

1 AN ACT relating to guardians ad litem and other appointed counsel.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 7 of this Act:*

6 *(1) "Commission" means the Family Representation and Advocacy Commission that*
7 *provides oversight and support to the Department of Family Representation and*
8 *Advocacy and its director;*

9 *(2) "Department" means the Department of Family Representation and Advocacy;*

10 *(3) "Director" means the director of the Department of Family Representation and*
11 *Advocacy; and*

12 *(4) "Eligible client" means any child or adult eligible for appointment of a guardian*
13 *ad litem or counsel in accordance with Section 6 of this Act.*

14 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO
15 READ AS FOLLOWS:

16 *(1) The Department of Family Representation and Advocacy is hereby established as*
17 *an independent agency in the executive branch of state government, and is*
18 *attached for administrative purposes to the Justice and Public Safety Cabinet.*

19 *(2) The purpose of the department is to:*

20 *(a) Appoint, compensate, evaluate, and retain attorneys and other staff to*
21 *provide legal representation and complimentary support services for eligible*
22 *clients; and*

23 *(b) Independently and collaboratively with the Cabinet for Health and Family*
24 *Services or any other relevant entity, pursue and leverage federal funding*
25 *opportunities, including but not limited to Title IV-E of the Social Security*
26 *Act, 42 U.S.C. Ch. 7, to support its efforts to provide legal representation*
27 *and complimentary support services for eligible clients.*

1 (3) The central office of the department shall be located in Franklin County.

2 (4) The department shall include regional offices and an appellate division as
3 provided in Section 4 of this Act.

4 (5) All salaries and other expenses of the department shall be paid upon warrants
5 drawn by the secretary of the Justice and Public Safety Cabinet, supported by
6 vouchers signed by the director or the director's authorized representative and in
7 accordance with budgets approved by the state budget division of the Justice and
8 Public Safety Cabinet.

9 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO
10 READ AS FOLLOWS:

11 (1) The Family Representation and Advocacy Commission is hereby created and
12 shall:

13 (a) Receive applications, interview, and recommend to the Governor three (3)
14 attorneys as nominees for appointment as the director of the Department of
15 Family Representation and Advocacy in accordance with Section 4 of this
16 Act;

17 (b) Assist the director in drawing up procedures for the selection of his or her
18 staff;

19 (c) Review and approve fair and consistent policies for the provision of services
20 to eligible clients;

21 (d) Assist the department in ensuring its independence through public
22 education regarding the purpose of the department; and

23 (e) Review and adopt an annual budget for the department prepared by the
24 director and provide support for budgetary requests to the General
25 Assembly.

26 (2) The commission shall consist of the following members who shall serve terms of
27 four (4) years, except the initial terms shall be established in accordance with

1 subsection (3) of this section:

2 (a) Nine (9) members appointed by the Governor, including:

3 1. Four (4) members who demonstrate a commitment to high-quality
4 legal representation or to working with and advocating for the
5 population served by the department;

6 2. Two (2) members who previously served as a Family Court Judge or
7 an attorney in the child welfare system;

8 3. One (1) member who is a child with lived experience of being placed
9 in the legal custody of the Cabinet for Health and Family Services;

10 4. One (1) member who is a parent with lived experience having one (1)
11 or more children placed in the legal custody of the Cabinet for Health
12 and Family Services; and

13 5. One (1) member with lived experience with the Cabinet for Health and
14 Family Services or another child welfare agency as a youth, parent, or
15 both;

16 (b) The dean, ex officio, of each of the law schools in Kentucky or his or her
17 designee; and

18 (c) The dean, ex officio, of each of the colleges of social work in Kentucky or
19 his or her designee.

20 (3) Initial appointments to the commission shall be made no later than September 30,
21 2026. At the first meeting of the commission, a drawing by lot shall be conducted
22 to determine the term length of each initial appointee. Three (3) members shall
23 serve a term of two (2) years, three (3) members shall serve a term of three (3)
24 years, and the remaining members shall serve a term of four (4) years.

25 (4) Vacancies in the membership of the commission shall be filled in the same
26 manner as original appointments. Appointments to fill vacancies occurring
27 before the expiration of a term shall be for the remainder of the unexpired term.

1 (5) The commission shall first meet at the call of the Governor and thereafter as the
2 commission shall determine on a regular basis, but at least quarterly, and shall be
3 presided over by a chairperson elected by its members for a one (1) year term. A
4 majority of commission members shall constitute a quorum, and decisions shall
5 require the majority vote of those present. However, a recommendation to the
6 Governor pertaining to the appointment or renewal of the appointment of the
7 director shall require a majority vote of the commission. Each member of the
8 commission shall have one (1) vote, and voting by proxy shall be prohibited.

9 (6) Upon appointment or renewal, the director shall:

10 (a) Be an ex officio member of the commission without the power to vote;

11 (b) Serve as secretary of the commission; and

12 (c) Be entitled to attend and participate in all meetings of the commission,
13 except for any discussions relating to renewal of his or her term or removal.

14 (7) Any member shall resign immediately if:

15 (a) The member's professional status changes in a way that renders the
16 member ineligible in accordance with subsection (9) of this section; or

17 (b) The member becomes party to a pending court case where a guardian ad
18 litem or court appointed counsel is appointed by the department.

19 (8) Commission members shall be reimbursed for reasonable and necessary expenses
20 incurred while engaged in carrying out the duties of the commission and shall
21 receive one hundred dollars (\$100) per day for each meeting attended unless
22 prohibited by law from receiving such compensation.

23 (9) The following persons shall not be appointed to serve on the commission:

24 (a) Current employees of the Cabinet for Health and Family Services;

25 (b) Current employees of the department, except for the director in accordance
26 with subsection (6) of this section;

27 (c) Current judges, judicial officials, or their employees;

1 (d) Any person that is party to a pending court case where a guardian ad litem
 2 or court appointed counsel is appointed by the department; and

3 (e) Any person or his or her employee who currently contracts with or receives
 4 funding from the department.

5 (10) A member of the commission shall not interfere with the discretion, professional
 6 judgment, or advocacy of an appointed attorney, contract attorney, staff attorney,
 7 contract employee, or department employee in the representation and advocacy of
 8 a client in accordance with Sections 1 to 7 of this Act.

9 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO
 10 READ AS FOLLOWS:

11 (1) The director is the administrative head of the department. The director shall be
 12 appointed by the Governor from a list of three (3) attorneys submitted to him or
 13 her by the commission and shall:

14 (a) Be licensed to practice law in the Commonwealth or be licensed within one
 15 (1) year of appointment;

16 (b) Have at least ten (10) years of experience in the field of representation of
 17 children or adults in dependency, neglect, and abuse cases in a practicing
 18 attorney, management, supervisory, or policymaking position or equivalent
 19 experience as determined by the commission; and

20 (c) Have clearly demonstrated management or executive experience.

21 (2) The director may be removed by the commission upon approval of two-thirds
 22 (2/3) of commission members. The commission shall provide the director with
 23 notice and an opportunity for a hearing in accordance with KRS Chapter 13B.

24 (3) The director shall establish at least seven (7) regional offices that align with the
 25 seven (7) Kentucky Supreme Court districts to accommodate all judicial districts
 26 that exist within the seven (7) Kentucky Supreme Court districts. One regional
 27 office shall be located in each Kentucky Supreme Court district.

- 1 (4) The director shall appoint a regional manager in each region. The regional
2 manager shall administer the operation of the region and shall serve at the
3 pleasure of the director. Each regional manager shall be an attorney licensed to
4 practice law in the Commonwealth.
- 5 (5) The director shall establish an appellate division within the department. The
6 appellate division shall be led by a chief appellate attorney.
- 7 (6) The appellate division shall assist the director by providing representation before
8 the Kentucky Court of Appeals and the Kentucky Supreme Court in appellate
9 proceedings involving persons represented in accordance with Sections 1 to 7 of
10 this Act.
- 11 (7) The director is responsible to the commission for the operation of the department.
12 The director shall manage all operations of the department and shall:
13 (a) Administer and carry out the provisions of Sections 1 to 7 of this Act;
14 (b) Exercise authority over and provide general supervision of employees;
15 (c) Oversee funding, including federal funding;
16 (d) Administer and supervise contracts for attorneys and other employees; and
17 (e) Represent and advocate for the department and its clients.
- 18 (8) The director shall have every power that is necessary for the fulfillment of the
19 director's duties, including authority to:
20 (a) Administer the statewide representation system created by Sections 1 to 7 of
21 this Act or by any other appropriate legislation or court decision;
22 (b) Develop and promulgate administrative regulations in accordance with KRS
23 Chapter 13A for the administration of legal representation and other
24 services that the director, statutes, or the courts determine are subject to
25 department assistance;
26 (c) Set standards relating to:
27 1. The minimum experience, training, and qualifications for contract

- 1 and staff attorneys;
- 2 2. Monitoring and evaluating contract and staff attorneys and other
- 3 contract and department staff, including attorneys appointed to cases
- 4 to resolve conflicts of interest;
- 5 3. Managing caseloads and workloads, including load monitoring
- 6 protocols for staff attorneys, contract attorneys, department staff, and
- 7 contract staff; and
- 8 4. The competent and efficient representation of clients whose cases
- 9 present conflicts of interest;
- 10 (d) Delegate authority to subordinates as the director deems necessary and
- 11 appropriate;
- 12 (e) Employ and fix the compensation of persons necessary to discharge the
- 13 director's duties and enter into contracts with private attorneys, law firms,
- 14 nonprofit legal services programs, and law school clinics as necessary to
- 15 carry out the provisions of Sections 1 to 7 of this Act;
- 16 (f) Organize the department into divisions as the director deems necessary and
- 17 appropriate to carry out the director's duties, except that there shall be an
- 18 appellate division in accordance with subsections (5) and (6) of this section;
- 19 (g) Develop and annually update a strategic plan with measurable goals and
- 20 metrics;
- 21 (h) Conduct research and studies that will improve the operation of the
- 22 department and the administration of Sections 1 to 7 of this Act;
- 23 (i) Provide courses of instruction and practical training for employees of the
- 24 department and contracted staff that will improve the operation of the
- 25 department and the administration of Sections 1 to 7 of this Act;
- 26 (j) Purchase or lease office equipment and supplies and lease real property for
- 27 use of the department;

1 (k) Maintain records and statistical data that reflect the operation and
2 administration of the department, including a system that allows the
3 department to:

4 1. Collect and analyze data on outcomes for eligible clients;

5 2. Maintain client confidentiality of information;

6 3. Evaluate the effectiveness of the department's programs and practices;

7 and

8 4. Inform and guide continuous quality improvement;

9 (l) Prepare an annual report and budget for the operation of the department;

10 (m) Formulate a fee schedule for attorneys or law firms who are not employees
11 of the department but who serve as contracted counsel pursuant to Sections
12 1 to 7 of this Act;

13 (n) Formulate a fee schedule for other contract staff who are not employees of
14 the department but who serve clients pursuant to Sections 1 to 7 of this Act;

15 (o) Establish a grievance procedure for clients represented by a staff attorney
16 or contract attorney or served by department or contract staff;

17 (p) Certify contracts and expenditures for litigation expenses, including
18 contracts and expenditures for experts, investigators, witnesses, and
19 attorney contracts;

20 (q) Maintain and exercise control over the department's information
21 technology system, and work with the Commonwealth Office of Technology
22 to ensure that the department's information technology is in conformity
23 with the requirements of state government;

24 (r) Purchase liability insurance for the protection of a full-time staff attorney to
25 protect them from liability for malpractice arising in the course or scope of
26 employment and for the protection of attorneys with whom the department
27 contracts to protect them from liability for malpractice arising in the course

- 1 and scope of the contract; and
- 2 (s) Perform other duties as set forth by the commission.
- 3 (9) Notwithstanding any statute to the contrary, employees of the department,
- 4 including the director, shall not:
- 5 (a) Be covered by the merit system;
- 6 (b) Be subject to the provisions of KRS 12.210; or
- 7 (c) Participate in Kentucky's public employee retirement systems.

8 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO

9 READ AS FOLLOWS:

- 10 (1) There is hereby established in the State Treasury a trust and agency account to be
- 11 known as the family representation and advocacy fund. The fund shall consist of
- 12 moneys received from state appropriations, gifts, grants, and federal funds.
- 13 (2) The fund shall be administered by the director.
- 14 (3) Amounts deposited into the fund shall be used for the purposes set forth in
- 15 Sections 1 to 7 of this Act and for no other purpose.
- 16 (4) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal
- 17 year shall not lapse but shall be carried forward into the next fiscal year.

18 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO

19 READ AS FOLLOWS:

- 20 (1) The department shall appoint guardians ad litem and other court-appointed
- 21 counsel upon the request of a court in cases where the court is permitted to make
- 22 a request for counsel on behalf of a party.
- 23 (2) In all cases where a guardian ad litem or counsel is requested, the requesting
- 24 court shall make a finding that establishes the necessity of the appointment.
- 25 (3) The clerk of the court shall forward the request and findings to the local office
- 26 for the department who shall immediately appoint a guardian ad litem or counsel.
- 27 (4) The department shall ensure adequate processes to fulfill any lawful request from

1 *a court for a guardian ad litem or other counsel, and may enter into agreements*
 2 *with requesting courts to ensure the availability and delivery of counsel to meet*
 3 *the immediate needs of a requesting court.*

4 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 15A IS CREATED TO
 5 READ AS FOLLOWS:

6 *The Justice and Public Safety Cabinet shall provide a report on or before December 31*
 7 *of each year to the Legislative Research Commission for referral to the Interim Joint*
 8 *Committees on Judiciary and Appropriations and Revenue detailing:*

9 *(1) The number of contracts the department entered into with private attorneys, law*
 10 *firms, nonprofit legal services programs, and law school clinics for the provision*
 11 *of legal services;*

12 *(2) The total amount of money the department spent on contracts for the provision of*
 13 *legal services;*

14 *(3) A categorical description of the cases in which the department used contracted*
 15 *legal services; and*

16 *(4) The total number of cases in which a contracted provider of legal services*
 17 *received a statutorily maximum fee.*

18 ➔Section 8. KRS 61.510 is amended to read as follows:

19 As used in KRS 61.510 to 61.705, unless the context otherwise requires:

20 (1) "System" means the Kentucky Employees Retirement System created by KRS
 21 61.510 to 61.705;

22 (2) "Board" means the board of trustees of the system as provided in KRS 61.645;

23 (3) "Department" means any state department or board or agency participating in the
 24 system in accordance with appropriate executive order, as provided in KRS 61.520.

25 For purposes of KRS 61.510 to 61.705, the members, officers, and employees of the
 26 General Assembly and any other body, entity, or instrumentality designated by
 27 executive order by the Governor, shall be deemed to be a department,

- 1 notwithstanding whether said body, entity, or instrumentality is an integral part of
2 state government;
- 3 (4) "Examiner" means the medical examiners as provided in KRS 61.665;
- 4 (5) "Employee" means the members, officers, and employees of the General Assembly
5 and every regular full-time, appointed or elective officer or employee of a
6 participating department, including the Department of Military Affairs. The term
7 does not include persons engaged as independent contractors, seasonal, emergency,
8 temporary, interim,~~and~~ part-time workers, **or employees of the Department of**
9 **Family Representation and Advocacy**. In case of any doubt, the board shall
10 determine if a person is an employee within the meaning of KRS 61.510 to 61.705;
- 11 (6) "Employer" means a department or any authority of a department having the power
12 to appoint or select an employee in the department, including the Senate and the
13 House of Representatives, or any other entity, the employees of which are eligible
14 for membership in the system pursuant to KRS 61.525;
- 15 (7) "State" means the Commonwealth of Kentucky;
- 16 (8) "Member" means any employee who is included in the membership of the system
17 or any former employee whose membership has not been terminated under KRS
18 61.535;
- 19 (9) "Service" means the total of current service and prior service as defined in this
20 section;
- 21 (10) "Current service" means the number of years and months of employment as an
22 employee, on and after July 1, 1956, except that for members, officers, and
23 employees of the General Assembly this date shall be January 1, 1960, for which
24 creditable compensation is paid and employee contributions deducted, except as
25 otherwise provided, and each member, officer, and employee of the General
26 Assembly shall be credited with a month of current service for each month he or
27 she serves in the position;

1 (11) "Prior service" means the number of years and completed months, expressed as a
2 fraction of a year, of employment as an employee, prior to July 1, 1956, for which
3 creditable compensation was paid; except that for members, officers, and
4 employees of the General Assembly, this date shall be January 1, 1960. An
5 employee shall be credited with one (1) month of prior service only in those months
6 he or she received compensation for at least one hundred (100) hours of work;
7 provided, however, that each member, officer, and employee of the General
8 Assembly shall be credited with a month of prior service for each month he or she
9 served in the position prior to January 1, 1960. Twelve (12) months of current
10 service in the system are required to validate prior service;

11 (12) "Accumulated contributions" at any time means the sum of all amounts deducted
12 from the compensation of a member and credited to his or her individual account in
13 the members' account, including employee contributions picked up after August 1,
14 1982, pursuant to KRS 61.560(4), together with interest credited, on such amounts
15 and any other amounts the member shall have contributed thereto, including interest
16 credited thereon. For members who begin participating on or after September 1,
17 2008, "accumulated contributions" shall not include employee contributions that are
18 deposited into accounts established pursuant to 26 U.S.C. sec. 401(h) within the
19 funds established in KRS 16.510 and 61.515, as prescribed by KRS 61.702(3)(b);

20 (13) "Creditable compensation":

21 (a) Means all salary, wages, tips to the extent the tips are reported for income tax
22 purposes, and fees, including payments for compensatory time, paid to the
23 employee as a result of services performed for the employer or for time during
24 which the member is on paid leave, which are includable on the member's
25 federal form W-2 wage and tax statement under the heading "wages, tips,
26 other compensation," including employee contributions picked up after
27 August 1, 1982, pursuant to KRS 61.560(4). For members of the General

1 Assembly, it shall mean all amounts which are includable on the member's
2 federal form W-2 wage and tax statement under the heading "wages, tips,
3 other compensation," including employee contributions picked up after
4 August 1, 1982, pursuant to KRS 6.505(4) or 61.560(4);

5 (b) Includes:

- 6 1. Lump-sum bonuses, severance pay, or employer-provided payments for
7 purchase of service credit, which shall be averaged over the employee's
8 total service with the system in which it is recorded if it is equal to or
9 greater than one thousand dollars (\$1,000);
- 10 2. Cases where compensation includes maintenance and other perquisites,
11 but the board shall fix the value of that part of the compensation not paid
12 in money;
- 13 3. Lump-sum payments for creditable compensation paid as a result of an
14 order of a court of competent jurisdiction, the Personnel Board, or the
15 Kentucky Commission on Human Rights, or for any creditable
16 compensation paid in anticipation of settlement of an action before a
17 court of competent jurisdiction, the Personnel Board, or the Kentucky
18 Commission on Human Rights, including notices of violations of state
19 or federal wage and hour statutes or violations of state or federal
20 discrimination statutes, which shall be credited to the fiscal year during
21 which the wages were earned or should have been paid by the employer.
22 This subparagraph shall also include lump-sum payments for reinstated
23 wages pursuant to KRS 61.569, which shall be credited to the period
24 during which the wages were earned or should have been paid by the
25 employer;
- 26 4. Amounts which are not includable in the member's gross income by
27 virtue of the member having taken a voluntary salary reduction provided

