

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

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

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

4 (1) Any person who knows or has reasonable cause to believe that a child is dependent,
5 neglected, or abused, **or that a child has been born to a parent who has another**
6 **child in the care, custody, or control of the cabinet or other person as a result of**
7 **removal pursuant to this chapter,** shall immediately cause an oral or written report,
8 including but not limited to electronic submissions, to be made to a local law
9 enforcement agency or to the Department of Kentucky State Police, the cabinet or
10 its designated representative, the Commonwealth's attorney, or the county attorney
11 by telephone or otherwise. If the cabinet receives a report of abuse or neglect
12 allegedly committed by a person other than a parent, guardian, fictive kin, person in
13 a position of authority, person in a position of special trust, or person exercising
14 custodial control or supervision, the cabinet shall refer the matter to the
15 Commonwealth's attorney or the county attorney and the local law enforcement
16 agency or the Department of Kentucky State Police. Nothing in this section shall
17 relieve individuals of their obligations to report.

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

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

1 school, facility, or agency.

2 (3) Any person who knows or has reasonable cause to believe that a child is a victim of
3 human trafficking as defined in KRS 529.010 shall immediately cause an oral or
4 written report, including but not limited to electronic submissions, to be made to a
5 local law enforcement agency or the Department of Kentucky State Police; or the
6 cabinet or its designated representative; or the Commonwealth's attorney or the
7 county attorney; by telephone or otherwise. This subsection shall apply regardless
8 of whether the person believed to have caused the human trafficking of the child is
9 a parent, guardian, fictive kin, person in a position of authority, person in a position
10 of special trust, or person exercising custodial control or supervision.

11 (4) Any person who knows or has reasonable cause to believe that a child is a victim of
12 female genital mutilation as defined in KRS 508.125 shall immediately cause an
13 oral or written report, including but not limited to electronic submissions, to be
14 made by telephone or otherwise to:

15 (a) A local law enforcement agency or the Department of Kentucky State Police;

16 (b) The cabinet or its designated representative; or

17 (c) The Commonwealth's attorney or the county attorney.

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

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

27 (6) The cabinet shall establish and operate a statewide reporting system for the public

1 to make reports of child dependency, neglect, and abuse via telephone call or
2 written report, including but not limited to electronic submissions. The statewide
3 reporting system shall operate a twenty-four (24) hour on-call response system that
4 includes but is not limited to a child abuse hotline for the receipt of emergency and
5 nonemergency reports of child dependency, neglect, and abuse during and after
6 normal office hours. The cabinet may use contract employees to operate the system.

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

11 (8) Nothing in this section shall limit the cabinet's investigatory authority under KRS
12 620.050 or any other obligation imposed by law.

13 (9) Any person who intentionally violates the provisions of this section shall be guilty
14 of a:

- 15 (a) Class B misdemeanor for the first offense;
- 16 (b) Class A misdemeanor for the second offense; and
- 17 (c) Class D felony for each subsequent offense.

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

19 (1) (a) Upon receipt of a report alleging abuse or neglect of a child as defined in KRS
20 600.020 by a parent, guardian, fictive kin, person in a position of authority,
21 person in a position of special trust, or person exercising custodial control or
22 supervision, pursuant to KRS 620.030(1) or (2), ~~for~~ a report alleging a child
23 is a victim of human trafficking pursuant to KRS 620.030(3), **or a report that**
24 **a child has been born to a parent who has another child in the care,**
25 **custody, or control of the cabinet or other person as a result of removal**
26 **pursuant to this chapter,** the recipient of the report shall immediately notify
27 the cabinet or its designated representative, the local law enforcement agency

1 or the Department of Kentucky State Police, and the Commonwealth's or
2 county attorney of the receipt of the report. If any agency listed above is the
3 reporting source, the recipient shall immediately notify the cabinet or its
4 designated representative, the local law enforcement agency, the Department
5 of Kentucky State Police, and the Commonwealth's or county attorney of the
6 receipt of the report.

- 7 (b) Based upon the allegation in the report, the cabinet shall immediately make an
8 initial determination as to the risk of harm and immediate safety of the child.
9 Based upon the level of risk determined, the cabinet shall investigate the
10 allegation or accept the report for an assessment of family needs and, if
11 appropriate, may provide or make referral to any community-based services
12 necessary to reduce risk to the child and to provide family support. A report of
13 sexual abuse or human trafficking of a child shall be considered high risk and
14 shall not be referred to any other community agency.

