403.720 or sexual assault as defined in KRS 456.010*~~[a plaintiff]~~ in an
3 active emergency protective order or *temporary* interpersonal protection
4 order case.

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

9 (3) If the cabinet or its designated representative receives a report of abuse by a person
10 other than a parent, guardian, fictive kin, person in a position of authority, person in
11 a position of special trust, or other person exercising custodial control or
12 supervision of a child, it shall immediately notify the local law enforcement agency
13 or the Department of Kentucky State Police and the Commonwealth's or county
14 attorney of the receipt of the report and its contents, and they shall investigate the
15 matter. The cabinet or its designated representative shall participate in an
16 investigation of noncustodial physical abuse or neglect at the request of the local
17 law enforcement agency or the Department of Kentucky State Police. The cabinet
18 shall participate in all investigations of reported or suspected sexual abuse or human
19 trafficking of a child.

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

23 (5) (a) If, after receiving the report, the law enforcement officer, the cabinet, or its
24 designated representative cannot gain admission to the location of the child, a
25 search warrant shall be requested from, and may be issued by, the judge to the
26 appropriate law enforcement official upon probable cause that the child is
27 dependent, neglected, or abused. If, pursuant to a search under a warrant, a

1 child is discovered and appears to be in imminent danger, the child may be
2 removed by the law enforcement officer.

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

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

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

25 (e) 1. If a report includes a child fatality or near fatality, and the law
26 enforcement officer has reasonable grounds to believe any parent or
27 person exercising custodial control or supervision of the child was under

- 1 the influence of alcohol or drugs at the time the fatality or near fatality
2 occurred, the law enforcement officer shall request a test of blood,
3 breath, or urine from that person.
- 4 2. If, after making the request, consent is not given for the test of blood,
5 breath, or urine, a search warrant shall be requested from and may be
6 issued by the judge to the appropriate law enforcement official upon
7 probable cause that a child fatality or near fatality has occurred and that
8 the person exercising custodial control or supervision of the child at the
9 time of the fatality or near fatality was under the influence.
- 10 3. Any test requested under this section shall be conducted pursuant to the
11 testing procedures and requirements in KRS 189A.103.
- 12 (6) The cabinet shall make efforts as soon as practicable to determine any military
13 status of a parent or legal guardian of a child who is the subject of an investigation
14 or assessment pursuant to this section. If the cabinet determines that the parent or
15 legal guardian is a member of the United States Armed Forces, the cabinet shall
16 notify the Department of Defense family advocacy program operating within the
17 service member's assigned installation of the investigation or assessment and
18 provide case information.
- 19 (7) To the extent practicable and when in the best interest of a child alleged to have
20 been abused, interviews with the child shall be conducted at a children's advocacy
21 center.
- 22 (8) (a) One (1) or more multidisciplinary teams may be established in every county
23 or group of contiguous counties.
- 24 (b) Membership of the multidisciplinary team shall include but shall not be
25 limited to social service workers employed by the Cabinet for Health and
26 Family Services and law enforcement officers. Additional team members may
27 include Commonwealth's and county attorneys, children's advocacy center

- 1 staff, mental health professionals, medical professionals, victim advocates
2 including advocates for victims of human trafficking, educators, and other
3 related professionals, as deemed appropriate.
- 4 (c) The multidisciplinary team shall review child sexual abuse cases and child
5 human trafficking cases involving commercial sexual activity referred by
6 participating professionals, including those in which the alleged perpetrator
7 does not have custodial control or supervision of the child or is not
8 responsible for the child's welfare. The purpose of the multidisciplinary team
9 shall be to review investigations, assess service delivery, and to facilitate
10 efficient and appropriate disposition of cases through the criminal justice
11 system.
- 12 (d) The team shall hold regularly scheduled meetings if new reports of sexual
13 abuse or child human trafficking cases involving commercial sexual activity
14 are received or if active cases exist. At each meeting, each active case shall be
15 presented and the agencies' responses assessed.
- 16 (e) The multidisciplinary team shall provide an annual report to the public of
17 nonidentifying case information to allow assessment of the processing and
18 disposition of child sexual abuse cases and child human trafficking cases
19 involving commercial sexual activity.
- 20 (f) Multidisciplinary team members and anyone invited by the multidisciplinary
21 team to participate in a meeting shall not divulge case information, including
22 information regarding the identity of the victim or source of the report. Team
23 members and others attending meetings shall sign a confidentiality statement
24 that is consistent with statutory prohibitions on disclosure of this information.
- 25 (g) The multidisciplinary team shall, pursuant to KRS 431.600 and 431.660,
26 develop a local protocol consistent with the model protocol issued by the
27 Kentucky Multidisciplinary Commission on Child Sexual Abuse. The local

1 team shall submit the protocol to the commission for review and approval.