1 for under applicable provisions of the Internal Revenue Code; and

2 5. Elective amounts for qualified transportation fringes paid or made
3 available on or after January 1, 2001, for calendar years on or after
4 January 1, 2001, that are not includable in the gross income of the
5 employee by reason of 26 U.S.C. sec. 132(f)(4); and

6 (c) Excludes:

- 7 1. Living allowances, expense reimbursements, lump-sum payments for
8 accrued vacation leave, and other items determined by the board;
- 9 2. For employees who begin participating on or after September 1, 2008,
10 lump-sum payments for compensatory time;
- 11 3. For employees who begin participating on or after August 1, 2016,
12 nominal fees paid for services as a volunteer; and
- 13 4. Any salary or wages paid to an employee for services as a Kentucky
14 State Police school resource officer as defined by KRS 158.441;

15 (14) "Final compensation" of a member means:

16 (a) For a member who begins participating before September 1, 2008, who is
17 employed in a nonhazardous position, the creditable compensation of the
18 member during the five (5) fiscal years he or she was paid at the highest
19 average monthly rate divided by the number of months of service credit
20 during that five (5) year period multiplied by twelve (12). The five (5) years
21 may be fractional and need not be consecutive. If the number of months of
22 service credit during the five (5) year period is less than forty-eight (48), one
23 (1) or more additional fiscal years shall be used;

24 (b) For a member who is employed in a nonhazardous position, whose effective
25 retirement date is between August 1, 2001, and January 1, 2009, and whose
26 total service credit is at least twenty-seven (27) years and whose age and years
27 of service total at least seventy-five (75), final compensation means the

1 creditable compensation of the member during the three (3) fiscal years the
2 member was paid at the highest average monthly rate divided by the number
3 of months of service credit during that three (3) years period multiplied by
4 twelve (12). The three (3) years may be fractional and need not be
5 consecutive. If the number of months of service credit during the three (3)
6 year period is less than twenty-four (24), one (1) or more additional fiscal
7 years shall be used. Notwithstanding the provision of KRS 61.565, the
8 funding for this paragraph shall be provided from existing funds of the
9 retirement allowance;

10 (c) For a member who begins participating before September 1, 2008, who is
11 employed in a hazardous position, as provided in KRS 61.592, the creditable
12 compensation of the member during the three (3) fiscal years he or she was
13 paid at the highest average monthly rate divided by the number of months of
14 service credit during that three (3) year period multiplied by twelve (12). The
15 three (3) years may be fractional and need not be consecutive. If the number
16 of months of service credit during the three (3) year period is less than twenty-
17 four (24), one (1) or more additional fiscal years shall be used;

18 (d) For a member who begins participating on or after September 1, 2008, but
19 prior to January 1, 2014, who is employed in a nonhazardous position, the
20 creditable compensation of the member during the five (5) complete fiscal
21 years immediately preceding retirement divided by five (5). Each fiscal year
22 used to determine final compensation must contain twelve (12) months of
23 service credit. If the member does not have five (5) complete fiscal years that
24 each contain twelve (12) months of service credit, then one (1) or more
25 additional fiscal years, which may contain less than twelve (12) months of
26 service credit, shall be added until the number of months in the final
27 compensation calculation is at least sixty (60) months; or

1 (e) For a member who begins participating on or after September 1, 2008, but
2 prior to January 1, 2014, who is employed in a hazardous position as provided
3 in KRS 61.592, the creditable compensation of the member during the three
4 (3) complete fiscal years he or she was paid at the highest average monthly
5 rate divided by three (3). Each fiscal year used to determine final
6 compensation must contain twelve (12) months of service credit. If the
7 member does not have three (3) complete fiscal years that each contain twelve
8 (12) months of service credit, then one (1) or more additional fiscal years,
9 which may contain less than twelve (12) months of service credit, shall be
10 added until the number of months in the final compensation calculation is at
11 least thirty-six (36) months;

12 (15) "Final rate of pay" means the actual rate upon which earnings of an employee were
13 calculated during the twelve (12) month period immediately preceding the
14 member's effective retirement date, including employee contributions picked up
15 after August 1, 1982, pursuant to KRS 61.560(4). The rate shall be certified to the
16 system by the employer and the following equivalents shall be used to convert the
17 rate to an annual rate: two thousand eighty (2,080) hours for eight (8) hour
18 workdays, nineteen hundred fifty (1,950) hours for seven and one-half (7-1/2) hour
19 workdays, two hundred sixty (260) days, fifty-two (52) weeks, twelve (12) months,
20 one (1) year;

21 (16) "Retirement allowance" means the retirement payments to which a member is
22 entitled;

23 (17) "Actuarial equivalent" means a benefit of equal value when computed upon the
24 basis of the actuarial tables that are adopted by the board. In cases of disability
25 retirement, the options authorized by KRS 61.635 shall be computed by adding ten
26 (10) years to the age of the member, unless the member has chosen the Social
27 Security adjustment option as provided for in KRS 61.635(8), in which case the

1 member's actual age shall be used. For members who began participating in the
2 system prior to January 1, 2014, no disability retirement option shall be less than
3 the same option computed under early retirement;

4 (18) "Normal retirement date" means the sixty-fifth birthday of a member, unless
5 otherwise provided in KRS 61.510 to 61.705;

6 (19) "Fiscal year" of the system means the twelve (12) months from July 1 through the
7 following June 30, which shall also be the plan year. The "fiscal year" shall be the
8 limitation year used to determine contribution and benefit limits as established by
9 26 U.S.C. sec. 415;

10 (20) "Officers and employees of the General Assembly" means the occupants of those
11 positions enumerated in KRS 6.150. The term shall also apply to assistants who
12 were employed by the General Assembly for at least one (1) regular legislative
13 session prior to July 13, 2004, who elect to participate in the retirement system, and
14 who serve for at least six (6) regular legislative sessions. Assistants hired after July
15 13, 2004, shall be designated as interim employees;

16 (21) "Regular full-time positions," as used in subsection (5) of this section, shall mean
17 all positions that average one hundred (100) or more hours per month determined
18 by using the number of months actually worked within a calendar or fiscal year,
19 including all positions except:

20 (a) Seasonal positions, which although temporary in duration, are positions which
21 coincide in duration with a particular season or seasons of the year and which
22 may recur regularly from year to year, the period of time shall not exceed nine
23 (9) months;

24 (b) Emergency positions which are positions utilized by the employer during:

25 1. An emergency as determined by the employer for a period not
26 exceeding thirty (30) working days and are nonrenewable; or

27 2. A state of emergency declared by the President of the United States or

- 1 the Governor of the Commonwealth of Kentucky that are created or
2 filled specifically for addressing the employer's needs during and as a
3 result of the declared emergency;
- 4 (c) Temporary positions which are positions of employment with a participating
5 department for a period of time not to exceed nine (9) months and are
6 nonrenewable;
- 7 (d) Part-time positions which are positions which may be permanent in duration,
8 but which require less than a calendar or fiscal year average of one hundred
9 (100) hours of work per month, determined by using the number of months
10 actually worked within a calendar or fiscal year, in the performance of duty;
11 and
- 12 (e) Interim positions which are positions established for a one-time or recurring
13 need not to exceed nine (9) months;
- 14 (22) "Vested" for purposes of determining eligibility for purchasing service credit under
15 KRS 61.552 means the employee has at least forty-eight (48) months of service if
16 age sixty-five (65) or older or at least sixty (60) months of service if under the age
17 of sixty-five (65). For purposes of this subsection, "service" means service in the
18 systems administered by the Kentucky Retirement Systems and County Employees
19 Retirement System;
- 20 (23) "Parted employer" means a department, portion of a department, board, or agency,
21 such as Outwood Hospital and School, which previously participated in the system,
22 but due to lease or other contractual arrangement is now operated by a publicly held
23 corporation or other similar organization, and therefore is no longer participating in
24 the system. The term "parted employer" shall not include a department, board, or
25 agency that ceased participation in the system pursuant to KRS 61.522;
- 26 (24) "Retired member" means any former member receiving a retirement allowance or
27 any former member who has filed the necessary documents for retirement benefits

1 and is no longer contributing to the retirement system;

2 (25) "Current rate of pay" means the member's actual hourly, daily, weekly, biweekly,
3 monthly, or yearly rate of pay converted to an annual rate as defined in final rate of
4 pay. The rate shall be certified by the employer;

5 (26) "Beneficiary" means the person or persons or estate or trust or trustee designated by
6 the member in accordance with KRS 61.542 or 61.705 to receive any available
7 benefits in the event of the member's death. As used in KRS 61.702, "beneficiary"
8 does not mean an estate, trust, or trustee;

9 (27) "Recipient" means the retired member or the person or persons designated as
10 beneficiary by the member and drawing a retirement allowance as a result of the
11 member's death or a dependent child drawing a retirement allowance. An alternate
12 payee of a qualified domestic relations order shall not be considered a recipient,
13 except for purposes of KRS 61.623;

14 (28) "Level percentage of payroll amortization method" means a method of determining
15 the annual amortization payment on the unfunded actuarial accrued liability as
16 expressed as a percentage of payroll over a set period of years but that may be
17 converted to a dollar value for purposes of KRS 61.565(1)(d). Under this method,
18 the percentage of payroll shall be projected to remain constant for all years
19 remaining in the set period of time and the unfunded actuarially accrued liability
20 shall be projected to be fully amortized at the conclusion of the set period of years;

21 (29) "Increment" means twelve (12) months of service credit which are purchased. The
22 twelve (12) months need not be consecutive. The final increment may be less than
23 twelve (12) months;

24 (30) "Person" means a natural person;

25 (31) "Retirement office" means the Kentucky Public Pensions Authority's office
26 building in Frankfort, unless otherwise designated by the Kentucky Public Pensions
27 Authority;

- 1 (32) "Last day of paid employment" means the last date employer and employee
2 contributions are required to be reported in accordance with KRS 16.543, 61.543, or
3 78.615 to the retirement office in order for the employee to receive current service
4 credit for the month. Last day of paid employment does not mean a date the
5 employee receives payment for accrued leave, whether by lump sum or otherwise,
6 if that date occurs twenty-four (24) or more months after previous contributions;
- 7 (33) "Objective medical evidence" means reports of examinations or treatments; medical
8 signs which are anatomical, physiological, or psychological abnormalities that can
9 be observed; psychiatric signs which are medically demonstrable phenomena
10 indicating specific abnormalities of behavior, affect, thought, memory, orientation,
11 or contact with reality; or laboratory findings which are anatomical, physiological,
12 or psychological phenomena that can be shown by medically acceptable laboratory
13 diagnostic techniques, including but not limited to chemical tests,
14 electrocardiograms, electroencephalograms, X-rays, and psychological tests;
- 15 (34) "Participating" means an employee is currently earning service credit in the system
16 as provided in KRS 61.543;
- 17 (35) "Month" means a calendar month;
- 18 (36) "Membership date" means:
- 19 (a) The date upon which the member began participating in the system as
20 provided in KRS 61.543;
- 21 (b) For a member electing to participate in the system pursuant to KRS
22 196.167(4) or 311A.022(2) who has not previously participated in the system
23 or the Kentucky Teachers' Retirement System, the date the member began
24 participating in a defined contribution plan that meets the requirements of 26
25 U.S.C. sec. 403(b);
- 26 (c) For members bound by an educational contract as a conditional employee to
27 the state of Kentucky prior to December 31, 2003, the date on which the

- 1 educational contract became effective; or
- 2 (d) For a member participating in the system pursuant to KRS 31.045, the earlier
- 3 of the date upon which the member began participating in the system under
- 4 paragraph (a) of this subsection or the date the member began employment
- 5 with the Louisville and Jefferson County Public Defender Corporation;
- 6 (37) "Participant" means a member, as defined by subsection (8) of this section, or a
- 7 retired member, as defined by subsection (24) of this section;
- 8 (38) "Qualified domestic relations order" means any judgment, decree, or order,
- 9 including approval of a property settlement agreement, that:
- 10 (a) Is issued by a court or administrative agency; and
- 11 (b) Relates to the provision of child support, alimony payments, or marital
- 12 property rights to an alternate payee;
- 13 (39) "Alternate payee" means a spouse, former spouse, child, or other dependent of a
- 14 participant, who is designated to be paid retirement benefits in a qualified domestic
- 15 relations order;
- 16 (40) "Accumulated employer credit" mean the employer pay credit deposited to the
- 17 member's account and interest credited on such amounts as provided by KRS
- 18 16.583 and 61.597;
- 19 (41) "Accumulated account balance" means:
- 20 (a) For members who began participating in the system prior to January 1, 2014,
- 21 the member's accumulated contributions; or
- 22 (b) For members who began participating in the system on or after January 1,
- 23 2014, in the hybrid cash balance plan as provided by KRS 16.583 and 61.597,
- 24 the combined sum of the member's accumulated contributions and the
- 25 member's accumulated employer credit;
- 26 (42) "Volunteer" means an individual who:
- 27 (a) Freely and without pressure or coercion performs hours of service for an

1 employer participating in one (1) of the systems administered by Kentucky
2 Retirement Systems without receipt of compensation for services rendered,
3 except for reimbursement of actual expenses, payment of a nominal fee to
4 offset the costs of performing the voluntary services, or both; and

5 (b) If a retired member, does not become an employee, leased employee, or
6 independent contractor of the employer for which he or she is performing
7 volunteer services for a period of at least twelve (12) months following the
8 retired member's most recent retirement date;

9 (43) "Nominal fee" means compensation earned for services as a volunteer that does not
10 exceed five hundred dollars (\$500) per month with each participating employer.
11 Compensation earned for services as a volunteer from more than one (1)
12 participating employer during a month shall not be aggregated to determine whether
13 the compensation exceeds the five hundred dollars (\$500) per month maximum
14 provided by this subsection;

15 (44) "Nonhazardous position" means a position that does not meet the requirements of
16 KRS 61.592 or has not been approved by the board as a hazardous position;

17 (45) "Monthly average pay" means:

18 (a) In the case of a member who dies as a direct result of an act in line of duty as
19 defined in KRS 16.505 or who dies as a result of a duty-related injury as
20 defined in KRS 61.621, the higher of the member's monthly final rate of pay
21 or the average monthly creditable compensation earned by the deceased
22 member during his or her last twelve (12) months of employment; or

23 (b) In the case where a member becomes totally and permanently disabled as a
24 direct result of an act in line of duty as defined in KRS 16.505 or becomes
25 disabled as a result of a duty-related injury as defined in KRS 61.621 and is
26 eligible for the benefits provided by KRS 61.621(5)(a), the higher of the
27 member's monthly final rate of pay or the average monthly creditable

1 compensation earned by the disabled member during his or her last twelve
2 (12) months of employment prior to the date the act in line of duty or duty-
3 related injury occurred;

4 (46) "Authority" means the Kentucky Public Pensions Authority as provided by KRS
5 61.505;

6 (47) "Executive director" means the executive director of the Kentucky Public Pensions
7 Authority;

8 (48) "Instructional staff" means the employees of a state college or university
9 participating under KRS 61.520 who are:

10 (a) Faculty;

11 (b) Staff responsible for teaching; or

12 (c) Other individuals employed in an administrative position that is eligible for
13 participation in the Teachers' Insurance and Annuity Association (TIAA) of
14 the Teachers' Retirement System;

15 (49) "Agency reporting official" means the person designated by the participating
16 employer who shall be responsible for forwarding all employer and employee
17 contributions and a record of the contributions to the system and for performing
18 other administrative duties pursuant to KRS 61.510 to 61.705; and

19 (50) "Gainful employment" means work in any capacity that is or may be performed
20 with regularity and is or may be usually done for pay, whether pay is received or
21 not received, including seasonal, volunteer, part-time, and on-call work.

22 ➔Section 9. KRS 11A.040 is amended to read as follows:

23 (1) A public servant, in order to further his or her own economic interests, or those of
24 any other person, shall not knowingly disclose or use confidential information
25 acquired in the course of his or her official duties.

26 (2) A public servant shall not knowingly receive, directly or indirectly, any interest or
27 profit arising from the use or loan of public funds in his or her hands or to be raised

1 through any state agency.

2 (3) A public servant shall not knowingly act as a representative or agent for the
3 Commonwealth or any agency in the transaction of any business or regulatory
4 action with himself or herself, or with any business in which he or she or a member
5 of his or her family has any interest greater than five percent (5%) of the total value
6 thereof.

7 (4) A public servant shall not knowingly himself or herself or through any business in
8 which he or she owns or controls an interest of more than five percent (5%), or by
9 any other person for his or her use or benefit or on his or her account, undertake,
10 execute, hold, bid on, negotiate, or enjoy, in whole or in part, any contract,
11 agreement, lease, sale, or purchase made, entered into, awarded, or granted by the
12 agency by which he or she is employed or which he or she supervises, subject to the
13 provisions of KRS 45A.340. This provision shall not apply to:

14 (a) A contract, purchase, or good-faith negotiation made pursuant to KRS
15 Chapter 416 relating to eminent domain;~~[-or]~~

16 (b) Agreements which may directly or indirectly involve public funds disbursed
17 through entitlement programs;~~[-or]~~

18 (c) A public servant's spouse or child doing business with any state agency other
19 than the agency by which the public servant is employed or which he or she
20 supervises;~~[-or]~~

21 (d) Purchases from a state agency that are available on the same terms to the
22 general public or that are made at public auction; or

23 (e) Sales of craft items to a state park by interim state employees designated as
24 craftspersons under KRS 148.257.

25 (5) A public servant shall not knowingly accept compensation, other than that provided
26 by law for public servants, for performance of his or her official duties without the
27 prior approval of the commission.

1 (6) A former officer or public servant listed in KRS 11A.010(9)(a) to (g) shall not,
2 within one (1) year of termination of his or her employment, knowingly by himself
3 or herself or through any business in which he or she owns or controls an interest of
4 at least five percent (5%), or by any other person for his or her use or benefit or on
5 his or her account, undertake, execute, hold, bid on, negotiate, or enjoy, in whole or
6 in part, any contract, agreement, lease, sale, or purchase made, entered into,
7 awarded, or granted by the agency by which he or she was employed. This
8 provision shall not apply to a contract, purchase, or good-faith negotiation made
9 under KRS Chapter 416 relating to eminent domain or to agreements that may
10 directly or indirectly involve public funds disbursed through entitlement programs.
11 This provision shall not apply to purchases from a state agency that are available on
12 the same terms to the general public or that are made at public auction. This
13 provision shall not apply to former officers of the Department of Public Advocacy
14 or the Department of Family Representation and Advocacy whose continued
15 representation of clients is necessary in order to prevent an adverse effect on the
16 client.