- 15 (c) 1. There is a rebuttable presumption that a child born to a parent who
16 has another child in the care, custody, or control of the cabinet or
17 other person as a result of removal pursuant to this chapter is in
18 immediate danger of dependency, neglect, or abuse, and the cabinet
19 shall immediately make an initial determination as to the risk of harm
20 and immediate safety of the child. If the cabinet does not locate the
21 child within fourteen (14) days to make the initial determination, the
22 cabinet shall contact local law enforcement to assist in locating the
23 child. If the cabinet determines that the presumption has been
24 rebutted, either due to the fact that the parent is successfully
25 participating in cabinet- or court-directed services or due to other
26 reasons, and the child is not subject to an immediate threat to the
27 child's health or safety, the cabinet shall maintain a record of the

1 determination; the previous allegations, complaints, or petitions
2 against the parent; and the evidence rebutting the presumption to have
3 an additional level of review by the Commissioner of the Department
4 for Community Based Services within the cabinet or designee.

5 2. Following removal of a child from the custody of the child's parent
6 after an investigation required by this paragraph, the cabinet shall not
7 return the child to the parent's custody unless:

8 a. A guardian ad litem has been appointed for the child;

9 b. A full investigation has been conducted by the department as
10 required by this section, and the results of the investigation,
11 including any previous allegations, complaints, or petitions of
12 dependency, neglect, or abuse against the parent, have been
13 presented to the court at a hearing to determine whether the
14 child is dependent, neglected, or abused; and

15 c. The court determines by a preponderance of evidence that the
16 child will be provided a safe home.

17 (d) In making the initial determination as to the risk of harm and immediate
18 safety of the child pursuant to paragraph (b) of this subsection, the cabinet
19 shall at a minimum:

20 1. Consider the age and vulnerability of a child, particularly for ages five
21 (5) years of age and under, when assessing allegations of abuse and
22 neglect;

23 2. Automatically accept for investigation a subsequent report from a
24 professional reporting source, who makes a report pursuant to the
25 requirements in KRS Chapter 620 that a child is abused or neglected and
26 identifies himself or herself by name, title, and employer, when the same
27 or similar allegation has been reported by one (1) or more unique

1 professional reporting sources within the past thirty (30) days. For the
2 purposes of this subparagraph "professional reporting source" means an
3 individual who is a social worker, therapist, medical professional,
4 educator, judge, attorney, law enforcement officer, or any other
5 individual holding a degree or position in a field related to the safety and
6 care of children; and

7 3. Automatically accept for investigation a report from a court of
8 appropriate jurisdiction that makes a report pursuant to the requirements
9 in KRS Chapter 620 that a child is abused or neglected or identifies that
10 the child is a plaintiff in an active emergency protective order or
11 interpersonal protection order case.

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

17 ~~(f)~~~~(e)~~ If the report alleges abuse or neglect by someone other than a parent,
18 guardian, fictive kin, person in a position of authority, person in a position of
19 special trust, or person exercising custodial control or supervision, or the
20 human trafficking of a child, the cabinet shall immediately notify the
21 Commonwealth's or county attorney and the local law enforcement agency or
22 the Department of Kentucky State Police.

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

26 (b) Based upon the allegation in the report, the cabinet shall immediately make an
27 initial determination as to the risk of harm and immediate safety of the child.

1 Based upon the level of risk, the cabinet shall investigate the allegation or
2 accept the report for an assessment of family needs and, if appropriate, may
3 provide or make referral to any community-based services necessary to reduce
4 risk to the child and to provide family support. A report of sexual abuse or
5 human trafficking of a child shall be considered high risk and shall not be
6 referred to any other community agency.

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

- 1 (d) The cabinet need not notify the local law enforcement agency or the
2 Department of Kentucky State Police or Commonwealth's or county attorney
3 of reports made under this subsection unless the report involves the human
4 trafficking of a child, in which case the notification shall be required.
- 5 (3) If the cabinet or its designated representative receives a report of abuse by a person
6 other than a parent, guardian, fictive kin, person in a position of authority, person in
7 a position of special trust, or other person exercising custodial control or
8 supervision of a child, it shall immediately notify the local law enforcement agency
9 or the Department of Kentucky State Police and the Commonwealth's or county
10 attorney of the receipt of the report and its contents, and they shall investigate the
11 matter. The cabinet or its designated representative shall participate in an
12 investigation of noncustodial physical abuse or neglect at the request of the local
13 law enforcement agency or the Department of Kentucky State Police. The cabinet
14 shall participate in all investigations of reported or suspected sexual abuse or human
15 trafficking of a child.
- 16 (4) School personnel or other persons listed in KRS 620.030(2) do not have the
17 authority to conduct internal investigations in lieu of the official investigations
18 outlined in this section.
- 19 (5) (a) If, after receiving the report, the law enforcement officer, the cabinet, or its
20 designated representative cannot gain admission to the location of the child, a
21 search warrant shall be requested from, and may be issued by, the judge to the
22 appropriate law enforcement official upon probable cause that the child is
23 dependent, neglected, or abused. If, pursuant to a search under a warrant, a
24 child is discovered and appears to be in imminent danger, the child may be
25 removed by the law enforcement officer.
- 26 (b) If a child who is in a hospital or under the immediate care of a physician
27 appears to be in imminent danger if he or she is returned to the persons having