2 (h) The multidisciplinary team review of a case may include information from
3 reports generated by agencies, organizations, or individuals that are
4 responsible for investigation, prosecution, or treatment in the case, KRS
5 610.320 to KRS 610.340 notwithstanding.

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

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

10 ➔Section 7. KRS 620.048 is amended to read as follows:

11 (1) During a child protective services investigation conducted pursuant to the authority
12 in this chapter where **there is a safety plan negotiated and agreed upon between**
13 **the cabinet and the parent, guardian, person in a position of authority or special**
14 **trust, as defined in KRS 532.045, or other person having custodial control or**
15 **supervision of the child or responsibility for his or her welfare that the child**
16 **cannot safely remain in the home** ~~[a child is placed outside of his or her home on a~~
17 ~~safety plan],~~ the cabinet shall file a petition in court within seventy-two (72) hours
18 if the child remains placed outside of his or her home for more than fourteen (14)
19 consecutive days.

20 (2) All safety plans implemented pursuant to this section shall be compiled by the
21 cabinet on a quarterly basis into a report containing at a minimum the total number
22 of safety plans, the outcome of the safety plans, and the number of court petitions
23 filed.

24 (3) By December 1, 2024, and quarterly thereafter, the cabinet shall make available, on
25 its website and to the Legislative Research Commission for referral to the Interim
26 Joint Committee, Senate Standing Committee, and House Standing Committee on
27 Families and Children, the report on safety plans established in subsection (2) of

1 this section.

2 ➔Section 8. KRS 605.120 is amended to read as follows:

- 3 (1) The cabinet is authorized to expend available funds to provide for the board,
4 lodging, and care of children who would otherwise be placed in foster care or who
5 are placed by the cabinet in a foster home or boarding home, or may arrange for
6 payments or contributions by any local governmental unit, or public or private
7 agency or organization, willing to make payments or contributions for such
8 purpose. The cabinet may accept any gift, devise, or bequest made to it for its
9 purposes.
- 10 (2) The cabinet shall establish a reimbursement system, within existing appropriation
11 amounts, for foster parents that comes as close as possible to meeting the actual
12 cost of caring for foster children. The cabinet shall consider providing additional
13 reimbursement for foster parents who obtain additional training, and foster parents
14 who have served for an extended period of time. In establishing a reimbursement
15 system, the cabinet shall, to the extent possible within existing appropriation
16 amounts, address the additional cost associated with providing care to children with
17 exceptional needs.
- 18 (3) The cabinet shall review reimbursement rates paid to foster parents and shall issue a
19 report upon request comparing the rates paid by Kentucky to the figures presented
20 in the Expenditures on Children by Families Annual Report prepared by the United
21 States Department of Agriculture and the rates paid to foster parents by other states.
22 To the extent that funding is available, reimbursement rates paid to foster parents
23 shall be increased on an annual basis to reflect cost of living increases.
- 24 (4) The cabinet is encouraged to develop pilot projects both within the state system and
25 in collaboration with private child caring agencies to test alternative delivery
26 systems and nontraditional funding mechanisms.
- 27 (5) (a) The cabinet shall track and analyze data on relative and fictive kin caregiver

1 placements. The data shall include but not be limited to:

- 2 1. Demographic data on relative and fictive kin caregivers and children in
- 3 their care;
- 4 2. Custodial options selected by the relative and fictive kin caregivers;
- 5 3. Services provisioned to relative and fictive kin caregivers and children
- 6 in their care; and
- 7 4. Permanency benchmarks and outcomes for relative and fictive kin
- 8 caregiver placements.

9 (b) By September 30, 2020, and annually~~[upon request]~~ thereafter, the cabinet
10 shall submit a report to the Governor, the Chief Justice of the Supreme Court,
11 and the director of the Legislative Research Commission for automatic
12 distribution to the Interim Joint Committee on Families and Children relating
13 to the data tracking and analysis established in this subsection and post the
14 report to the cabinet website for public view no later than February 28 of
15 the following year.

16 (6) Foster parents shall have the authority, unless the cabinet determines that the child's
17 religion, race, ethnicity, or national origin prevents it, to make decisions regarding
18 haircuts and hairstyles for foster children who are in their care for thirty (30) days
19 or more.