17 (7) A present or former officer or public servant listed in KRS 11A.010(9)(a) to (g)
18 shall not, within one (1) year following termination of his or her office or
19 employment, accept employment, compensation, or other economic benefit from
20 any person or business that contracts or does business with, or is regulated by, the
21 state in matters in which he or she was directly involved during the last thirty-six
22 (36) months of his or her tenure. This provision shall not prohibit an individual
23 from returning to the same business, firm, occupation, or profession in which he or
24 she was involved prior to taking office or beginning his or her term of employment,
25 or for which he or she received, prior to his or her state employment, a professional
26 degree or license, provided that, for a period of one (1) year, he or she personally
27 refrains from working on any matter in which he or she was directly involved

1 during the last thirty-six (36) months of his or her tenure in state government. This
2 subsection shall not prohibit the performance of ministerial functions, including but
3 not limited to filing tax returns, filing applications for permits or licenses, or filing
4 incorporation papers, nor shall it prohibit the former officer or public servant from
5 receiving public funds disbursed through entitlement programs.

6 (8) A former public servant shall not act as a lobbyist or lobbyist's principal in matters
7 in which he or she was directly involved during the last thirty-six (36) months of his
8 or her tenure for a period of one (1) year after the latter of:

9 (a) The date of leaving office or termination of employment; or

10 (b) The date the term of office expires to which the public servant was elected.

11 (9) A former public servant shall not represent a person or business before a state
12 agency in a matter in which the former public servant was directly involved during
13 the last thirty-six (36) months of his or her tenure, for a period of one (1) year after
14 the latter of:

15 (a) The date of leaving office or termination of employment; or

16 (b) The date the term of office expires to which the public servant was elected.

17 (10) (a) Without the approval of his or her appointing authority, a public servant shall
18 not accept outside employment from any person or business that does
19 business with or is regulated by the state agency for which the public servant
20 works or which he or she supervises, unless the outside employer's
21 relationship with the state agency is limited to the receipt of entitlement funds.

22 (b) The appointing authority shall review administrative regulations established
23 under KRS Chapter 11A when deciding whether to approve outside
24 employment for a public servant.

25 (c) The appointing authority shall not approve outside employment for a public
26 servant if the public servant is involved in decision-making or
27 recommendations concerning the person or business from which the public

1 servant seeks outside employment or compensation.

2 (d) The appointing authority, if applicable, shall file quarterly with the Executive
3 Branch Ethics Commission a list of all employees who have been approved
4 for outside employment along with the name of the outside employer of each.

5 (11) The prohibitions imposed by subsection (5) or (10) of this section shall not apply to
6 Professional Golfers' Association class A members who teach golf lessons and
7 receive a fee or lesson charge at golf courses owned and operated by the Kentucky
8 Department of Parks. Instruction provided by an employee of the Commonwealth
9 shall only be given while the employee is on his or her own personal time. The
10 commissioner of the Department of Parks shall promulgate administrative
11 regulations *in accordance with KRS Chapter 13A* to establish guidelines for the
12 process by which Professional Golfers' Association class A members are approved
13 to teach golf lessons at Kentucky Department of Parks-owned golf courses. The
14 exception granted by this subsection is in recognition of the benefits that will accrue
15 to the Kentucky Department of Parks due to increased participation at state-owned
16 golf courses.

17 (12) The prohibitions imposed by subsections (6) to (10) of this section shall not apply
18 to members of the Kentucky Horse Racing and Gaming Corporation.

19 (13) (a) This section shall not be construed to prohibit employees of the Department of
20 Agriculture who are not employed within the Kentucky Office of Agricultural
21 Policy established in KRS 246.030 from participating in, applying for, or
22 receiving funds, awards, or contracts administered by the Department of
23 Agriculture through the Kentucky Office of Agricultural Policy.

24 (b) This subsection shall be retroactive to March 12, 2021.

25 ➔Section 10. KRS 12.020 is amended to read as follows:

26 Departments, program cabinets and their departments, and the respective major
27 administrative bodies that they include are enumerated in this section. It is not intended

1 that this enumeration of administrative bodies be all-inclusive. Every authority, board,
2 bureau, interstate compact, commission, committee, conference, council, office, or any
3 other form of organization shall be included in or attached to the department or program
4 cabinet in which they are included or to which they are attached by statute or statutorily
5 authorized executive order; except in the case of the Personnel Board and where the
6 attached department or administrative body is headed by a constitutionally elected
7 officer, the attachment shall be solely for the purpose of dissemination of information and
8 coordination of activities and shall not include any authority over the functions,
9 personnel, funds, equipment, facilities, or records of the department or administrative
10 body.

11 I. Cabinet for General Government - Departments headed by elected officers:

- 12 (1) The Governor.
- 13 (2) Lieutenant Governor.
- 14 (3) Department of State.
- 15 (a) Secretary of State.
- 16 (b) Board of Elections.
- 17 (c) Registry of Election Finance.
- 18 (4) Department of Law.
- 19 (a) Attorney General.
- 20 (5) Department of the Treasury.
- 21 (a) Treasurer.
- 22 (6) Department of Agriculture.
- 23 (a) Commissioner of Agriculture.
- 24 (b) Agricultural Development Board.
- 25 (c) Kentucky Agricultural Finance Corporation.
- 26 (7) Auditor of Public Accounts.
- 27 (a) Commonwealth Office of the Ombudsman.

- 1 II. Program cabinets headed by appointed officers:
- 2 (1) Justice and Public Safety Cabinet:
- 3 (a) Department of Kentucky State Police.
- 4 1. Office of Administrative Services.
- 5 a. Division of Operational Support.
- 6 b. Division of Management Services.
- 7 2. Office of Operations.
- 8 a. Division of West Troops.
- 9 b. Division of East Troops.
- 10 c. Division of Special Enforcement.
- 11 d. Division of Commercial Vehicle Enforcement.
- 12 3. Office of Technical Services.
- 13 a. Division of Forensic Sciences.
- 14 b. Division of Electronic Services.
- 15 c. Division of Records Management.
- 16 (b) Department of Criminal Justice Training.
- 17 (c) Department of Corrections.
- 18 (d) Department of Juvenile Justice.
- 19 (e) Office of the Secretary.
- 20 (f) Office of Drug Control Policy.
- 21 (g) Office of Legal Services.
- 22 (h) Office of the Kentucky State Medical Examiner.
- 23 (i) Parole Board.
- 24 (j) Kentucky State Corrections Commission.
- 25 (k) Office of Legislative and Intergovernmental Services.
- 26 (l) Office of Human Resource Management.
- 27 1. Division of Human Resource Administration.

- 1 2. Division of Employee Management.
- 2 (m) Department of Public Advocacy.
- 3 (n) Office of Communications.
- 4 1. Information Technology Services Division.
- 5 (o) Office of Financial Management Services.
- 6 1. Division of Financial Management.
- 7 (p) Grants Management Division.
- 8 **(q) Department of Family Representation and Advocacy.**
- 9 (2) Energy and Environment Cabinet:
- 10 (a) Office of the Secretary.
- 11 1. Office of Legislative and Intergovernmental Affairs.
- 12 2. Office of Legal Services.
- 13 a. Legal Division I.
- 14 b. Legal Division II.
- 15 3. Office of Administrative Hearings.
- 16 4. Office of Communication.
- 17 5. Mine Safety Review Commission.
- 18 6. Office of Kentucky Nature Preserves.
- 19 7. Kentucky Public Service Commission.
- 20 (b) Department for Environmental Protection.
- 21 1. Office of the Commissioner.
- 22 2. Division for Air Quality.
- 23 3. Division of Water.
- 24 4. Division of Environmental Program Support.
- 25 5. Division of Waste Management.
- 26 6. Division of Enforcement.
- 27 7. Division of Compliance Assistance.

- 1 (c) Department for Natural Resources.
- 2 1. Office of the Commissioner.
- 3 2. Division of Mine Permits.
- 4 3. Division of Mine Reclamation and Enforcement.
- 5 4. Division of Abandoned Mine Lands.
- 6 5. Division of Oil and Gas.
- 7 6. Division of Mine Safety.
- 8 7. Division of Forestry.
- 9 8. Division of Conservation.
- 10 9. Office of the Reclamation Guaranty Fund.
- 11 (d) Office of Energy Policy.
- 12 1. Division of Energy Assistance.
- 13 (e) Office of Administrative Services.
- 14 1. Division of Human Resources Management.
- 15 2. Division of Financial Management.
- 16 3. Division of Information Services.
- 17 (3) Public Protection Cabinet.
- 18 (a) Office of the Secretary.
- 19 1. Office of Communications and Public Outreach.
- 20 2. Office of Legal Services.
- 21 a. Insurance Legal Division.
- 22 b. Alcoholic Beverage Control Legal Division.
- 23 c. Housing, Buildings and Construction Legal Division.
- 24 d. Financial Institutions Legal Division.
- 25 e. Professional Licensing Legal Division.
- 26 3. Office of Administrative Hearings.
- 27 4. Office of Administrative Services.

- 1 a. Division of Human Resources.
- 2 b. Division of Fiscal Responsibility.
- 3 (b) Office of Claims and Appeals.
- 4 1. Board of Tax Appeals.
- 5 2. Board of Claims.
- 6 3. Crime Victims Compensation Board.
- 7 (c) Kentucky Boxing and Wrestling Commission.
- 8 (d) Department of Alcoholic Beverage Control.
- 9 1. Division of Distilled Spirits.
- 10 2. Division of Malt Beverages.
- 11 3. Division of Enforcement.
- 12 4. Division of Tobacco, Nicotine, and Vapor Product Licensing.
- 13 (e) Department of Financial Institutions.
- 14 1. Division of Depository Institutions.
- 15 2. Division of Non-Depository Institutions.
- 16 3. Division of Securities.
- 17 (f) Department of Housing, Buildings and Construction.
- 18 1. Division of Fire Prevention.
- 19 2. Division of Plumbing.
- 20 3. Division of Heating, Ventilation, and Air Conditioning.
- 21 4. Division of Building Code Enforcement.
- 22 (g) Department of Insurance.
- 23 1. Division of Health and Life Insurance and Managed Care.
- 24 2. Division of Property and Casualty Insurance.
- 25 3. Division of Administrative Services.
- 26 4. Division of Financial Standards and Examination.
- 27 5. Division of Licensing.

- 1 6. Division of Insurance Fraud Investigation.
- 2 7. Division of Consumer Protection.
- 3 (h) Department of Professional Licensing.
- 4 1. Real Estate Authority.
- 5 2. Division of Real Property Boards.
- 6 (4) Transportation Cabinet:
- 7 (a) Department of Highways.
- 8 1. Office of Project Development.
- 9 2. Office of Project Delivery and Preservation.
- 10 3. Office of Highway Safety.
- 11 4. Highway District Offices One through Twelve.
- 12 (b) Department of Vehicle Regulation.
- 13 (c) Department of Aviation.
- 14 (d) Department of Rural and Municipal Aid.
- 15 1. Office of Local Programs.
- 16 2. Office of Rural and Secondary Roads.
- 17 (e) Office of the Secretary.
- 18 1. Office of Public Affairs.
- 19 2. Office for Civil Rights and Small Business Development.
- 20 3. Office of Budget and Fiscal Management.
- 21 4. Office of Inspector General.
- 22 5. Secretary's Office of Safety.
- 23 (f) Office of Support Services.
- 24 (g) Office of Transportation Delivery.
- 25 (h) Office of Audits.
- 26 (i) Office of Human Resource Management.
- 27 (j) Office of Information Technology.

- 1 (k) Office of Legal Services.
- 2 (5) Cabinet for Economic Development:
- 3 (a) Office of the Secretary.
- 4 1. Office of Legal Services.
- 5 2. Department for Business and Community Development.
- 6 a. Development and Retention Division – West Kentucky.
- 7 b. Development, Retention, and Administrative Division –
- 8 Central and East Kentucky.
- 9 c. Community and Workforce Development Division.
- 10 3. Department for Financial Services.
- 11 a. Kentucky Economic Development Finance Authority.
- 12 b. Finance and Personnel Division.
- 13 c. IT and Resource Management Division.
- 14 d. Compliance Division.
- 15 e. Program Administration Division.
- 16 f. Bluegrass State Skills Corporation.
- 17 g. The GRANT Commission.
- 18 4. Office of Strategy and Public Affairs.
- 19 a. Marketing and Communications Division.
- 20 b. Research and Strategy Division.
- 21 5. Office of Entrepreneurship and Innovation.
- 22 a. Commission on Small Business Innovation and Advocacy.
- 23 6. Kentucky Film Office.
- 24 a. Kentucky Film Leadership Council.
- 25 (6) Cabinet for Health and Family Services:
- 26 (a) Office of the Secretary.
- 27 1. Office of Public Affairs.

- 1 2. Office of Legal Services.
- 2 3. Office of Inspector General.
- 3 4. Office of Human Resource Management.
- 4 5. Office of Finance and Budget.
- 5 6. Office of Legislative and Regulatory Affairs.
- 6 7. Office of Administrative Services.
- 7 8. Office of Application Technology Services.
- 8 9. Office of Data Analytics.
- 9 10. Office of Medical Cannabis.
 - 10 a. Division of Enforcement and Compliance.
 - 11 b. Division of Licensure and Access.
- 12 (b) Department for Public Health.
- 13 (c) Department for Medicaid Services.
- 14 (d) Department for Behavioral Health, Developmental and Intellectual
15 Disabilities.
- 16 (e) Department for Aging and Independent Living.
- 17 (f) Department for Community Based Services.
- 18 (g) Department for Family Resource Centers and Volunteer Services.
- 19 (7) Finance and Administration Cabinet:
 - 20 (a) Office of the Secretary.
 - 21 (b) Office of the Inspector General.
 - 22 (c) Office of Legislative and Intergovernmental Affairs.
 - 23 (d) Office of General Counsel.
 - 24 (e) Office of the Controller.
 - 25 (f) Office of Administrative Services.
 - 26 (g) Office of Policy and Audit.
 - 27 (h) Department for Facilities and Support Services.

- 1 (i) Department of Revenue.
- 2 (j) Commonwealth Office of Technology.
- 3 (k) State Property and Buildings Commission.
- 4 (l) Office of Equal Employment Opportunity and Contract Compliance.
- 5 (m) Kentucky Employees Retirement Systems.
- 6 (n) Commonwealth Credit Union.
- 7 (o) State Investment Commission.
- 8 (p) Kentucky Housing Corporation.
- 9 (q) Kentucky Local Correctional Facilities Construction Authority.
- 10 (r) Kentucky Turnpike Authority.
- 11 (s) Historic Properties Advisory Commission.
- 12 (t) Kentucky Higher Education Assistance Authority.
- 13 (u) Kentucky River Authority.
- 14 (v) Kentucky Teachers' Retirement System Board of Trustees.
- 15 (w) Executive Branch Ethics Commission.
- 16 (x) Office of Fleet Management.
- 17 (8) Tourism, Arts and Heritage Cabinet:
 - 18 (a) Kentucky Department of Tourism.
 - 19 1. Division of Tourism Services.
 - 20 2. Division of Marketing and Administration.
 - 21 3. Division of Communications and Promotions.
 - 22 (b) Kentucky Department of Parks.
 - 23 1. Division of Information Technology.
 - 24 2. Division of Human Resources.
 - 25 3. Division of Financial Operations.
 - 26 4. Division of Purchasing.
 - 27 5. Division of Facilities.

- 1 6. Division of Park Operations.
- 2 7. Division of Sales, Marketing, and Customer Service.
- 3 8. Division of Engagement.
- 4 9. Division of Food Services.
- 5 10. Division of Rangers.
- 6 (c) Department of Fish and Wildlife Resources.
- 7 1. Division of Law Enforcement.
- 8 2. Division of Administrative Services.
- 9 3. Division of Engineering, Infrastructure, and Technology.
- 10 4. Division of Fisheries.
- 11 5. Division of Information and Education.
- 12 6. Division of Wildlife.
- 13 7. Division of Marketing.
- 14 (d) Kentucky Horse Park.
- 15 1. Division of Support Services.
- 16 2. Division of Buildings and Grounds.
- 17 3. Division of Operational Services.
- 18 (e) Kentucky State Fair Board.
- 19 1. Office of Administrative and Information Technology Services.
- 20 2. Office of Human Resources and Access Control.
- 21 3. Division of Expositions.
- 22 4. Division of Kentucky Exposition Center Operations.
- 23 5. Division of Kentucky International Convention Center.
- 24 6. Division of Public Relations and Media.
- 25 7. Division of Venue Services.
- 26 8. Division of Personnel Management and Staff Development.
- 27 9. Division of Sales.

- 1 10. Division of Security and Traffic Control.
- 2 11. Division of Information Technology.
- 3 12. Division of the Louisville Arena.
- 4 13. Division of Fiscal and Contract Management.
- 5 14. Division of Access Control.
- 6 (f) Office of the Secretary.
 - 7 1. Office of Finance.
 - 8 2. Office of Government Relations and Administration.
- 9 (g) Office of Legal Affairs.
- 10 (h) Office of Human Resources.
- 11 (i) Office of Public Affairs and Constituent Services.
- 12 (j) Office of Arts and Cultural Heritage.
- 13 (k) Kentucky African-American Heritage Commission.
- 14 (l) Kentucky Foundation for the Arts.
- 15 (m) Kentucky Humanities Council.
- 16 (n) Kentucky Heritage Council.
- 17 (o) Kentucky Arts Council.
- 18 (p) Kentucky Historical Society.
 - 19 1. Division of Museums.
 - 20 2. Division of Oral History and Educational Outreach.
 - 21 3. Division of Research and Publications.
 - 22 4. Division of Administration.
- 23 (q) Kentucky Center for the Arts.
 - 24 1. Division of Governor's School for the Arts.
- 25 (r) Kentucky Artisans Center at Berea.
- 26 (s) Northern Kentucky Convention Center.
- 27 (t) Eastern Kentucky Exposition Center.

- 1 (9) Personnel Cabinet:
 - 2 (a) Office of the Secretary.
 - 3 (b) Department of Human Resources Administration.
 - 4 (c) Office of Employee Relations.
 - 5 (d) Kentucky Public Employees Deferred Compensation Authority.
 - 6 (e) Office of Administrative Services.
 - 7 (f) Office of Legal Services.
 - 8 (g) Governmental Services Center.
 - 9 (h) Department of Employee Insurance.
 - 10 (i) Office of Diversity, Equality, and Training.
 - 11 (j) Office of Public Affairs.
- 12 (10) Education and Labor Cabinet:
 - 13 (a) Office of the Secretary.
 - 14 1. Office of Legal Services.
 - 15 a. Workplace Standards Legal Division.
 - 16 b. Workers' Claims Legal Division.
 - 17 c. Workforce Development Legal Division.
 - 18 2. Office of Administrative Services.
 - 19 a. Division of Human Resources Management.
 - 20 b. Division of Fiscal Management.
 - 21 c. Division of Operations and Support Services.
 - 22 3. Office of Technology Services.
 - 23 a. Division of Information Technology Services.
 - 24 4. Office of Policy and Audit.
 - 25 5. Office of Legislative Services.
 - 26 6. Office of Communications.
 - 27 7. Office of the Kentucky Center for Statistics.