1 custody of him or her, the physician or hospital administrator may hold the
2 child without court order, provided that a request is made to the court for an
3 emergency custody order at the earliest practicable time, not to exceed
4 seventy-two (72) hours.

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

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

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

27 2. If, after making the request, consent is not given for the test of blood,

1 breath, or urine, a search warrant shall be requested from and may be
2 issued by the judge to the appropriate law enforcement official upon
3 probable cause that a child fatality or near fatality has occurred and that
4 the person exercising custodial control or supervision of the child at the
5 time of the fatality or near fatality was under the influence.

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

8 (6) The cabinet shall make efforts as soon as practicable to determine any military
9 status of a parent or legal guardian of a child who is the subject of an investigation
10 or assessment pursuant to this section. If the cabinet determines that the parent or
11 legal guardian is a member of the United States Armed Forces, the cabinet shall
12 notify the Department of Defense family advocacy program operating within the
13 service member's assigned installation of the investigation or assessment and
14 provide case information.

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

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

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

27 (c) The multidisciplinary team shall review child sexual abuse cases and child

1 human trafficking cases involving commercial sexual activity referred by
2 participating professionals, including those in which the alleged perpetrator
3 does not have custodial control or supervision of the child or is not
4 responsible for the child's welfare. The purpose of the multidisciplinary team
5 shall be to review investigations, assess service delivery, and to facilitate
6 efficient and appropriate disposition of cases through the criminal justice
7 system.

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

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

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

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

25 (h) The multidisciplinary team review of a case may include information from
26 reports generated by agencies, organizations, or individuals that are
27 responsible for investigation, prosecution, or treatment in the case, KRS

1 610.320 to KRS 610.340 notwithstanding.

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

4 (9) Nothing in this section shall limit the cabinet's investigatory authority under KRS
5 620.050 or any other obligation imposed by law.

6 ➔Section 3. KRS 620.050 is amended to read as follows:

7 (1) Anyone acting upon reasonable cause in the making of a report or acting under
8 KRS 620.030 to 620.050 in good faith shall have immunity from any liability, civil
9 or criminal, that might otherwise be incurred or imposed. Any such participant shall
10 have the same immunity with respect to participation in any judicial proceeding
11 resulting from such report or action. However, any person who knowingly makes a
12 false report and does so with malice shall be guilty of a Class A misdemeanor.

13 (2) Any employee or designated agent of a children's advocacy center shall be immune
14 from any civil liability arising from performance within the scope of the person's
15 duties as provided in KRS 620.030 to 620.050. Any such person shall have the
16 same immunity with respect to participation in any judicial proceeding. Nothing in
17 this subsection shall limit liability for negligence. Upon the request of an employee
18 or designated agent of a children's advocacy center, the Attorney General shall
19 provide for the defense of any civil action brought against the employee or
20 designated agent as provided under KRS 12.211 to 12.215.

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

27 (4) Upon receipt of a report of an abused, neglected, or dependent child pursuant to this

1 chapter, or a report of a child who has been born to a parent who has another
2 child in the care, custody, or control of the cabinet or other person as a result of
3 removal pursuant to this chapter, the cabinet as the designated agency or its
4 delegated representative shall initiate a prompt investigation or assessment of
5 family needs, take necessary action, and shall offer protective services toward
6 safeguarding the welfare of the child. The cabinet shall work toward preventing
7 further dependency, neglect, or abuse of the child or any other child under the same
8 care, and preserve and strengthen family life, where possible, by enhancing parental
9 capacity for adequate child care. If an oral or written report, including but not
10 limited to electronic submissions, alleging that a child is dependent, neglected, or
11 abused is made pursuant to this section, and the cabinet determines that the report
12 does not meet criteria for an investigation, the cabinet shall refer the family to
13 appropriate community-based child and family service agencies for services to
14 preserve and strengthen family life in accordance with the requirements in 42
15 U.S.C. sec. 5106a.

