

1 AN ACT relating to dependent, neglected, or abused children.

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

3 ➔Section 1. KRS 620.140 is amended to read as follows:

4 (1) In determining the disposition of all cases brought on behalf of dependent,
5 neglected, or abused children, the juvenile session of the District Court *or the*
6 *family division of the Circuit Court*, in the best interest of the child, shall have but
7 shall not be limited to the following dispositional alternatives:

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

- 10 1. The parent or other person exercising custodial control or supervision
11 agrees that grounds exist for a finding of dependency, neglect, or abuse,
12 and agrees to the conditions of protective orders under paragraph (b) of
13 this subsection for a duration of up to one (1) year;
- 14 2. The action will be dismissed by the court, without hearing, at the end of
15 the period agreed upon if no motion is brought alleging a violation of a
16 protective order; and
- 17 3. If a motion is brought alleging a violation of a protective order, a
18 hearing will be held at which the parent or other person exercising
19 custodial control or supervision may contest the alleged violation, but
20 may not contest the original grounds for a finding of dependency,
21 neglect, or abuse. If a violation is found to have occurred, the court may
22 consider other dispositional alternatives pursuant to this section;

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

- 24 1. Requiring the parent or any other person to abstain from any conduct
25 abusing, neglecting, or making the child dependent;
- 26 2. Placing the child in his or her own home under supervision of the
27 cabinet or its designee with services as determined to be appropriate by

1 the cabinet; and

2 3. Orders authorized by KRS 403.715 to 403.785 and by KRS Chapter
3 456;

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

15 (d) Commitment of the child to the custody of the cabinet for placement for an
16 indeterminate period of time not to exceed his or her attainment of the age
17 eighteen (18), unless the youth elects to extend his or her commitment beyond
18 the age of eighteen (18) under paragraph (e) of this subsection. Beginning at
19 least six (6) months prior to an eligible youth attaining the age of eighteen
20 (18), the cabinet shall provide the eligible youth with education,
21 encouragement, assistance, and support regarding the development of a
22 transition plan, and inform the eligible youth of his or her right to extend
23 commitment beyond the age of eighteen (18); or

24 (e) *For an eligible youth committed to or in the custody of the cabinet when he*
25 *or she attains the age of eighteen (18),* extend or reinstate *the youth's*
26 *commitment or custody*~~[an eligible youth's commitment]~~ up to the age of
27 twenty-one (21) to receive transitional living support. The request shall be

- 1 made by the youth prior to attaining twenty (20) years of age. A youth may
2 opt in or out of extended commitment up to three (3) times ~~two (2) times~~
3 ~~prior to attaining twenty (20) years of age, with a ninety (90) day grace period~~
4 ~~between the time he or she exits and then reenters custody so long as there is~~
5 ~~documentation that his or her request was submitted~~ prior to attaining twenty
6 (20) years of age. The court may grant an extension or reinstatement of a
7 youth's commitment or placement in the cabinet's custody even if the
8 concurrence of the cabinet occurs after the youth attains twenty (20) years of
9 age. Upon receipt of the request and with the concurrence of the cabinet, the
10 court may authorize commitment up to the age of twenty-one (21).
- 11 (2) An order of temporary custody to the cabinet shall not be considered as a
12 permissible dispositional alternative.