- 1 8. Board of the Kentucky Center for Statistics.
- 2 9. Early Childhood Advisory Council.
- 3 10. Governors' Scholars Program.
- 4 11. Governor's School for Entrepreneurs Program.
- 5 12. Foundation for Adult Education.
- 6 (b) Department of Education.
- 7 1. Kentucky Board of Education.
- 8 2. Kentucky Technical Education Personnel Board.
- 9 3. Education Professional Standards Board.
- 10 (c) Board of Directors for the Center for School Safety.
- 11 (d) Department for Libraries and Archives.
- 12 (e) Kentucky Environmental Education Council.
- 13 (f) Kentucky Educational Television.
- 14 (g) Kentucky Commission on the Deaf and Hard of Hearing.
- 15 (h) Department of Workforce Development.
- 16 1. Career Development Office.
- 17 2. Office of Vocational Rehabilitation.
- 18 a. Division of Kentucky Business Enterprise.
- 19 b. Division of the Carl D. Perkins Vocational Training Center.
- 20 c. Division of Blind Services.
- 21 d. Division of Field Services.
- 22 e. Statewide Council for Vocational Rehabilitation.
- 23 f. Employment First Council.
- 24 g. Division of Program Policy and Support.
- 25 3. Office of Industry and Apprenticeship Services.
- 26 a. Division of Apprenticeship.
- 27 b. Division of Workforce Talent.

- 1 4. Kentucky Apprenticeship Council.
- 2 5. Division of Technical Assistance.
- 3 6. Office of Adult Education.
- 4 7. Office of the Kentucky Workforce Innovation Board.
- 5 (i) Department of Workplace Standards.
 - 6 1. Division of Occupational Safety and Health Compliance.
 - 7 2. Division of Occupational Safety and Health Education and
 - 8 Training.
 - 9 3. Division of Wages and Hours.
- 10 (j) Office of Unemployment Insurance.
- 11 (k) Kentucky Unemployment Insurance Commission.
- 12 (l) Department of Workers' Claims.
 - 13 1. Division of Workers' Compensation Funds.
 - 14 2. Office of Administrative Law Judges.
 - 15 3. Division of Claims Processing.
 - 16 4. Division of Security and Compliance.
 - 17 5. Division of Specialist and Medical Services.
 - 18 6. Workers' Compensation Board.
- 19 (m) Workers' Compensation Funding Commission.
- 20 (n) Kentucky Occupational Safety and Health Standards Board.
- 21 (o) State Labor Relations Board.
- 22 (p) Employers' Mutual Insurance Authority.
- 23 (q) Kentucky Occupational Safety and Health Review Commission.
- 24 (r) Workers' Compensation Nominating Committee.
- 25 (s) Office of Educational Programs.
- 26 (t) Kentucky Workforce Innovation Board.
- 27 (u) Kentucky Commission on Proprietary Education.

- 1 (v) Kentucky Work Ready Skills Advisory Committee.
- 2 (w) Kentucky Geographic Education Board.
- 3 (x) Department for Disability Determination Services.
- 4 1. Division of Operations.
- 5 2. Division of Support Services.
- 6 3. Division of Specialized Cases.
- 7 4. Division of Case Processing.

8 III. Other departments headed by appointed officers:

- 9 (1) Council on Postsecondary Education.
- 10 (2) Department of Military Affairs.
- 11 (3) Department for Local Government.
- 12 (4) Kentucky Commission on Human Rights.
- 13 (5) Kentucky Commission on Women.
- 14 (6) Department of Veterans' Affairs.
- 15 (7) Kentucky Commission on Military Affairs.
- 16 (8) Office of Minority Empowerment.
- 17 (9) Governor's Council on Wellness and Physical Activity.
- 18 (10) Kentucky Communications Network Authority.

19 ➔Section 11. KRS 15A.020 is amended to read as follows:

20 (1) The Justice and Public Safety Cabinet shall have the following departments:

- 21 (a) Department of Corrections;
- 22 (b) Department of Criminal Justice Training, which shall have the following
- 23 divisions:
- 24 1. Training Operations Division; and
- 25 2. Administrative Division;
- 26 (c) Department of Juvenile Justice, which shall have the following offices and
- 27 divisions:

- 1 1. Office of Program Operations, which shall have the following divisions:
 - 2 a. Division of Western Region;
 - 3 b. Division of Eastern Region; and
 - 4 c. Division of Placement Services;
- 5 2. Office of Support Services, which shall have the following divisions:
 - 6 a. Division of Administrative Services;
 - 7 b. Division of Program Services; and
 - 8 c. Division of Professional Development;
- 9 3. Office of Community and Mental Health Services, which shall have the
10 following division:
 - 11 a. Division of Community and Mental Health Services;
- 12 4. Office of Detention, which shall require that all detention centers report
13 to one (1) supervisor who reports directly to the commissioner, and
14 which shall have the following division:
 - 15 a. Division of Transportation; and
 - 16 5. Division of Compliance;
- 17 (d) Department of Kentucky State Police, which shall have the following offices
18 and divisions:
 - 19 1. Office of Administrative Services, which shall be headed by an
20 executive director who shall be appointed by the commissioner of the
21 Department of Kentucky State Police and who shall report to the
22 commissioner;
 - 23 a. Division of Operational Support, which shall be headed by a
24 director who shall be appointed by the commissioner of the
25 Department of Kentucky State Police and who shall report to the
26 executive director of the Office of Administrative Services; and
 - 27 b. Division of Management Services, which shall be headed by a

- 1 director who shall be appointed by the commissioner of the
2 Department of Kentucky State Police and who shall report to the
3 executive director of the Office of Administrative Services;
- 4 2. Office of Operations, which shall be headed by an executive director
5 who shall be appointed by the commissioner of the Department of
6 Kentucky State Police and who shall report to the commissioner;
- 7 a. Division of West Troops, which shall be headed by a director who
8 shall be appointed by the commissioner of the Department of
9 Kentucky State Police and who shall report to the executive
10 director of the Office of Operations;
- 11 b. Division of East Troops, which shall be headed by a director who
12 shall be appointed by the commissioner of the Department of
13 Kentucky State Police and who shall report to the executive
14 director of the Office of Operations;
- 15 c. Division of Special Enforcement, which shall be headed by a
16 director who shall be appointed by the commissioner of the
17 Department of Kentucky State Police and who shall report to the
18 executive director of the Office of Operations; and
- 19 d. Division of Commercial Vehicle Enforcement, which shall be
20 headed by a director who shall be appointed by the commissioner
21 of the Department of Kentucky State Police and who shall report
22 to the executive director of the Office of Operations; and
- 23 3. Office of Technical Services, which shall be headed by an executive
24 director who shall be appointed by the commissioner of the Department
25 of Kentucky State Police and who shall report to the commissioner;
- 26 a. Division of Forensic Services, which shall be headed by a director
27 who shall have a minimum of a bachelor's degree in a natural

- 1 science and at least seven (7) years of experience in an accredited
2 forensic laboratory, who shall be appointed by the commissioner
3 of the Department of Kentucky State Police, and who shall report
4 to the executive director of the Office of Technical Services;
- 5 b. Division of Electronic Services, which shall be headed by a
6 director who shall be appointed by the commissioner of the
7 Department of Kentucky State Police and who shall report to the
8 executive director of the Office of Technical Services; and
- 9 c. Division of Records Management, which shall be headed by a
10 director who shall be appointed by the commissioner of the
11 Department of Kentucky State Police and who shall report to the
12 executive director of the Office of Technical Services;~~and~~
- 13 (e) Department of Public Advocacy, which shall have the following divisions:
- 14 1. Protection and Advocacy Division;
15 2. Division of Law Operations;
16 3. Division of Trial Services;
17 4. Division of Post-Trial Services;
18 5. Division of Conflict and Contract Services; and
19 6. Division of Education, Strategic Planning, and Recruitment; ***and***
- 20 ***(f) Department of Family Representation and Advocacy.***
- 21 (2) Each department, except for the Department of Public Advocacy ***and the***
22 ***Department of Family Representation and Advocacy,*** shall be headed by a
23 commissioner who shall be appointed by the secretary of the Justice and Public
24 Safety Cabinet with the approval of the Governor as required by KRS 12.040. Each
25 commissioner shall be directly responsible to the secretary and shall have such
26 functions, powers, and duties as provided by law and as the secretary may
27 prescribe. The Department of Public Advocacy shall be headed by the public

1 advocate, appointed as required by KRS 31.020, who shall be directly responsible
 2 to the Public Advocacy Commission. **The Department of Family Representation**
 3 **and Advocacy shall be headed by the director, appointed as required by Section 4**
 4 **of this Act, who shall be directly responsible to the Family Representation and**
 5 **Advocacy Commission.** The Department of Public Advocacy **and the Department**
 6 **of Family Representation and Advocacy are**~~[is—an]~~ independent state
 7 **agencies**~~[agency]~~ which shall be attached to the Justice and Public Safety Cabinet
 8 for administrative purposes only. The Justice and Public Safety Cabinet shall not
 9 have control over the Department of Public Advocacy's **or the Department of**
 10 **Family Representation and Advocacy's** information technology equipment and use
 11 **belonging to the Department of Public Advocacy or Department of Family**
 12 **Representation and Advocacy** unless granted access by court order.

13 (3) The Justice and Public Safety Cabinet shall have the following offices and
 14 divisions:

15 (a) Office of the Secretary, which shall be headed by a deputy secretary
 16 appointed pursuant to KRS 12.050 and responsible for the direct
 17 administrative support for the secretary and other duties as assigned by the
 18 secretary, and which, with the approval of the secretary, may employ such
 19 staff as necessary to perform the duties, functions, and responsibilities of the
 20 office;

21 (b) Office of Human Resource Management, which shall be headed by an
 22 executive director appointed pursuant to KRS 12.050 who shall be responsible
 23 to and report to the secretary and be responsible for all matters relating to
 24 human resources, and who, with the approval of the secretary, may employ
 25 such staff as necessary to perform the duties, functions, and responsibilities of
 26 the office;

27 1. Division of Human Resource Administration, which shall be headed by

- 1 a director appointed pursuant to KRS 12.050 who shall report to the
2 executive director of the Office of Human Resource Management; and
- 3 2. Division of Employee Management, which shall be headed by a director
4 appointed pursuant to KRS 12.050 who shall report to the executive
5 director of the Office of Human Resource Management;
- 6 (c) Office of Legal Services, which shall be headed by an executive director
7 appointed pursuant to KRS 12.050 and 12.210, that:
- 8 1. Shall provide legal representation and services for the cabinet; and
- 9 2. May investigate all complaints regarding the facilities, staff, treatment
10 of juveniles, and other matters relating to the operation of the Justice
11 and Public Safety Cabinet. If it appears that there is a violation of
12 statutes, administrative regulations, policies, court decisions, the rights
13 of juveniles who are subject to the orders of the department, or any other
14 matter relating to the Justice and Public Safety Cabinet, the office shall
15 report to the secretary of the Justice and Public Safety Cabinet who
16 shall, if required, refer the matter to a law enforcement agency,
17 Commonwealth's attorney, county attorney, the Attorney General, or
18 federal agencies, as appropriate. The office may be used to investigate
19 matters in which there is a suspicion of violation of written policy,
20 administrative regulation, or statutory law within the Department of
21 Public Advocacy or the Department of Family Representation and
22 Advocacy only when the investigation will have no prejudicial impact
23 upon a person who has an existing attorney-client relationship with the
24 Department of Public Advocacy or Department of Family
25 Representation and Advocacy. Notwithstanding the provisions of this
26 subparagraph, investigation and discipline of KRS Chapter 16 personnel
27 shall continue to be conducted by the Department of Kentucky State

1 Police pursuant to KRS Chapter 16. The office shall conduct no other
2 investigations under the authority granted in this subparagraph. The
3 secretary may, by administrative order, assign the investigative
4 functions in this subparagraph to a branch within the office.

5 The executive director shall be directly responsible to and report to the
6 secretary and, with the approval of the secretary, may employ such attorneys
7 appointed pursuant to KRS 12.210 and other staff as necessary to perform the
8 duties, functions, and responsibilities of the office;

9 (d) Office of Legislative and Intergovernmental Services, which shall be headed
10 by an executive director appointed pursuant to KRS 12.050 who shall be
11 responsible for all matters relating to the provision of support to the Criminal
12 Justice Council, legislative liaison services, and functions and duties vested in
13 the Criminal Justice Council as described in KRS 15A.030. The executive
14 director shall be directly responsible to and report to the secretary and may
15 employ such staff as necessary to perform the duties, functions, and
16 responsibilities of the office;

17 (e) Office of Communications, which shall be headed by an executive director
18 appointed by the secretary of the Justice and Public Safety Cabinet pursuant to
19 KRS 12.050 who shall be responsible to report to the secretary and be
20 responsible for all matters relating to communications, and who, with the
21 approval of the secretary, may employ such staff as necessary to perform the
22 duties, functions, and responsibilities of the office;

23 1. Information and Technology Services Division, which shall be headed
24 by a director appointed by the secretary of the Justice and Public Safety
25 Cabinet pursuant to KRS 12.050 who shall report to the executive
26 director of the Office of Communications;

27 (f) Office of Financial Management Services, which shall be headed by an

1 executive director appointed by the secretary of the Justice and Public Safety
2 Cabinet pursuant to KRS 12.050 who shall be responsible to report to the
3 secretary and be responsible for all matters relating to fiscal functions, and
4 who, with the approval of the secretary, may employ such staff as necessary
5 to perform the duties, functions, and responsibilities of the office;

6 1. Division of Financial Management, which shall be headed by a director
7 appointed by the secretary of the Justice and Public Safety Cabinet
8 pursuant to KRS 12.050 who shall report to the executive director of the
9 Office of Financial Management Services;

10 (g) Grants Management Division, which shall be headed by a director appointed
11 by the secretary of the Justice and Public Safety Cabinet pursuant to KRS
12 12.050 who shall be responsible to report to the secretary and be responsible
13 for all matters relating to state and federal grants management, and who, with
14 the approval of the secretary, may employ such staff as necessary to perform
15 the duties, functions, and responsibilities of the office;

16 (h) Office of the Kentucky State Medical Examiner, which shall be headed by a
17 chief medical examiner appointed pursuant to KRS 72.240 who shall be
18 responsible for all matters relating to forensic pathology and forensic
19 toxicology and other duties as assigned by the secretary. The executive
20 director appointed pursuant to KRS 12.050 shall be responsible for all matters
21 related to the administrative support of the Office of the State Medical
22 Examiner. The executive director shall report directly to the secretary and
23 with the approval of the secretary may employ such administrative support
24 staff as necessary to perform the administrative duties, functions, and
25 responsibilities of the office. The chief medical examiner shall be directly
26 responsible to and report to the secretary and may employ such staff as
27 necessary to perform the forensic duties, functions, and responsibilities of the

1 office; and

2 (i) Office of Drug Control Policy, which shall be headed by an executive director
3 appointed pursuant to KRS 12.050 who shall be responsible for all matters
4 relating to the research, coordination, and execution of drug control policy
5 and for the management of state and federal grants, including but not limited
6 to the prevention and treatment related to substance abuse. By December 31
7 of each year, the Office of Drug Control Policy shall review, approve, and
8 coordinate all current projects of any substance abuse program which is
9 conducted by or receives funding through agencies of the executive branch.
10 This oversight shall extend to all substance abuse programs which are
11 principally related to the prevention or treatment, or otherwise targeted at the
12 reduction, of substance abuse in the Commonwealth. The Office of Drug
13 Control Policy shall promulgate administrative regulations consistent with
14 enforcing this oversight authority. The executive director shall be directly
15 responsible to and report to the secretary and may employ such staff as
16 necessary to perform the duties, functions, and responsibilities of the office.

17 ➔Section 12. KRS 15A.160 is amended to read as follows:

18 The secretary may promulgate administrative regulations in accordance with KRS
19 Chapter 13A and direct proceedings and actions for the administration of all laws and
20 functions which are vested in the cabinet, except laws and functions vested in the
21 Department of Public Advocacy *or the Department of Family Representation and*
22 *Advocacy.*

23 ➔Section 13. KRS 17.131 is amended to read as follows:

24 (1) There is hereby established the Kentucky Unified Criminal Justice Information
25 System, referred to in this chapter as the "system." The system shall be a joint effort
26 of the criminal justice agencies, the Courts of Justice, and the Office of Homeland
27 Security. Notwithstanding any statutes, administrative regulations, and policies to

1 the contrary, if standards and technologies other than those set by the
2 Commonwealth Office of Technology are required, the executive director of the
3 Commonwealth Office of Technology shall review, expedite, and grant appropriate
4 exemptions to effectuate the purposes of the unified criminal justice information
5 system. ~~Nothing in~~ This section shall ***not*** be construed to hamper any public
6 officer or official, agency, or organization of state or local government from
7 furnishing information or data that they are required or requested to furnish and
8 which they are allowed to procure by law, to the General Assembly, the Legislative
9 Research Commission, or a committee of either. For the purposes of this section,
10 "criminal justice agencies" include all departments of the Justice and Public Safety
11 Cabinet except the Department of Public Advocacy, ***the Department of Family***
12 ***Representation and Advocacy***, the Unified Prosecutorial System, Commonwealth's
13 attorneys, county attorneys, the Transportation Cabinet, the Cabinet for Health and
14 Family Services, and any agency with the authority to issue a citation or make an
15 arrest.

16 (2) The program to design, implement, and maintain the system shall be under the
17 supervision of the executive director of the Office of Homeland Security, in
18 consultation with the executive director of the Commonwealth Office of
19 Technology and the Administrative Office of the Courts.

20 (3) The executive director of the Office of Homeland Security, the executive director of
21 the Commonwealth Office of Technology, and a representative of the
22 Administrative Office of the Courts, or their respective designees, shall be
23 responsible for recommending standards, policies, and other matters to the secretary
24 of justice and public safety for promulgation of administrative regulations in
25 accordance with KRS Chapter 13A to implement the policies, standards, and other
26 matters relating to the system and its operation.

27 (4) The uniform policy shall include a system to enable the criminal justice agencies

1 and the courts to share data stored in each other's information systems. Initially, the
2 uniform policy shall maximize the use of existing databases and platforms through
3 the use of a virtual database created by network linking of existing databases and
4 platforms among the various departments. The uniform policy shall also develop
5 plans for the new open system platforms before the existing platforms become
6 obsolete.