16 (5) The report of suspected child abuse, neglect, or dependency and all information
17 obtained by the cabinet or its delegated representative, as a result of an investigation
18 or assessment made pursuant to this chapter, except for those records provided for
19 in subsection (6) of this section, shall not be divulged to anyone except:

- 20 (a) Persons suspected of causing dependency, neglect, or abuse;
- 21 (b) The custodial parent or legal guardian of the child alleged to be dependent,
22 neglected, or abused;
- 23 (c) Persons within the cabinet with a legitimate interest or responsibility related
24 to the case;
- 25 (d) A licensed child-caring facility or child-placing agency evaluating placement
26 for or serving a child who is believed to be the victim of an abuse, neglect, or
27 dependency report;

- 1 (e) Other medical, psychological, educational, or social service agencies, child
2 care administrators, corrections personnel, or law enforcement agencies,
3 including the county attorney's office, the coroner, and the local child fatality
4 response team, that have a legitimate interest in the case;
- 5 (f) A noncustodial parent when the dependency, neglect, or abuse is
6 substantiated;
- 7 (g) Members of multidisciplinary teams as defined by KRS 620.020 and which
8 operate pursuant to KRS 431.600;
- 9 (h) Employees or designated agents of a children's advocacy center;
- 10 (i) Those persons so authorized by court order; or
- 11 (j) The external child fatality and near fatality review panel established by KRS
12 620.055.
- 13 (6) (a) Files, reports, notes, photographs, records, electronic and other
14 communications, and working papers used or developed by a children's
15 advocacy center in providing services under this chapter are confidential and
16 shall not be disclosed except to the following persons:
- 17 1. Staff employed by the cabinet, law enforcement officers, and
18 Commonwealth's and county attorneys who are directly involved in the
19 investigation or prosecution of the case, including a cabinet
20 investigation or assessment of child abuse, neglect, and dependency in
21 accordance with this chapter;
 - 22 2. Medical and mental health professionals listed by name in a release of
23 information signed by the guardian of the child, provided that the
24 information shared is limited to that necessary to promote the physical
25 or psychological health of the child or to treat the child for abuse-related
26 symptoms;
 - 27 3. The court and those persons so authorized by a court order;

- 1 4. The external child fatality and near fatality review panel established by
2 KRS 620.055; and
- 3 5. The parties to an administrative hearing conducted by the cabinet or its
4 designee in accordance with KRS Chapter 13B in an appeal of a cabinet-
5 substantiated finding of abuse or neglect. The children's advocacy center
6 may, in its sole discretion, provide testimony in lieu of files, reports,
7 notes, photographs, records, electronic and other communications, and
8 working papers used or developed by the center if the center determines
9 that the release poses a threat to the safety or well-being of the child, or
10 would be in the best interests of the child. Following the administrative
11 hearing and any judicial review, the parties to the administrative hearing
12 shall return all files, reports, notes, photographs, records, electronic and
13 other communications, and working papers used or developed by the
14 children's advocacy center to the center.
- 15 (b) The provisions of this subsection shall not be construed as to contravene the
16 Rules of Criminal Procedure relating to discovery.
- 17 (7) Nothing in this section shall prohibit a parent or guardian from accessing records
18 for his or her child providing that the parent or guardian is not currently under
19 investigation by a law enforcement agency or the cabinet relating to the abuse or
20 neglect of a child.
- 21 (8) Nothing in this section shall prohibit employees or designated agents of a children's
22 advocacy center from disclosing information during a multidisciplinary team
23 review of a child sexual abuse case as set forth under KRS 620.040. Persons
24 receiving this information shall sign a confidentiality statement consistent with
25 statutory prohibitions on disclosure of this information.
- 26 (9) Employees or designated agents of a children's advocacy center may confirm to
27 another children's advocacy center that a child has been seen for services. If an

1 information release has been signed by the guardian of the child, a children's
2 advocacy center may disclose relevant information to another children's advocacy
3 center.

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

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

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

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

17 (d) The provisions of this subsection shall not be construed as to contravene the
18 Rules of Criminal Procedure relating to discovery.

