

1 AN ACT relating to child welfare.

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

3 ➔Section 1. KRS 199.462 is amended to read as follows:

- 4 (1) Before an applicant is approved to provide foster care or relative caregiver services
5 to a child, to be considered a fictive kin placement for a child, or~~approved~~ to
6 receive a child for adoption, the Cabinet for Health and Family Services shall:
- 7 (a) Require a criminal background investigation of the applicant and any of the
8 applicant's adult household members by means of a fingerprint check by the
9 Department of Kentucky State Police and the Federal Bureau of Investigation;
10 or
- 11 (b) Request from the Justice and Public Safety Cabinet records of all conviction
12 information for the applicant and any of the applicant's adult household
13 members. The Justice and Public Safety Cabinet shall furnish the information
14 to the Cabinet for Health and Family Services and shall also send a copy of
15 the information to the applicant.
- 16 (2) The request for records shall be in a manner approved by the Justice and Public
17 Safety Cabinet, and the Justice and Public Safety Cabinet may charge a fee to be
18 paid by the applicant for the actual cost of processing the request.
- 19 (3) The Cabinet for Health and Family Services shall not disapprove of any placement
20 or custody arrangement, including but not limited to foster care, relative caregiver
21 services, fictive kin placement, temporary custody, permanent custody, or adoption
22 on the sole basis of a disability of the prospective caregiver without considering
23 whether targeted adaptive or supportive services could enable the prospective
24 caregiver to provide essential care and protection for the child.
- 25 (4) During a certified adoptive or foster home's annual reevaluation, the Cabinet for
26 Health and Family Services may:
- 27 (a) Require a background investigation for each adult household member of the

1 certified adoptive or foster home under subsections (1) and (2) of this section;
2 or

3 (b) Register each adult household member of a certified adoptive or foster home
4 under subsections (1) and (2) of this section in the rap back system.

5 (5) If a child is placed and resides in a fictive kin home for more than seventy-two (72)
6 hours, the Cabinet for Health and Family Services shall take action, including but
7 not limited to the following:

8 (a) Provide information on how to recognize and report child abuse or neglect;
9 and

10 (b) Ensure that, within the first five (5) days of a child under the age of five (5)
11 years old being placed in a fictive kin home, the fictive kin has completed a
12 one (1) time training course of one and one-half (1.5) hours of training
13 covering the prevention and recognition of pediatric abusive head trauma, as
14 defined in KRS 620.020.

15 (6) *The Cabinet for Health and Family Services shall not approve an individual to*
16 *provide foster care or relative caregiver services to a child, to be considered a*
17 *fictive kin placement for a child, or to receive a child for adoption if the*
18 *individual has:*

19 *(a) Completed or attended sex offender treatment;*

20 *(b) An adult living in the individual's home who has completed or attended sex*
21 *offender treatment; or*

22 *(c) A minor child living in the individual's home who has completed or*
23 *attended sex offender treatment;*

24 *as directed by the court.*

25 *(7)* The Cabinet for Health and Family Services shall promulgate an administrative
26 regulation *in accordance with KRS Chapter 13A* to implement this section.