7 (5) All criminal justice and participating public safety agencies shall follow the policies
8 established by administrative regulation for the exchange of data and connection to
9 the system.

10 (6) The executive director of the Commonwealth Office of Technology shall review
11 how changes to existing criminal justice agency applications impact the new
12 integrated network. Changes to criminal justice agency applications that have an
13 impact on the integrated network shall be coordinated through and approved by the
14 executive director of the Office of Homeland Security, in consultation with the
15 Commonwealth Office of Technology.

16 (7) Any future state-funded expenditures by a criminal justice agency for computer
17 platforms in support of criminal justice applications shall be reviewed by the Office
18 of Homeland Security and the Commonwealth Office of Technology.

19 (8) As part of the unified criminal justice information system, the executive director of
20 the Office of Homeland Security, in consultation with the secretary of the Justice
21 and Public Safety Cabinet, the executive director of the Commonwealth Office of
22 Technology, and the Administrative Office of the Courts, shall design and
23 implement an automated warrant system. The automated warrant system shall be
24 compatible with any similar system required by the federal government for
25 inclusion of state information in federal criminal justice databases.

26 (9) Any criminal justice and public safety agency that does not participate in the system
27 may be denied access to state and federal grant funds.

1 ➔Section 14. KRS 17.150 is amended to read as follows:

2 (1) Every sheriff, chief of police, coroner, jailer, prosecuting attorney, probation
3 officer, parole officer; warden or superintendent of a prison, reformatory,
4 correctional school, mental hospital, or institution for the intellectually disabled;
5 Department of Kentucky State Police; state fire marshal; Board of Alcoholic
6 Beverage Control; Cabinet for Health and Family Services; Transportation Cabinet;
7 Department of Corrections; Department of Juvenile Justice; and every other person
8 or criminal justice agency, ~~[except the Court of Justice and the Department of~~
9 ~~Public Advocacy,]~~public or private, dealing with crimes or criminals or with
10 delinquency or delinquents, when requested by the cabinet, shall:

- 11 (a) Install and maintain records needed for reporting data required by the cabinet;
- 12 (b) Report to the cabinet as and when the cabinet requests all data demanded by
13 it, except that the reports concerning a juvenile delinquent shall not reveal the
14 juvenile's or the juvenile's parents' identity;
- 15 (c) Give the cabinet or its accredited agent access for purpose of inspection; and
- 16 (d) Cooperate with the cabinet to the end that its duties may be properly
17 performed.

18 (2) Intelligence and investigative reports maintained by criminal justice agencies are
19 subject to public inspection if prosecution is completed or a determination not to
20 prosecute has been made. However, portions of the records may be withheld from
21 inspection if the inspection would disclose:

- 22 (a) The name or identity of any confidential informant or information which may
23 lead to the identity of any confidential informant;
- 24 (b) Information of a personal nature, the disclosure of which will not tend to
25 advance a wholesome public interest or a legitimate private interest;
- 26 (c) Information which may endanger the life or physical safety of law
27 enforcement personnel; or

- 1 (d) Information contained in the records to be used in a prospective law
2 enforcement action.
- 3 (3) When a demand for the inspection of the records is refused by the custodian of the
4 record, the burden shall be upon the custodian to justify the refusal of inspection
5 with specificity. Exemptions provided by this section shall not be used by the
6 custodian of the records to delay or impede the exercise of rights granted by this
7 section.
- 8 (4) Centralized criminal history records are not subject to public inspection.
9 Centralized history records mean information on individuals collected and compiled
10 by the Justice and Public Safety Cabinet from criminal justice agencies and
11 maintained in a central location consisting of identifiable descriptions and notations
12 of arrests, detentions, indictments, information, or other formal criminal charges
13 and any disposition arising therefrom, including sentencing, correctional
14 supervision, and release. The information shall be restricted to that recorded as the
15 result of the initiation of criminal proceedings or any proceeding related thereto.
16 ~~Nothing in~~ This subsection shall ***not*** apply to documents maintained by criminal
17 justice agencies which are the source of information collected by the Justice and
18 Public Safety Cabinet. Criminal justice agencies shall retain the documents and no
19 official thereof shall willfully conceal or destroy any record with intent to violate
20 the provisions of this section.
- 21 (5) The provisions of KRS Chapter 61 dealing with administrative and judicial
22 remedies for inspection of public records and penalties for violations thereof shall
23 be applicable to this section.
- 24 (6) The secretary of ***the*** Justice and Public Safety ***Cabinet*** shall ***promulgate any***~~adopt~~
25 ~~the~~ administrative regulations ***in accordance with KRS Chapter 13A*** necessary to
26 carry out the provisions of the criminal history record information system and to
27 ***ensure***~~insure~~ the accuracy of the information based upon recommendations

1 submitted by the commissioner ~~of the~~ Department of Kentucky State Police.

2 (7) The Administrative Office of the Courts may, upon suitable agreement between the
3 Chief Justice and the secretary of the Justice and Public Safety Cabinet, supply
4 criminal justice information and data to the cabinet. ~~No~~ Information, other than
5 that required by KRS 27A.350 to 27A.420 and 27A.440, shall **not** be solicited from
6 a circuit clerk, justice or judge, court, or agency of the Court of Justice unless the
7 solicitation or request for information is made pursuant to an agreement which may
8 have been reached between the Chief Justice and the secretary of the Justice and
9 Public Safety Cabinet.

10 **(8) Subsection (1) of this section shall not apply to the Court of Justice, the**
11 **Department of Public Advocacy, or the Department of Family Representation and**
12 **Advocacy.**

13 ➔Section 15. KRS 26A.140 is amended to read as follows:

14 (1) Courts shall implement measures to accommodate the special needs of children
15 which are not unduly burdensome to the rights of the defendant, including but not
16 limited to:

17 (a) 1. Trained guardians ad litem or special advocates, if available, shall:

18 **a.** Be **requested by the court and** appointed **by the Department of**
19 **Family Representation and Advocacy** for all child victims **in**
20 **accordance with Section 6 of this Act;** and ~~shall~~

21 **b.** Serve in Circuit and District Courts to offer consistency and
22 support to the child and to represent the child's interests where
23 needed.

24 2. The guardians ad litem shall be paid a fee fixed by the court, which shall
25 be paid by the **Justice and Public Safety**~~Finance and Administration~~
26 Cabinet;

27 (b) During trials involving child victims or child witnesses, the environment of

1 the courtroom shall be modified to accommodate children through the use of
2 small chairs, frequent breaks, and the use of age appropriate language;

3 (c) Children expected to testify shall be prepared for the courtroom experience by
4 the Commonwealth's or county attorney handling the case with the assistance
5 of the guardian ad litem in accordance with Section 6 of this Act or special
6 advocate; and

7 (d) In appropriate cases, procedures shall be used to shield children from visual
8 contact with alleged perpetrator.

9 (2) The Supreme Court is encouraged to issue rules for the conduct of criminal and
10 civil trials involving child abuse in which a child victim or child witness may testify
11 at the trial.

12 ➔Section 16. KRS 27A.080 is amended to read as follows:

13 (1) The Administrative Office of the Courts shall be the primary repository of court
14 records of juveniles charged with, arrested for, and against whom complaints have
15 been filed, involving status offenses, public offenses, and youthful offender
16 proceedings, together with all court records of the handling and disposition of those
17 cases, and shall keep and maintain these records.

18 (2) The Administrative Office of the Courts shall make juvenile records available to the
19 agencies and persons specified by law.

20 (3) All courts, law enforcement agencies, prosecutors, the Department of Juvenile
21 Justice, the Cabinet for Health and Family Services, the Justice and Public Safety
22 Cabinet, ~~except the Department of Public Advocacy,~~ and other agencies holding
23 records coming within the purview of subsection (1) of this section shall make them
24 available to the Administrative Office of the Courts in the manner and at the times
25 specified by the Administrative Office of the Courts.

26 (4) Subsection (3) of this section shall not apply to the Department of Public
27 Advocacy or the Department of Family Representation and Advocacy.

1 ➔Section 17. KRS 45A.690 is amended to read as follows:

2 (1) As used in KRS 45A.690 to 45A.725:

3 (a) "Committee" means the Government Contract Review Committee of the
4 Legislative Research Commission;

5 (b) "Contracting body" means each state board, bureau, commission, department,
6 division, authority, university, college, officer, or other entity, except the
7 Legislature, authorized by law to contract for personal services. "Contracting
8 body" includes the Tourism Development Finance Authority with regard to
9 tax incentive agreements;

10 (c) "Governmental emergency" means an unforeseen event or set of
11 circumstances that creates an emergency condition as determined by the
12 committee by promulgation of an administrative regulation;

13 (d) "Memorandum of agreement" means any memorandum of agreement,
14 memorandum of understanding, program administration contract, interlocal
15 agreement to which the Commonwealth is a party, privatization contract, or
16 similar device relating to services between a state agency and any other
17 governmental body or political subdivision of the Commonwealth or entity
18 qualified as nonprofit under 26 U.S.C. sec. 501(c)(3) not authorized under
19 KRS Chapter 65 that involves an exchange of resources or responsibilities to
20 carry out a governmental function. It includes agreements by regional
21 cooperative organizations formed by local boards of education or other public
22 educational institutions for the purpose of providing professional educational
23 services to the participating organizations and agreements with Kentucky
24 Distinguished Educators pursuant to KRS 158.782. This definition does not
25 apply to:

26 1. Agreements between the Transportation Cabinet and any political
27 subdivision of the Commonwealth for road and road-related projects;

- 1 2. Agreements between the Auditor of Public Accounts and any other
2 governmental agency or political subdivision of the Commonwealth for
3 auditing services;
- 4 3. Agreements between state agencies as required by federal or state law;
- 5 4. Agreements between state agencies and state universities or colleges
6 only when the subject of the agreement does not result in the use of an
7 employee or employees of a state university or college by a state agency
8 to fill a position or perform a duty that an employee or employees of
9 state government could perform if hired, and agreements between state
10 universities or colleges and employers of students in the Commonwealth
11 work-study program sponsored by the Kentucky Higher Education
12 Assistance Authority;
- 13 5. Agreements involving child support collections and enforcement;
- 14 6. Agreements with public utilities, providers of direct Medicaid health
15 care to individuals except for any health maintenance organization or
16 other entity primarily responsible for administration of any program or
17 system of Medicaid managed health care services established by law or
18 by agreement with the Cabinet for Health and Family Services, and
19 transit authorities;
- 20 7. Nonfinancial agreements;
- 21 8. Any obligation or payment for reimbursement of the cost of corrective
22 action made pursuant to KRS 224.60-140;
- 23 9. Exchanges of confidential personal information between agencies;
- 24 10. Agreements between state agencies and rural concentrated employment
25 programs; or
- 26 11. Any other agreement that the committee deems inappropriate for
27 consideration;

- 1 (e) "Motion picture or entertainment production" has the same meaning
2 as~~means the same as defined~~ in KRS 154.61-010;
- 3 (f) "Multicontract" means a group of personal service contracts between a
4 contracting body and individual vendors providing the same or substantially
5 similar services to the contracting body that, for purposes of the committee,
6 are treated as one (1) contract;
- 7 (g) "Nurse aide" means an individual who has successfully completed the nurse
8 aide training and competency evaluation program and may include a nursing
9 student, medication aide, or a person employed through a health care services
10 agency as defined in KRS 216.718 who provides nursing or nursing-related
11 services to a resident in a nursing facility, excluding:
- 12 1. An individual who is a licensed health professional;
 - 13 2. A volunteer who provides the nursing or nursing-related services
14 without monetary compensation; or
 - 15 3. A person who is hired by the resident or family to sit with the resident
16 and who does not perform nursing or nursing-related services;
- 17 (h) "Personal service contract" means an agreement whereby an individual, firm,
18 partnership, or corporation is to perform certain services requiring
19 professional skill or professional judgment for a specified period of time at a
20 price agreed upon. It includes all price contracts for personal services between
21 a governmental body or political subdivision of the Commonwealth and any
22 other entity in any amount. This definition does not apply to:
- 23 1. Agreements between the Department of Parks and a performing artist or
24 artists for less than five thousand dollars (\$5,000) per fiscal year per
25 artist or artists;
 - 26 2. Agreements with public utilities, foster care parents, providers of direct
27 Medicaid health care to individuals except for any health maintenance

- 1 organization or other entity primarily responsible for administration of
2 any program or system of Medicaid managed health care services
3 established by law or by agreement with the Cabinet for Health and
4 Family Services, individuals performing homemaker services, and
5 transit authorities;
- 6 3. Agreements between state universities or colleges and employers of
7 students in the Commonwealth work study program sponsored by the
8 Kentucky Higher Education Assistance Authority;
- 9 4. Agreements between a state agency and rural concentrated employment
10 programs;
- 11 5. Agreements between the State Fair Board and judges, officials, and
12 entertainers contracted for events promoted by the State Fair Board;
- 13 6. Agreements between the Kentucky Horse Park and judges, officials, and
14 entertainers contracted for events promoted by the Kentucky Horse
15 Park;
- 16 7. Agreements between the Department of Public Advocacy and attorneys
17 for the representation of indigent clients who are entitled to
18 representation under KRS Chapter 31 and who, by reason of conflict or
19 otherwise, cannot be represented by the department, subject to quarterly
20 reports of all such agreements to the committee;
- 21 **8. Agreements between the Department of Family Representation and**
22 **Advocacy for the representation of eligible clients who are entitled to**
23 **representation and who, by reason of conflict or otherwise, cannot be**
24 **represented by the department;**
- 25 ~~9.~~ Agreements between the Office of Kentucky Veterans' Centers and
26 licensed nurses and nurse aides in order to provide critically needed
27 long-term care to Kentucky veterans who are residents in state veterans'

1 nursing homes pursuant to KRS 40.325; or

2 ~~10.19.~~ Any other contract that the committee deems inappropriate for
3 consideration;

4 (i) "Tax incentive agreement" means an agreement executed under KRS 154.61-
5 030; and

6 (j) "Tourism Development Finance Authority" means the authority established
7 by KRS 148.850.

8 (2) Compliance with the provisions of KRS 45A.690 to 45A.725 does not dispense
9 with the requirements of any other law necessary to make the personal service
10 contract or memorandum of agreement valid.

11 ➔Section 18. KRS 48.027 is amended to read as follows:

12 (1) Notwithstanding any statute, administrative regulation, or common law to the
13 contrary, and except as provided in this subsection, appropriations from the general
14 fund, any restricted fund, the road fund, or any federal funds, whether for employee
15 time or any other purpose, shall not be expended by an elected statewide
16 constitutional officer, except the Attorney General, or by any other state official,
17 employee, or agency~~, other than the Department of Public Advocacy in a criminal~~
18 ~~matter,~~ to bring or support a challenge to the constitutionality of any legislative act
19 or resolution of the General Assembly. ~~[Nothing in]~~ This section shall ***not*** limit any
20 officer, official, employee, or agency in the defense of any action brought against
21 him or her by a party with proper standing.

22 (2) If the constitutionality of subsection (1) of this section is challenged through
23 litigation, the Attorney General shall be the sole named respondent for the
24 Commonwealth of Kentucky in such litigation and shall consult with the
25 Legislative Research Commission regarding defense of such litigation.

26 **(3) Subsection (1) of this section shall not apply to a challenge to the constitutionality**
27 **of any legislative act or resolution of the General Assembly brought or supported**

1 by:

2 (a) The Department of Public Advocacy in a criminal matter; or

3 (b) The Department of Family Representation and Advocacy in a civil matter.

4 ➔Section 19. KRS 49.120 is amended to read as follows:

- 5 (1) All claims must be filed with the board within one (1) year from the time the claim
6 for relief accrued.
- 7 (2) The claim for relief shall be deemed to accrue at the time of the negligent act with
8 regard to property damage.
- 9 (3) The claim for relief for personal injury shall be deemed to accrue at the time the
10 personal injury is first discovered by the claimant or in the exercise of reasonable
11 care should have been discovered.~~;~~ However, an~~no~~ action for personal injury
12 shall **not** be commenced beyond two (2) years from the date on which the alleged
13 negligent act or omission actually occurred.
- 14 (4) Notwithstanding subsection (3) of this section, the claim for relief for medical
15 malpractice shall be deemed to accrue at the time the personal injury is first
16 discovered by the claimant or in the exercise of reasonable care should have been
17 discovered.~~;~~ However, an~~no~~ action for personal injury as a result of medical
18 malpractice shall **not** be commenced beyond three (3) years from the date on which
19 the alleged negligent act or omission of malpractice actually occurred.
- 20 (5) If at the time the alleged negligent act or omission occurred or if at the time the
21 claim for relief accrued or thereafter, the claimant is an infant or of unsound mind
22 or under any other legal disability to file suit, a guardian or next friend or
23 committee or other qualified representative shall bring such action in the board on
24 behalf of such person within the same time limitation set forth herein or the claim is
25 barred, notwithstanding KRS 413.170 and 413.280. If there is no guardian or
26 committee or he or she is unwilling or unable to act or is himself a claimant, the
27 board shall request~~appoint~~ a guardian ad litem from the Department of Family

1 **Representation and Advocacy** to represent the interests of the claimant under legal
2 disability. The board shall ~~pay~~~~allow~~ the guardian ad litem a ~~reasonable~~ fee **not to**
3 **exceed five hundred dollars (\$500)** for his **or her** services, to be taxed as costs.