19 (11) Identifying information concerning the individual initiating the report under KRS
20 620.030 shall not be disclosed except:

- 21 (a) To law enforcement officials that have a legitimate interest in the case;
- 22 (b) To the agency designated by the cabinet to investigate or assess the report;
- 23 (c) To members of multidisciplinary teams as defined by KRS 620.020 that
24 operated under KRS 431.600;
- 25 (d) Under a court order, after the court has conducted an in camera review of the
26 record of the state related to the report and has found reasonable cause to
27 believe that the reporter knowingly made a false report; or

- 1 (e) The external child fatality and near fatality review panel established by KRS
2 620.055.
- 3 (12) (a) Information may be publicly disclosed by the cabinet in a case where child
4 abuse or neglect has resulted in a child fatality or near fatality.
- 5 (b) The cabinet shall conduct an internal review of any case where child abuse or
6 neglect has resulted in a child fatality or near fatality and the cabinet had prior
7 involvement with the child or family. The cabinet shall prepare a summary
8 that includes an account of:
- 9 1. The cabinet's actions and any policy or personnel changes taken or to be
10 taken, including the results of appeals, as a result of the findings from
11 the internal review; and
- 12 2. Any cooperation, assistance, or information from any agency of the state
13 or any other agency, institution, or facility providing services to the
14 child or family that were requested and received by the cabinet during
15 the investigation of a child fatality or near fatality.
- 16 (c) The cabinet shall submit a report by September 1 of each year containing an
17 analysis of all summaries of internal reviews occurring during the previous
18 year and an analysis of historical trends to the Governor, the General
19 Assembly, and the state child fatality review team created under KRS
20 211.684.
- 21 (13) When an adult who is the subject of information made confidential by subsection
22 (5) of this section publicly reveals or causes to be revealed any significant part of
23 the confidential matter or information, the confidentiality afforded by subsection (5)
24 of this section is presumed voluntarily waived, and confidential information and
25 records about the person making or causing the public disclosure, not already
26 disclosed but related to the information made public, may be disclosed if disclosure
27 is in the best interest of the child or is necessary for the administration of the

1 cabinet's duties under this chapter.

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

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

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

18 (b) Arranging appropriate treatment services for the child; or

19 (c) Establishing visitation between the child and a relative, including a sibling of
20 the child.

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

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

27 (1) The court for the county where the child ordinarily resides or will reside or the

1 county where the child is present may issue an ex parte emergency custody order
2 when it appears to the court that removal is in the best interest of the child and that
3 there are reasonable grounds to believe, as supported by affidavit or by recorded
4 sworn testimony, that one (1) or more of the following conditions exist and that the
5 parents or other person exercising custodial control or supervision are unable or
6 unwilling to protect the child:

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

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

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

16 **(d) The parent or other person exercising custodial control or supervision has**
17 **another child in the care, custody, or control of the cabinet or other person**
18 **as a result a removal pursuant to this chapter, creating a rebuttable**
19 **presumption that the child is in immediate danger of dependency, neglect,**
20 **or abuse.**

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

24 (3) An emergency custody order shall be effective no longer than seventy-two (72)
25 hours, exclusive of weekends and holidays, unless there is a temporary removal
26 hearing with oral or other notice to the county attorney and the parent or other
27 person exercising custodial control or supervision of the child, to determine if the

1 child should be held for a longer period. The seventy-two (72) hour period also may
2 be extended or delayed upon the waiver or request of the child's parent or other
3 person exercising custodial control or supervision.

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

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

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

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

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

16 (a) Within seventy-two (72) hours, excluding weekends and holidays, of the time
17 when an emergency custody order is issued or when a child is taken into
18 custody without the consent of his or her parent or other person exercising
19 custodial control or supervision; and

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

22 (2) At a temporary removal hearing, the court shall determine whether there are
23 reasonable grounds to believe that the child would be dependent, neglected or
24 abused if returned to or left in the custody of his or her parent or other person
25 exercising custodial control or supervision even though it is not proved
26 conclusively who has perpetrated the dependency, neglect or abuse. For good cause,
27 the court may allow hearsay evidence. The Commonwealth shall bear the burden of

1 proof by a preponderance of the evidence and if the Commonwealth should fail to
2 establish same, the child shall be released to or retained in the custody of his or her
3 parent or other person exercising custodial control or supervision.

4 **(3) There is a rebuttable presumption that the child would be dependent, neglected,**
5 **or abused if returned to or left in the custody of his or her parent or other person**
6 **exercising custodial control or supervision if the parent or other person**
7 **exercising custodial control or supervision has another child in the care, custody,**
8 **or control of the cabinet or other person as a result of removal pursuant to this**
9 **chapter.**

10 ➔Section 6. This Act may be cited as Baby Miya's Law.