4 ➔Section 20. KRS 61.878 is amended to read as follows:

- 5 (1) The following public records are excluded from the application of KRS 61.870 to
6 61.884 and shall be subject to inspection only upon order of a court of competent
7 jurisdiction, except that no court shall authorize the inspection by any party of any
8 materials pertaining to civil litigation beyond that which is provided by the Rules of
9 Civil Procedure governing pretrial discovery:
- 10 (a) Public records containing information of a personal nature where the public
11 disclosure thereof would constitute a clearly unwarranted invasion of personal
12 privacy;
- 13 (b) Records confidentially disclosed to an agency and compiled and maintained
14 for scientific research. This exemption shall not, however, apply to records the
15 disclosure or publication of which is directed by another statute;
- 16 (c) 1. Records confidentially disclosed to an agency or required by an agency
17 to be disclosed to it, generally recognized as confidential or proprietary,
18 which if openly disclosed would permit an unfair commercial advantage
19 to competitors of the entity that disclosed the records;
- 20 2. Records confidentially disclosed to an agency or required by an agency
21 to be disclosed to it, generally recognized as confidential or proprietary,
22 which are compiled and maintained:
- 23 a. In conjunction with an application for or the administration of a
24 loan or grant;
- 25 b. In conjunction with an application for or the administration of
26 assessments, incentives, inducements, and tax credits as described
27 in KRS Chapter 154;

- 1 c. In conjunction with the regulation of commercial enterprise,
2 including mineral exploration records, unpatented, secret
3 commercially valuable plans, appliances, formulae, or processes,
4 which are used for the making, preparing, compounding, treating,
5 or processing of articles or materials which are trade commodities
6 obtained from a person; or
- 7 d. For the grant or review of a license to do business.
- 8 3. The exemptions provided for in subparagraphs 1. and 2. of this
9 paragraph shall not apply to records the disclosure or publication of
10 which is directed by another statute;
- 11 (d) Public records pertaining to a prospective location of a business or industry
12 where no previous public disclosure has been made of the business' or
13 industry's interest in locating in, relocating within or expanding within the
14 Commonwealth. This exemption shall not include those records pertaining to
15 application to agencies for permits or licenses necessary to do business or to
16 expand business operations within the state, except as provided in paragraph
17 (c) of this subsection;
- 18 (e) Public records which are developed by an agency in conjunction with the
19 regulation or supervision of financial institutions, including but not limited to
20 banks, savings and loan associations, and credit unions, which disclose the
21 agency's internal examining or audit criteria and related analytical methods;
- 22 (f) The contents of real estate appraisals, engineering or feasibility estimates and
23 evaluations made by or for a public agency relative to acquisition of property,
24 until such time as all of the property has been acquired. The law of eminent
25 domain shall not be affected by this provision;
- 26 (g) Test questions, scoring keys, and other examination data used to administer a
27 licensing examination, examination for employment, or academic

- 1 examination before the exam is given or if it is to be given again;
- 2 (h) Records of law enforcement agencies or agencies involved in administrative
3 adjudication that were compiled in the process of detecting and investigating
4 statutory or regulatory violations if the disclosure of the information could
5 pose an articulable risk of harm to the agency or its investigation by revealing
6 the identity of informants or witnesses not otherwise known or by premature
7 release of information to be used in a prospective law enforcement action or
8 administrative adjudication. Unless exempted by other provisions of KRS
9 61.870 to 61.884, public records exempted under this provision shall be open
10 after enforcement action is completed or a decision is made to take no action;
11 however, records or information compiled and maintained by county attorneys
12 or Commonwealth's attorneys pertaining to criminal investigations or criminal
13 litigation shall be exempted from the provisions of KRS 61.870 to 61.884 and
14 shall remain exempted after enforcement action, including litigation, is
15 completed or a decision is made to take no action. The exemptions provided
16 by this subsection shall not be used by the custodian of the records to delay or
17 impede the exercise of rights granted by KRS 61.870 to 61.884;
- 18 (i) Preliminary drafts, notes, correspondence with private individuals, other than
19 correspondence which is intended to give notice of final action of a public
20 agency;
- 21 (j) Preliminary recommendations, and preliminary memoranda in which opinions
22 are expressed or policies formulated or recommended;
- 23 (k) All public records or information the disclosure of which is prohibited by
24 federal law or regulation or state law;
- 25 (l) Public records or information the disclosure of which is prohibited or
26 restricted or otherwise made confidential by enactment of the General
27 Assembly, including any information acquired by the Department of Revenue

1 in tax administration that is prohibited from divulgence or disclosure under
2 KRS 131.190;

- 3 (m) 1. Public records the disclosure of which would have a reasonable
4 likelihood of threatening the public safety by exposing a vulnerability in
5 preventing, protecting against, mitigating, or responding to a terrorist act
6 and limited to:
- 7 a. Criticality lists resulting from consequence assessments;
 - 8 b. Vulnerability assessments;
 - 9 c. Antiterrorism protective measures and plans;
 - 10 d. Counterterrorism measures and plans;
 - 11 e. Security and response needs assessments;
 - 12 f. Infrastructure records that expose a vulnerability referred to in this
13 subparagraph through the disclosure of the location, configuration,
14 or security of critical systems, including public utility critical
15 systems. These critical systems shall include but not be limited to
16 information technology, communication, electrical, fire
17 suppression, ventilation, water, wastewater, sewage, and gas
18 systems;
 - 19 g. The following records when their disclosure will expose a
20 vulnerability referred to in this subparagraph: detailed drawings,
21 schematics, maps, or specifications of structural elements, floor
22 plans, and operating, utility, or security systems of any building or
23 facility owned, occupied, leased, or maintained by a public
24 agency; and
 - 25 h. Records when their disclosure will expose a vulnerability referred
26 to in this subparagraph and that describe the exact physical
27 location of hazardous chemical, radiological, or biological

1 materials.

2 2. As used in this paragraph, "terrorist act" means a criminal act intended
3 to:

4 a. Intimidate or coerce a public agency or all or part of the civilian
5 population;

6 b. Disrupt a system identified in subparagraph 1.f. of this paragraph;
7 or

8 c. Cause massive destruction to a building or facility owned,
9 occupied, leased, or maintained by a public agency.

10 3. On the same day that a public agency denies a request to inspect a public
11 record for a reason identified in this paragraph, that public agency shall
12 forward a copy of the written denial of the request, referred to in KRS
13 61.880(1), to the executive director of the Kentucky Office of Homeland
14 Security and the Attorney General.

15 4. ~~Nothing in~~ This paragraph shall ***not*** affect the obligations of a public
16 agency with respect to disclosure and availability of public records
17 under state environmental, health, and safety programs.

18 5. The exemption established in this paragraph shall not apply when a
19 member of the Kentucky General Assembly seeks to inspect a public
20 record identified in this paragraph under the Open Records Law;

21 (n) Public or private records, including books, papers, maps, photographs, cards,
22 tapes, discs, diskettes, recordings, software, or other documentation regardless
23 of physical form or characteristics, having historic, literary, artistic, or
24 commemorative value accepted by the archivist of a public university,
25 museum, or government depository from a donor or depositor other than a
26 public agency. This exemption shall apply to the extent that nondisclosure is
27 requested in writing by the donor or depositor of such records, but shall not

1 apply to records the disclosure or publication of which is mandated by another
2 statute or by federal law;

3 (o) Records of a procurement process under KRS Chapter 45A or 56. This
4 exemption shall not apply after:

- 5 1. A contract is awarded; or
- 6 2. The procurement process is canceled without award of a contract and
7 there is a determination that the contract will not be resolicited;

8 (p) Client and case files maintained by the Department of Public Advocacy or any
9 person or entity contracting with the Department of Public Advocacy for the
10 provision of legal representation under KRS Chapter 31;

11 (q) Client and case files maintained by the Department of Family
12 Representation and Advocacy or any person or entity contracting with the
13 Department of Family Representation and Advocacy for the provision of
14 legal representation under Sections 1 to 7 of this Act;

15 ~~(r)(e)~~ Except as provided in KRS 61.168, photographs or videos that depict
16 the death, killing, rape, or sexual assault of a person. However, such
17 photographs or videos shall be made available by the public agency to the
18 requesting party for viewing on the premises of the public agency, or a
19 mutually agreed upon location, at the request of;

- 20 1. a. Any victim depicted in the photographs or videos, his or her
21 immediate family, or legal representative;
- 22 b. Any involved insurance company or its representative; or
- 23 c. The legal representative of any involved party;
- 24 2. Any state agency or political subdivision investigating official
25 misconduct; or
- 26 3. A legal representative for a person under investigation for, charged with,
27 pled guilty to, or found guilty of a crime related to the underlying

1 incident. The person under investigation for, charged with, pled guilty
2 to, or found guilty of a crime related to the underlying incident or their
3 immediate family shall not be permitted to have access to the
4 photographs or videos;

5 ~~(s)~~~~(r)~~ Records confidentially maintained by a law enforcement agency in
6 accordance with a wellness program, including an early intervention system,
7 as described in KRS 15.409; and

8 ~~(t)~~~~(s)~~ Communications of a purely personal nature unrelated to any
9 governmental function.

10 (2) ~~An~~~~No~~ exemption in this section shall ***not*** be construed to prohibit disclosure of
11 statistical information not descriptive of any readily identifiable person.

12 (3) ~~An~~~~No~~ exemption in this section shall ***not*** be construed to deny, abridge, or impede
13 the right of a public agency employee, including university employees, an applicant
14 for employment, or an eligible on a register to inspect and to copy any record
15 including preliminary and other supporting documentation that relates to him or her.
16 The records shall include but not be limited to work plans, job performance,
17 demotions, evaluations, promotions, compensation, classification, reallocation,
18 transfers, lay-offs, disciplinary actions, examination scores, and preliminary and
19 other supporting documentation. A public agency employee, including university
20 employees, applicant, or eligible shall not have the right to inspect or to copy any
21 examination or any documents relating to ongoing criminal or administrative
22 investigations by an agency.

23 (4) If any public record contains material which is not excepted under this section, the
24 public agency shall separate the excepted and make the nonexcepted material
25 available for examination.

26 (5) The provisions of this section shall in no way prohibit or limit the exchange of
27 public records or the sharing of information between public agencies when the

1 exchange is serving a legitimate governmental need or is necessary in the
2 performance of a legitimate government function.

3 (6) When material is made available pursuant to a request under subsection
4 ~~(l)(r)~~~~(1)(q)~~ of this section, the public agency shall not be required to make a copy
5 of the recording except as provided in KRS 61.169, and the requesting parties shall
6 not be limited in the number of times they may view the material.

7 ➔Section 21. KRS 91.550 is amended to read as follows:

8 (1) The personal property of infants or persons judicially found to be of unsound mind
9 shall not be distrained for taxes assessed on their real property.

10 (2) The real property of an infant or person judicially found to be of unsound mind
11 shall not, during his or her disability, after ascertainment of ~~the~~~~[such]~~ disability by
12 the city, be sold without the appointment of a guardian ad litem by the Department
13 of Family Representation and Advocacy in accordance with Section 6 of this Act
14 to represent the interest of ~~the~~~~[such]~~ person, for less than its certified assessed value
15 on any judgment of sale rendered for taxes and costs alone, where the real property
16 came to the infant or person of unsound mind by descent, distribution or devise, or
17 by gift or settlement of some person then deceased, or where the real property
18 belonged to the person of unsound mind before he or she became of unsound mind.

19 (3) ~~An~~~~[No]~~ entire estate shall not be sold, for taxes and costs chargeable to the owner
20 of the particular estate, for less than its certified assessed value, so as to defeat any
21 reversion, remainder or other future estate outstanding, unless the reversioners,
22 remaindermen or holders of other future estates are ascertained and are of full age,
23 and ~~the~~~~[no such]~~ entire estate shall not~~[ever]~~ be put up to sale unless the particular
24 estate of the taxpayer has first been put up and has failed to bring the amount of the
25 taxes and costs.

26 ➔Section 22. KRS 199.500 is amended to read as follows:

27 (1) An adoption shall not be granted without the voluntary and informed consent, as

1 defined in KRS 199.011, of the living parent or parents of a child born in lawful
2 wedlock or the mother of the child born out of wedlock, or the father of the child
3 born out of wedlock if paternity is established in a legal action or if an affidavit is
4 filed stating that the affiant is the father of the child, except that the consent of the
5 living parent or parents shall not be required if:

- 6 (a) The parent or parents have been adjudged mentally disabled and the judgment
7 shall have been in effect for not less than one (1) year prior to the filing of the
8 petition for adoption;
- 9 (b) The parental rights of the parents have been terminated under KRS Chapter
10 625;
- 11 (c) The living parents are divorced and the parental rights of one (1) parent have
12 been terminated under KRS Chapter 625 and consent has been given by the
13 parent having custody and control of the child; or
- 14 (d) The biological parent has not established parental rights as required by KRS
15 625.065.
- 16 (2) A minor parent who is a party defendant may consent to an adoption but a guardian
17 ad litem for the parent shall be requested by the court and appointed by the
18 Department of Family Representation and Advocacy in accordance with Section
19 6 of this Act.
- 20 (3) In the case of a child twelve (12) years of age or older, the consent of the child shall
21 be given in court. The court in its discretion may waive this requirement.
- 22 (4) Notwithstanding the provisions of subsection (1) of this section, an adoption may
23 be granted without the consent of the biological living parents of a child if it is
24 pleaded and proved as a part of the adoption proceedings that any of the provisions
25 of KRS 625.090 exist with respect to the child.
- 26 (5) An adoption shall not be granted or a consent for adoption be held valid if the
27 consent for adoption is given prior to seventy-two (72) hours after the birth of the

1 child. A voluntary and informed consent may be taken at seventy-two (72) hours
2 after the birth of the child and shall become final and irrevocable seventy-two (72)
3 hours after it is signed.

4 ➔Section 23. KRS 199.502 is amended to read as follows:

- 5 (1) Notwithstanding the provisions of KRS 199.500(1), an adoption may be granted
6 without the consent of the biological living parents of a child if it is pleaded and
7 proved as part of the adoption proceeding that any of the following conditions exist
8 with respect to the child:
- 9 (a) That the parent has abandoned the child for a period of not less than ninety
10 (90) days;
 - 11 (b) That the parent had inflicted or allowed to be inflicted upon the child, by other
12 than accidental means, serious physical injury;
 - 13 (c) That the parent has continuously or repeatedly inflicted or allowed to be
14 inflicted upon the child, by other than accidental means, physical injury or
15 emotional harm;
 - 16 (d) That the parent has been convicted of a felony that involved the infliction of
17 serious physical injury to a child named in the present adoption proceeding;
 - 18 (e) That the parent, for a period of not less than six (6) months, has continuously
19 or repeatedly failed or refused to provide or has been substantially incapable
20 of providing essential parental care and protection for the child, and that there
21 is no reasonable expectation of improvement in parental care and protection,
22 considering the age of the child;
 - 23 (f) That the parent has caused or allowed the child to be sexually abused or
24 exploited;
 - 25 (g) That the parent, for reasons other than poverty alone, has continuously or
26 repeatedly failed to provide or is incapable of providing essential food,
27 clothing, shelter, medical care, or education reasonably necessary and

1 available for the child's well-being and that there is no reasonable expectation
2 of significant improvement in the parent's conduct in the immediately
3 foreseeable future, considering the age of the child;

4 (h) That:

- 5 1. The parent's parental rights to another child have been involuntarily
6 terminated;
- 7 2. The child named in the present adoption proceeding was born
8 subsequent to or during the pendency of the previous termination; and
- 9 3. The condition or factor which was the basis for the previous termination
10 finding has not been corrected;

11 (i) That the parent has been convicted in a criminal proceeding of having caused
12 or contributed to the death of another child as a result of physical or sexual
13 abuse or neglect; or

14 (j) That the parent is a putative father, as defined in KRS 199.503, who fails to
15 register as the minor's putative father with the putative father registry
16 established under KRS 199.503 or the court finds, after proper service of
17 notice and hearing, that:

- 18 1. The putative father is not the father of the minor;
- 19 2. The putative father has willfully abandoned or willfully failed to care for
20 and support the minor; or
- 21 3. The putative father has willfully abandoned the mother of the minor
22 during her pregnancy and up to the time of her surrender of the minor,
23 or the minor's placement in the home of the petitioner, whichever occurs
24 first.

25 (2) Upon the conclusion of proof and argument of counsel, the Circuit Court shall enter
26 findings of fact, conclusions of law, and a decision either:

27 (a) Granting the adoption without the biological parent's consent; or

1 (b) Dismissing the adoption petition, and stating whether the child shall be
 2 returned to the biological parent or the child's custody granted to the state,
 3 another agency, or the petitioner.

4 (3) A biological living parent has the right to legal representation in an adoption
 5 wherein he or she does not consent. The Circuit Court shall determine if a
 6 biological living parent is indigent and, therefore, entitled to counsel pursuant KRS
 7 Chapter 31. If the Circuit Court so finds, the Circuit Court shall inform the indigent
 8 parent; and, upon request, if it appears reasonably necessary in the interest of
 9 justice, the Circuit Court shall request, and the Department of Family
 10 Representation and Advocacy shall appoint in accordance with Section 6 of this
 11 Act, an attorney to represent the biological living parent pursuant to KRS Chapter
 12 31 to be provided or paid for by:

13 (a) The petitioner, a fee to be set by the court and not to exceed five hundred
 14 dollars (\$500); or

15 (b) The Justice and Public Safety~~Finance and Administration~~ Cabinet if the
 16 petitioner is a blood relative or fictive kin as established in KRS
 17 199.470(4)(a), a fee to be set by the court and not to exceed five hundred
 18 dollars (\$500).

19 ➔Section 24. KRS 202A.121 is amended to read as follows:

20 Upon the appearance of the person detained pursuant to KRS 202A.041 or upon the filing
 21 of a petition pursuant to KRS 202A.051, the court shall request, and the Department of
 22 Family Representation and Advocacy shall appoint in accordance with Section 6 of this
 23 Act, an attorney to represent the respondent with such appointment and representation to
 24 continue unless the respondent retains private counsel. The appointed attorney shall be
 25 immediately~~forthwith~~ notified by the clerk of the allegations in the petition and the date
 26 and purpose of the preliminary hearing. Notwithstanding KRS 202A.091, an attorney
 27 appointed by the Department of Family Representation and Advocacy~~court~~ or retained

1 by the respondent shall be given access to the court records relating to the petition.

2 ➔Section 25. KRS 202B.210 is amended to read as follows:

3 Upon the filing of a petition for involuntary admission pursuant to KRS 202B.045, the
4 court shall request, and the Department of Family Representation and Advocacy shall
5 appoint in accordance with Section 6 of this Act, an attorney to represent the respondent
6 with the appointment and representation to continue unless the respondent retains private
7 counsel. The appointed attorney shall be immediately~~forthwith~~ notified by the clerk of
8 the allegations in the petition and the date and purpose of the preliminary hearing. ~~When~~
9 ~~it is necessary to appoint counsel, the District Court shall endeavor to appoint private~~
10 ~~counsel, if available, to represent respondents, from a list of attorneys who have~~
11 ~~volunteered to represent such respondents. The list shall be maintained by the District~~
12 ~~Court clerk.~~ Private counsel appointed by the Department of Family Representation
13 and Advocacy~~court~~ shall be compensated in the manner set forth in KRS 620.100~~. If~~
14 ~~no other method of appointing counsel for the respondent is available, the respondent~~
15 ~~shall be represented by the public advocate pursuant to KRS Chapter 31].~~

16 ➔Section 26. KRS 202B.250 is amended to read as follows:

17 (1) No less than once in every five (5) years following the initial order for involuntary
18 admission of a resident to an ICF/ID, or an order authorizing continued care and
19 treatment following review pursuant to this section, the court shall hold a hearing to
20 review the status of the resident and necessity for continued care and treatment in
21 the ICF/ID. Notice at least twenty (20) days in advance of the hearing shall be
22 provided by the court to the ICF/ID, county attorney, guardian or limited guardian
23 of the resident, if any, or, if none, an immediate family member as listed on the last
24 interdisciplinary report filed by the ICF/ID. The court shall request,~~appoint~~ and
25 the Department of Family Representation and Advocacy shall appoint in
26 accordance with Section 6 of this Act, an attorney to represent the resident at the
27 review hearing.

- 1 (2) The review hearing may be informal and held in open court, in chambers, or at the
2 ICF/ID. The hearing shall be held without a jury and the resident shall be entitled to
3 present documentary evidence and witnesses and cross-examine witnesses against
4 the resident.
- 5 (3) At the conclusion of the review hearing, the court shall make written findings of
6 fact concerning whether the criteria for involuntary admission set forth in KRS
7 202B.040 continue to be satisfied based upon clear and convincing evidence. If the
8 court finds that the involuntary admission criteria continue to be satisfied, the court
9 shall enter an order authorizing the continued care and treatment of the resident at
10 the ICF/ID and shall establish the period within which the next review shall be held.
11 Otherwise, the court shall enter an order requiring the resident to be discharged
12 from the ICF/ID.
- 13 (4) If at any point during the resident's placement at an ICF/ID it appears that the
14 resident no longer meets the criteria for involuntary admission set forth in KRS
15 202B.040, the resident, the resident's parent, guardian or limited guardian,
16 immediate family member, or attorney may request a review pursuant to this
17 section.
- 18 ➔Section 27. KRS 202C.020 is amended to read as follows:
- 19 (1) When a defendant who is charged with a qualifying offense has been found, after a
20 hearing under KRS Chapter 504, to be incompetent to stand trial with no substantial
21 probability that the defendant will attain competency within three hundred sixty
22 (360) days, the Commonwealth's attorney's office serving the county of criminal
23 prosecution shall immediately petition the Circuit Court that found the defendant
24 incompetent to stand trial or, if the finding was by a District Court, the Circuit
25 Court in the county of the criminal prosecution, for an involuntary commitment
26 proceeding, to include an evidentiary hearing and a commitment hearing, if
27 applicable, under this chapter.

1 (2) Upon the filing of the petition, the court shall **request, and the Department of**
2 **Family Representation and Advocacy shall appoint in accordance with Section 6**
3 **of this Act,**~~assign~~ a guardian ad litem to represent the needs and best interest of
4 the respondent. The guardian ad litem shall be a full and active participant in all
5 proceedings other than the evidentiary hearing under KRS 202C.030 and shall
6 independently investigate, assess, and advocate for the defendant's best interest. The
7 guardian ad litem is not a replacement for the defense attorney. If the defendant has
8 retained or been appointed a defense attorney in the criminal case, that attorney may
9 continue to represent the defendant in proceedings under this chapter. If, at any time
10 during the pendency of proceedings under this chapter, the defendant is not
11 represented by an attorney, the court shall appoint counsel for the defendant,
12 without a showing of indigency, to be provided by the Department of Public
13 Advocacy or its designee.

14 (3) The Circuit Court shall have exclusive jurisdiction over all proceedings under this
15 chapter.

16 ➔Section 28. KRS 209.110 is amended to read as follows:

17 (1) A petition by the cabinet for emergency protective services shall be verified by an
18 authorized representative of the cabinet and shall set forth the name, age, and
19 address of the adult in need of protective services; the nature of the disability of the
20 adult, if determinable; the proposed protective services; the petitioner's reasonable
21 belief, together with the facts supportive thereof, as to the existence of the facts, and
22 the facts showing the petitioner's attempts to obtain the adult's consent to the
23 services and the outcomes of such attempts. The petition and all subsequent court
24 documents shall be entitled: "In the interest of----- , an adult in need of protective
25 services." The petition shall be filed in the court of the adult's residence, or if filed
26 pursuant to KRS 209.130, the court of the county in which the adult is physically
27 located.

- 1 (2) When a petition for emergency protective services is filed, the court or the clerk
2 shall immediately request, and the Department of Family Representation and
3 Advocacy shall immediately appoint in accordance with Section 6 of this Act, a
4 guardian ad litem to represent the interest of the adult. The duties of a guardian ad
5 litem representing an adult for whom a petition for emergency protective services
6 has been filed shall include personally interviewing the adult, counseling with the
7 adult with respect to this chapter, informing the adult~~[him]~~ of his or her rights and
8 providing competent representation at all proceedings, and such other duties as the
9 court may order.
- 10 (3) Following the filing of a petition, a summons shall be issued and served with a copy
11 of the petition, and notice of the time, date, and location of the hearing to be held on
12 the petition. Service shall be made upon the adult and his or her guardian or, if
13 none, his or her caretaker. Should the adult have no guardian or caretaker, service
14 shall be made upon the adult's guardian ad litem. Notice of the hearing shall be
15 given to the adult's spouse, or, if none, to his or her adult children or next of kin,
16 unless the court is satisfied that notification would be impractical. Service shall not
17 be made upon any person who is believed to have perpetrated the abuse, neglect, or
18 exploitation. Service of the petition shall be made at least three (3) calendar days
19 prior to the hearing for emergency protective services.
- 20 (4) The hearing on the petition for an emergency order for protective services shall be
21 heard under the following conditions:
- 22 (a) The hearing on the petition, in the interests of expedition, may be held in any
23 county within the judicial district or circuit served by the court. The court
24 shall give priority to the holdings of the hearings pursuant to petitions filed
25 under this chapter;
- 26 (b) The adult or his or her representative may present evidence and cross-
27 examine witnesses; and

1 (c) The adult or his or her representative may petition the court to have any order
2 which is entered pursuant to this chapter, set aside or modified for good cause.

3 (5) Where protective services are rendered on the basis of an order pursuant to this
4 section, the cabinet shall submit a report to the court describing the circumstances
5 including the name, place, date, and nature of the services. Such report shall be
6 made at least once or on a monthly basis if protective services are provided the
7 adult for a period of longer than one (1) month.

8 (6) (a) The fee of the guardian ad litem shall:

9 1. Be paid by the Justice and Public Safety Cabinet; and~~cabinet~~

10 2. Not ~~to~~ exceed five~~three~~ hundred dollars (\$500)~~(\$300)~~.

11 (b) This fee is not to be paid to attorneys employed by government funded legal
12 services programs.

13 ➔Section 29. KRS 272A.12-100 is amended to read as follows:

14 (1) Upon application by a dissolved limited cooperative association that has published
15 a notice under KRS 272A.12-090, the appropriate court may determine the amount
16 and form of security to be provided for payment of claims against the association
17 that are contingent, have not been made known to the association, or are based on
18 an event occurring after the effective date of dissolution but that, based on the facts
19 known to the association, are reasonably anticipated to arise after the effective date
20 of dissolution.

21 (2) Not later than ten (10) days after filing an application under subsection (1) of this
22 section, a dissolved limited cooperative association shall give notice of the
23 proceeding to each known claimant holding a contingent claim.

24 (3) The court may request, and the Department of Family Representation and
25 Advocacy shall appoint in accordance with Section 6 of this Act, a guardian ad
26 litem in a proceeding brought under this section to represent all claimants whose
27 identities are unknown, including those whose claims are contingent or based upon

1 an event occurring after the effective date of dissolution. The dissolved limited
2 cooperative association shall pay reasonable fees and expenses of the
3 representative, including all reasonable attorney and expert witness fees.

4 (4) Provision by the dissolved limited cooperative association for security in the
5 amount and the form ordered by the court satisfies the association's obligations with
6 respect to claims that are contingent, have not been made known to the association,
7 or are based on an event occurring after the effective date of dissolution, and the
8 claims may not be enforced against a member that received a distribution.

9 ➔Section 30. KRS 311.732 is amended to read as follows:

10 (1) For purposes of this section the following definitions shall apply:

11 (a) "Minor" means any person under the age of eighteen (18);

12 (b) "Emancipated minor" means any minor who is or has been married or has by
13 court order or otherwise been freed from the care, custody, and control of her
14 parents; and

15 (c) "Abortion" means the use of any instrument, medicine, drug, or any other
16 substance or device with intent to terminate the pregnancy of a woman known
17 to be pregnant with intent other than to increase the probability of a live birth,
18 to preserve the life or health of the child after live birth, or to remove a dead
19 fetus.

20 (2) ~~A~~~~+~~~~No~~ person shall **not** perform an abortion upon a minor unless:

21 (a) The attending physician has secured the informed written consent of the
22 minor and one (1) parent or legal guardian with joint or physical custody and
23 the consenting parent or legal guardian of the minor has made a reasonable
24 attempt to notify any other parent with joint or physical custody at least forty-
25 eight (48) hours prior to providing the informed written consent.

26 1. Notice shall not be required to be provided to any parent who has:

27 a. Previously been enjoined by a domestic violence order or

- 1 interpersonal protective order, regardless of whether or not the
2 person to be protected by the order was the minor; or
- 3 b. Been convicted of, or entered into a diversion program for, a
4 criminal offense against a victim who is a minor as defined in
5 KRS 17.500 or for a violent or sexual criminal offense under KRS
6 Chapter 506, 507, 507A, 508, 509, 510, 529, 530, or 531.
- 7 2. The informed written consent shall include:
- 8 a. A copy of the minor's government-issued identification, a copy of
9 the consenting parent's or legal guardian's government-issued
10 identification, and written documentation including but not limited
11 to a birth certificate, court-ordered custodial paperwork, or tax
12 return, establishing that he or she is the lawful parent or legal
13 guardian; and
- 14 b. The parent's or legal guardian's certification that he or she consents
15 to the abortion. The certification shall be in a signed, dated, and
16 notarized document that has been initialed on each page and that
17 contains the following statement, which shall precede the signature
18 of the parent or legal guardian: "I, (insert name of parent or legal
19 guardian), am the (select "parent" or "legal guardian") of (insert
20 name of minor) and give consent for (insert name of attending
21 physician) to perform an abortion on her. Under penalties of
22 perjury, I declare that I have read the foregoing statement and that
23 the facts stated in it are true."
- 24 3. The attending physician shall keep a copy of the informed written
25 consent in the medical file of the minor for five (5) years after the minor
26 reaches eighteen (18) years of age or for seven (7) years, whichever is
27 longer.

- 1 4. The attending physician securing the informed written consent from a
2 parent or legal guardian under this subsection shall execute for inclusion
3 in the medical record of the minor an affidavit stating: "I, (insert name
4 of attending physician), certify that, according to my best information
5 and belief, a reasonable person under similar circumstances would rely
6 on the information presented by both the minor and her parent or legal
7 guardian as sufficient evidence of identity.";
- 8 (b) The minor is emancipated and the attending physician has received the
9 informed written consent of the minor; or
- 10 (c) The minor elects to petition any Circuit or District Court of the
11 Commonwealth pursuant to subsection (3) of this section and obtain an order
12 pursuant to subsection (4) of this section granting consent to the abortion and
13 the attending physician has received the informed written consent of the
14 minor.
- 15 (3) Every minor shall have the right to petition any Circuit or District Court of the
16 Commonwealth for an order granting the right to self-consent to an abortion
17 pursuant to the following procedures:
- 18 (a) The minor or her next friend may prepare and file a petition setting forth the
19 request of the minor for an order of consent to an abortion;
- 20 (b) The court shall ensure that the minor prepares or her next friend is given
21 assistance in preparing and filing the petition and shall ensure that the minor's
22 identity is kept anonymous;
- 23 (c) The minor may participate in proceedings in the court on her own behalf or
24 through her next friend and the court shall **request, and the Department of**
25 **Family Representation and Advocacy shall** appoint **in accordance with**
26 **Section 6 of this Act,** a guardian ad litem for her. The court shall advise her
27 that she has a right to ~~court-appointed~~ counsel and shall **request, and the**

1 *Department of Family Representation and Advocacy shall* provide *in*
2 *accordance with Section 6 of this Act,* her with ~~[such]~~ counsel upon her
3 request;

4 (d) All proceedings under this section shall be anonymous and shall be given
5 preference over other matters to ensure that the court may reach a decision
6 promptly, but in no case shall the court fail to rule within seventy-two (72)
7 hours of the time of application, provided that the seventy-two (72) hour
8 limitation may be extended at the request of the minor; and

9 (e) The court shall hold a hearing on the merits of the petition before reaching a
10 decision. The court shall hear evidence at the hearing relating to:

11 1. The minor's:

12 a. Age;

13 b. Emotional development and stability;

14 c. Maturity;

15 d. Intellect;

16 e. Credibility and demeanor as a witness;

17 f. Ability to accept responsibility;

18 g. Ability to assess both the current and future life-impacting
19 consequences of, and alternatives to, the abortion; and

20 h. Ability to understand and explain the medical risks of the abortion
21 and to apply that understanding to her decision; and

22 2. Whether there may be any undue influence by another on the minor's
23 decision to have an abortion.

24 (4) (a) If the court finds by:

25 1. Clear and convincing evidence that the minor is sufficiently mature to
26 decide whether to have an abortion;

27 2. Clear and convincing evidence that the requirements of this section are

1 not in the best interest of the minor; or

2 3. A preponderance of the evidence that the minor is the victim of child
3 abuse or sexual abuse inflicted by one (1) or both of her parents or her
4 legal guardian;

5 the court shall enter a written order, making specific factual findings and legal
6 conclusions supporting its decision to grant the petition for an abortion.

7 (b) If the court does not make any of the findings specified in paragraph (a) of
8 this subsection, the court shall deny the petition.

9 (c) As used in this subsection, "best interest of the minor" shall not include
10 financial best interest, financial considerations, or the potential financial
11 impact on the minor or the minor's family if the minor does not have an
12 abortion.

13 (5) Any minor shall have the right of anonymous and expedited appeal to the Court of
14 Appeals, and that court shall give precedence over other pending matters.

15 (6) All hearings under this section, including appeals, shall remain confidential and
16 closed to the public. The hearings shall be held in chambers or in a similarly private
17 and informal setting within the courthouse.

18 (7) ~~A fee~~~~[No fees]~~ shall **not** be required of any minor who declares she has no
19 sufficient funds to pursue the procedures provided by this section.

20 (8) (a) The Supreme Court is respectfully requested to promulgate any rules and
21 regulations it feels are necessary to ensure that proceedings under this section
22 are handled in an expeditious and anonymous manner.

23 (b) The Supreme Court, through the Administrative Office of the Courts, shall
24 report by February 1 of each year to the Legislative Research Commission
25 and the cabinet on the number of petitions filed under subsection (3) of this
26 section for the preceding year, and the timing and manner of disposal of the
27 petition by each court. For each approved petition granting an abortion filed

1 under subsection (3) of this section, the specific court finding in subsection
2 (4) of this section shall be included in the report.

3 (9) (a) The requirements of subsections (2), (3), and (4) of this section shall not apply
4 when, in the best medical judgment of the physician based on the facts of the
5 case before him or her, a medical emergency exists that so complicates the
6 pregnancy as to require an immediate abortion.

7 (b) If a medical emergency exists, the physician shall make reasonable attempts,
8 whenever possible, and without endangering the minor, to contact the parent
9 or legal guardian of the minor, and may proceed, but must document reasons
10 for the medical necessity in the minor's medical records.

11 (c) The physician shall inform the parent or legal guardian, in person or by
12 telephone, within twenty-four (24) hours of the abortion, including details of
13 the medical emergency that necessitated the abortion without the parent's or
14 legal guardian's consent. The physician shall also provide this information in
15 writing to the parent or legal guardian at his or her last known address by
16 first-class mail or by certified mail, return receipt requested, with delivery
17 restricted to the parent or legal guardian.

18 (10) A report indicating the basis for any medical judgment that warrants failure to
19 obtain consent pursuant to this section shall be filed with the Cabinet for Health and
20 Family Services on a form supplied by the cabinet. This report shall be confidential.

21 (11) Failure to obtain consent pursuant to the requirements of this section is prima facie
22 evidence of failure to obtain informed consent and of interference with family
23 relations in appropriate civil actions. The law of this state shall not be construed to
24 preclude the award of exemplary damages in any appropriate civil action relevant to
25 violations of this section. ~~Nothing in~~ This section shall **not** be construed to limit
26 the common-law rights of parents.

27 (12) A minor upon whom an abortion is performed is not guilty of violating this section.

1 ➔Section 31. KRS 353.230 is amended to read as follows:

- 2 (1) Upon the execution of such a consolidation agreement, the trustee shall file with the
3 clerk of the Circuit Court in the county in which the land covered by the lease to be
4 consolidated hereunder, or the greater portion thereof, lies a petition for an order
5 approving such consolidation agreement setting forth a copy of the consolidation
6 agreement and a statement of facts constituting the grounds relied upon to secure
7 the approval of such agreement, and shall submit with the petition the affidavits of
8 not less than three (3) disinterested owners of real estate in the county wherein the
9 proceedings hereunder are brought, as to whether such agreement will be
10 advantageous or beneficial to the beneficiaries for whom such trustee is acting,
11 which affidavits shall be filed and preserved as records of the Circuit Court.
- 12 (2) ~~An~~**[No]** agreement permitted by KRS 353.210 to 353.230 shall ***not*** be valid or
13 effective until the judge of said court ***requests, and the Department of Family***
14 ***Representation and Advocacy*** appoints ***in accordance with Section 6 of this Act,*** a
15 guardian ad litem to represent the beneficiaries for whom such trustee is acting and
16 whose interests are sought to be consolidated hereunder. The guardian ad litem
17 shall file an answer and the affidavits of at least three (3) witnesses, proving the
18 advantages or disadvantages of such agreement, and shall make such
19 recommendation to the judge relating to the agreement as he ***or she*** believes to be
20 most beneficial to the persons on whose behalf he ***or she*** is acting. He ***or she*** shall
21 receive for his ***or her*** services a ***fee not to exceed five hundred dollars***
22 ***(\$500)***~~reasonable compensation~~, to be allowed by the judge and taxed as costs.
- 23 (3) The judge shall proceed in a summary manner to approve or disapprove the
24 consolidation agreement, and if he ***or she*** approves it he ***or she*** shall endorse his ***or***
25 ***her*** approval thereon. The order of the judge approving such agreement shall be
26 entered on the civil order book of the circuit clerk's office of the county in which
27 the proceedings hereunder are brought.

1 ➔Section 32. KRS 353.260 is amended to read as follows:

- 2 (1) Upon the execution of such a consolidation agreement, the guardian shall file with
3 the clerk of the Circuit Court in the county in which the land covered by the lease to
4 be consolidated hereunder, or the greater portion thereof, lies a petition for an order
5 approving such consolidation agreement setting forth a copy of the consolidation
6 agreement and a statement of facts constituting the grounds relied upon to secure
7 the approval of such agreement, and shall submit with the petition the affidavits of
8 not less than three (3) disinterested owners of real estate in the county wherein the
9 proceedings hereunder are brought, as to whether such agreement will be
10 advantageous or beneficial to the minor or minors for whom such guardian is
11 acting, which affidavits shall be filed and preserved as records of the Circuit Court.
- 12 (2) ~~An~~**[No]** agreement permitted by KRS 353.240 to 353.260 shall ***not*** be valid or
13 effective until the judge of said court ***requests, and the Department of Family***
14 ***Representation and Advocacy*** appoints ***in accordance with Section 6 of this Act,*** a
15 guardian ad litem to represent the minor or minors whose interests are sought to be
16 consolidated hereunder. The guardian ad litem shall file an answer and the
17 affidavits of at least three (3) witnesses, proving the advantages or disadvantages of
18 such agreement, and shall make such recommendation to the judge relating to the
19 agreement as he ***or she*** believes to be most beneficial to the persons on whose
20 behalf he ***or she*** is acting. He ***or she*** shall receive for his ***or her*** services a ***fee not to***
21 ***exceed five hundred dollars (\$500)***~~[reasonable compensation]~~, to be allowed by the
22 judge and taxed as costs.
- 23 (3) The judge shall proceed in a summary manner to approve or disapprove the
24 consolidation agreement, and if he ***or she*** approves it he ***or she*** shall endorse his ***or***
25 ***her*** approval thereon. The order of the judge approving such agreement shall be
26 entered on the civil order book of the circuit clerk's office of the county in which
27 the proceedings hereunder are brought.

1 ➔Section 33. KRS 353.330 is amended to read as follows:

2 **(1)** All of the persons in being who have any present or contingent interest in the lands
3 or estate or interest sought to be leased shall be made parties to the proceedings
4 authorized in KRS 353.300 to 353.380, with any infant or infants being represented
5 either by next friend, ~~or~~ statutory guardian, ~~or~~ guardian ad litem **appointed by**
6 **the Department of Family Representation and Advocacy in accordance with**
7 **Section 6 of this Act**, or, in the case of constructive service of summons, by a
8 warning order attorney appointed as in other cases.

9 **(2)** Any person adjudged mentally disabled shall be represented by his **or her** guardian
10 or conservator, ~~or by~~ guardian ad litem **appointed by the Department of Family**
11 **Representation and Advocacy in accordance with Section 6 of this Act**, or, in the
12 case of constructive service of summons as in civil actions generally, by a warning
13 order attorney appointed as in other cases.

14 **(3)** If the court specifically finds that the welfare or interest of any person or persons
15 not in being requires special representation, the court may appoint a trustee ad litem
16 to represent such unknown parties not in being or each separate class thereof, and
17 such trustee ad litem shall file such pleadings or answer and take such steps as he **or**
18 **she** deems proper, and such unknown persons will be fully bound by the
19 proceedings hereunder. Otherwise, and in the absence of such finding by the court,
20 it shall not be necessary to make parties any persons not in being, either as
21 "unknown defendants" or otherwise, but the persons in being who are parties shall
22 stand for and represent the full title and whole interest in said lands or estate or
23 interest therein, and all parties not in being who might have some contingent or
24 future interest therein, and all persons, whether in being or not in being, having any
25 interest, present, future or contingent, in the property sought to be leased, will be
26 fully bound by the proceedings hereunder. It shall be permissible, however, to make
27 defendants any unknown persons who might have any interest in the land sought to

1 be leased, under the style of "unknown defendants."

2 ➔Section 34. KRS 386A.4-100 is amended to read as follows:

3 (1) A dissolved series shall publish notice of its dissolution pursuant to this section.

4 (2) The notice shall:

5 (a) Be published once in a newspaper of general circulation in the county where
6 the statutory trust's principal office, or, if none in this Commonwealth, its
7 registered office, is or was last located;

8 (b) Set forth the information required by KRS 386A.4-090(2)(a), (b), or (c); and

9 (c) State that the claim will be barred unless a proceeding to enforce the claim is
10 commenced within two (2) years after the publication of the notice.

11 (3) If the dissolved series publishes a newspaper notice in accordance with subsection
12 (2) of this section, the claim of each of the following claimants shall be barred
13 unless the claimant commences a proceeding to enforce the claim against the series
14 within two (2) years after the publication date of the newspaper notice:

15 (a) A claimant who did not receive written notice under KRS 386A.4-090;

16 (b) A claimant whose claim was timely sent to the series but not rejected; and

17 (c) A claimant whose claim is contingent or based on an event occurring after the
18 effective date of dissolution.

19 (4) A claim may be enforced under this section:

20 (a) Against the series, to the extent of the assets of or associated with the series
21 that remain undistributed; and

22 (b) To the extent of the assets of or associated with the series that have been
23 distributed in liquidation, against a beneficial owner or the statutory trust to
24 the extent of a pro rata share of the claim, but the total liability of a beneficial
25 owner for all claims under this section shall not exceed the total assets of or
26 associated with the series distributed in liquidation to the beneficial owner.

27 (5) A dissolved series that published a notice under this section may file an application

1 with the appropriate court for a determination of the amount and form of security to
2 be provided for payment of claims that are contingent or have not been made
3 known to the dissolved series or that are based on an event occurring after the
4 effective date of the dissolution of the series but that, based on the facts known to
5 the dissolved series, are reasonably estimated to arise after the effective date of the
6 dissolution of the series. Provision need not be made for any claim that is or is
7 reasonably anticipated to be barred under subsection (3) of this section.

8 (6) Within ten (10) days after the filing of the application provided for in subsection (5)
9 of this section, notice of the proceeding shall be given by the dissolved series to
10 each potential claimant as described in KRS 386A.4-090(2).

11 (7) The appropriate court may request, and the Department of Family Representation
12 and Advocacy shall appoint in accordance with Section 6 of this Act, a guardian
13 ad litem to represent all claimants whose identities are unknown in any proceeding
14 brought under this section, including those claimants whose claims are contingent
15 or based upon an event occurring after the effective date of dissolution. The
16 reasonable fees and expenses of the guardian, including all reasonable expert
17 witness fees, shall be paid by the dissolved series.

18 (8) Provision by the dissolved series for security in the amount and form ordered by the
19 appropriate court under subsection (5) of this section shall satisfy the dissolved
20 series's obligation with respect to claims that are contingent, have not been made
21 known to the dissolved series, or are based on an event occurring after the effective
22 date of the dissolution of the series, and those claims may not be enforced against a
23 beneficial owner to whom assets of or associated with a dissolved series have been
24 distributed.

25 ➔Section 35. KRS 386A.8-070 is amended to read as follows:

26 (1) A statutory trust may, and a series trust shall, publish notice of its dissolution
27 pursuant to this section.

- 1 (2) The notice shall:
- 2 (a) Be published once in a newspaper of general circulation in the county where
- 3 the statutory trust's principal office, or, if none in this Commonwealth, its
- 4 registered office, is or was last located;
- 5 (b) Provide the name of the statutory trust and, if a series statutory trust, the name
- 6 or names under which each series has transacted business;
- 7 (c) Describe the information that must be included in a claim and provide a
- 8 mailing address where the claim may be sent; and
- 9 (d) State that a claim against the trust, or in the case of a series trust a claim
- 10 against a series or against the property of or associated with a series, will be
- 11 barred unless a proceeding to enforce the claim is commenced within two (2)
- 12 years after the publication of the notice.
- 13 (3) If the statutory trust publishes a newspaper notice in accordance with subsection (2)
- 14 of this section, the claim of each of the following claimants shall be barred unless
- 15 the claimant commences a proceeding to enforce the claim within two (2) years
- 16 after the publication date of the newspaper notice:
- 17 (a) A claimant who did not receive written notice under KRS 386A.8-060;
- 18 (b) A claimant whose claim was timely sent to the trust but not acted on; and
- 19 (c) A claimant whose claim is contingent or based on an event occurring after the
- 20 effective date of dissolution.
- 21 (4) A claim may be enforced under this section:
- 22 (a) Against the statutory trust, to the extent of the assets of the trust that remain
- 23 undistributed;
- 24 (b) To the extent of assets of the statutory trust that have been distributed in
- 25 liquidation, against a beneficial owner to the extent of a pro rata share of the
- 26 claim, but the total liability of a beneficial owner for all claims under this
- 27 section shall not exceed the total assets of the statutory trust, or the assets of

- 1 or associated with a series dissolved with the statutory trust, distributed in
2 liquidation to the beneficial owner; and
- 3 (c) For claims against a series or against the property of or associated with a
4 series, as provided in KRS 386A.4-100(4).
- 5 (5) A statutory trust that published a notice under this section may file an application
6 with the appropriate court for a determination of the amount and form of security to
7 be provided for payment of claims that are contingent or have not been made
8 known to the trust or that are based on an event occurring after the effective date of
9 the dissolution of the trust but that, based on the facts known to the trust, are
10 reasonably estimated to arise after the effective date of the dissolution of the trust.
11 Provision need not be made for any claim that is or is reasonably anticipated to be
12 barred under subsection (3) of this section.
- 13 (6) Within ten (10) days after the filing of the application provided for in subsection (5)
14 of this section, notice of the proceeding shall be given by the statutory trust to each
15 claimant described in KRS 386A.8-060(2).
- 16 (7) The appropriate court may **request, and the Department of Family Representation**
17 **and Advocacy shall** appoint **in accordance with Section 6 of this Act,** a guardian
18 ad litem to represent all claimants whose identities are unknown in any proceeding
19 brought under this section, including those claimants whose claims are contingent
20 or based upon an event occurring after the effective date of dissolution. The
21 reasonable fees and expenses of the guardian, including all reasonable expert
22 witness fees, shall be paid by the statutory trust.
- 23 (8) Provision by the statutory trust for security in the amount and the form ordered by
24 the appropriate court under subsection (5) of this section shall satisfy the trust's
25 obligation with respect to claims that are contingent, have not been made known to
26 the trust, or are based on an event occurring after the effective date of the trust's
27 dissolution, and those claims may not be enforced against a beneficial owner to

1 whom assets of the trust have been distributed.

2 ➔Section 36. KRS 386B.3-050 is amended to read as follows:

3 (1) If the court determines that an interest is not represented under this subchapter, or
4 that the otherwise available representation might be inadequate because of conflict
5 or otherwise, the court may *request, and the Department of Family Representation*
6 *and Advocacy shall* appoint *in accordance with Section 6 of this Act,* a guardian
7 ad litem to receive notice, give consent, and otherwise represent, bind, and act on
8 behalf of a minor, incapacitated, or unborn individual, or a person whose identity or
9 location is unknown. A guardian ad litem may be appointed to represent several
10 persons or interests.

11 (2) A guardian ad litem may act on behalf of the individual represented with respect to
12 any matter arising under this chapter, whether or not a judicial proceeding
13 concerning the trust is pending.

14 (3) In making decisions, a guardian ad litem may consider general benefit accruing to
15 the living members of the individual's family.

16 ➔Section 37. KRS 387.125 is amended to read as follows:

17 (1) A guardian shall apply the income or principal of the ward's estate to the payment
18 of debts, taxes, claims, charges, and expenses of the guardianship and, in
19 accordance with KRS 387.065, for the support, care, and education of the ward or
20 the ward's dependents.

21 (2) A guardian shall take possession of all of the ward's real and personal property.

22 (3) A guardian may sell any of the ward's personal property without District Court
23 authorization or confirmation. To sell any of the ward's real property, a guardian
24 shall comply with the provisions of KRS Chapter 389A.

25 (4) A guardian shall invest any of the ward's money or property which is not required
26 for the ward's current support, care and education. The investments made of a
27 ward's funds shall be investments authorized by KRS 386.020.

- 1 (5) A guardian may expend the ward's funds to repair and maintain the ward's personal
2 and real property.
- 3 (6) A guardian may institute or defend actions, claims, or proceedings in any
4 jurisdiction for the protection of the ward's estate. Subject to the approval of the
5 court in which the action, claim, or proceeding has been filed, a guardian may settle
6 or compromise the action, claim, or proceeding on behalf of the ward. If the action,
7 claim, or proceeding has not been filed in any court, the District Court of the county
8 where a guardian qualified shall approve the settlement or compromise. Upon
9 approval of a settlement or compromise, a guardian may execute a release on behalf
10 of the ward. A guardian shall receive any proceeds from a settlement for
11 management in accordance with the provisions of this statute.
- 12 (7) A guardian may lease any real property of the ward until the ward reaches majority,
13 but no lease shall be made for a term longer than seven (7) years unless otherwise
14 approved by the District Court.
- 15 (8) A guardian shall obtain approval from the District Court of the county where the
16 guardian qualified for any of the following made on behalf of the ward:
- 17 (a) Any lease of mineral rights;
- 18 (b) Any lease of oil and gas rights;
- 19 (c) Any sale of timber owned by the ward; or
- 20 (d) Any consolidation agreement, as defined by KRS 353.220.
- 21 To aid it in making the decision on a proposed sale, lease, or consolidation
22 agreement, the court shall request, and the Department of Family Representation
23 and Advocacy shall appoint in accordance with Section 6 of this Act, a guardian
24 ad litem for the ward. The guardian ad litem shall report to the court on the
25 suitability of the transaction.
- 26 (9) A guardian shall comply with the reporting requirements specified in KRS 387.175.
27 ➔Section 38. KRS 387.305 is amended to read as follows:

- 1 (1) ~~An~~^{No} appointment of a guardian ad litem shall **not** be made until the defendant is
2 summoned, or until a person is summoned for him **or her**, as is authorized by law;
3 nor until an affidavit of the plaintiff, or of his **or her** attorney, be filed in court, or
4 with the clerk, showing that the defendant has no guardian, curator, nor conservator,
5 residing in this state, known to the affiant.
- 6 (2) A guardian ad litem must be a regular, practicing attorney of the court and may be
7 ~~requested~~^{appointed} by the court, **and appointed by the Department of Family**
8 **Representation and Advocacy in accordance with Section 6 of this Act**, whether a
9 guardian, curator, or conservator appear for the defendant or not. The guardian ad
10 litem may be ~~requested~~^{appointed} upon the motion of the plaintiff or of any friend
11 of the defendant; but neither the plaintiff nor his **or her** attorney shall be appointed,
12 nor be permitted to suggest the name of the proposed guardian ad litem; and the
13 court may **request the Department of Family Representation and Advocacy to**
14 change the guardian so appointed whenever the interest of the infant may appear to
15 require such change.
- 16 (3) ~~It shall be the duty of~~ The guardian ad litem ~~shall~~^{to} attend properly to the
17 preparation of the case; and in an ordinary action he **or she** may cause as many
18 witnesses to be subpoenaed as he **or she** may think proper, subject to the control of
19 the court; and in an equitable action he **or she** may take depositions, not, however,
20 exceeding three (3), without leave of the court.
- 21 (4) The court shall allow to the guardian ad litem a ~~reasonable~~ fee **not to exceed five**
22 **hundred dollars (\$500)** for his **or her** services, to be paid by the plaintiff and taxed
23 in the costs. The affidavit of such guardian, or of another person, or other
24 competent evidence, is admissible to prove the services rendered, but not to prove
25 their value. The court must decide concerning such value, without reference to the
26 opinions of parties or other witnesses.
- 27 (5) Whether appointed pursuant to this statute or pursuant to a provision of the

1 Kentucky Unified Juvenile Code, the duties of a guardian ad litem shall be to
 2 advocate for the client's best interest in the proceeding through which the guardian
 3 ad litem was appointed. Without an appointment, the guardian ad litem shall ***not***
 4 have ~~*an*~~ obligation to initiate action or to defend the client in other proceedings.

5 ➔Section 39. KRS 387.560 is amended to read as follows:

6 (1) Unless an appearance has been entered on behalf of the respondent, the court shall
 7 ***request, and the Department of Family Representation and Advocacy shall***
 8 appoint ***in accordance with Section 6 of this Act***, counsel for the respondent within
 9 one (1) week of the filing of a petition for determination of disability under KRS
 10 387.500 to 387.770.

11 (2) Appointed counsel shall be ***paid a fee not to exceed five hundred dollars (\$500) for***
 12 ***his or her*** ~~entitled to compensation for~~ services. If counsel is appointed for a poor
 13 person as defined in KRS 453.190, the ~~fee~~ shall ~~prescribe reasonable~~
 14 ~~compensation to~~ be paid by the county ~~in which the proceeding is held in~~
 15 ~~accordance with the complexity of the issues, the time involved, and other relevant~~
 16 ~~considerations, except that appointed counsel shall not be compensated at a rate~~
 17 ~~higher than sixty dollars (\$60) an hour for time spent in court and no higher than~~
 18 ~~forty dollars (\$40) an hour for time spent out of court~~. If the petition is found to be
 19 frivolous or not brought in good faith, counsel fees shall be charged to the
 20 petitioner.

21 (3) In all proceedings under KRS 387.500 to 387.770, ~~it shall be the duty of~~ the
 22 county attorney ***shall*** ~~to~~ assist the petitioner, ~~to~~ represent the interest of the
 23 Commonwealth, and ~~to~~ assist the court in its inquiry by the presentation of
 24 evidence.

25 ➔Section 40. KRS 387.880 is amended to read as follows:

26 The petition shall be docketed with the court and set for hearing unless the court shall
 27 otherwise determine. Notice of the hearing shall be given to each interested party not less

1 than fourteen (14) days in advance, in accordance with KRS 386B.1-070, unless waived
2 in writing. The court may request, and the Department of Family Representation and
3 Advocacy shall assign in accordance with Section 6 of this Act, a guardian ad litem to
4 advise the court with respect to the suitability of the special needs trust.

5 ➔Section 41. KRS 388.250 is amended to read as follows:

6 Notwithstanding the provisions of existing law for adjudication of mental disability and
7 appointment of a guardian or conservator upon the inquest of a jury, where a petition is
8 filed for the appointment of a guardian or conservator for a mentally disabled beneficiary
9 of the Veterans Affairs under the provisions of this chapter, who is found within this
10 state, whether or not a resident thereof, a certificate of the administrator of Veterans
11 Affairs or his or her duly authorized representative, accompanying such petition setting
12 forth the fact that such beneficiary has been rated incompetent by the Veterans Affairs on
13 examination in accordance with the laws and regulations governing such Veterans
14 Affairs, and that the appointment of a guardian or conservator is a condition precedent to
15 the payment of any moneys due each beneficiary by the Veterans Affairs, shall be prima
16 facie evidence of the necessity for such appointment. Provided, however, that some
17 member of the bar shall be requested~~appointed~~ by the court, and appointed by the
18 Department of Family Representation and Advocacy in accordance with Section 6 of
19 this Act, to represent and protect the interests and rights of such mentally disabled
20 beneficiary as provided under existing law, and further that the right of any such mentally
21 disabled beneficiary or any person interested in such beneficiary to demand a trial by jury
22 shall not be denied.

23 ➔Section 42. KRS 389A.030 is amended to read as follows:

24 (1) When two (2) or more persons other than tenants by the entirety in residential
25 property actually occupied by them as a principal residence share title to real estate
26 in such manner that a conveyance by them jointly would pass a fee simple title, any
27 one (1) or more of them may bring an action for the sale or division thereof in the

- 1 Circuit Court of the county in which the land, or the greater part thereof, lies,
2 making parties defendant those owners who have not joined as plaintiffs. A
3 fiduciary possessing a power of sale may institute such an action against owners of
4 interests not represented by him or her. Defendant owners shall be brought before
5 the court in the manner provided by the civil rules whether or not a fiduciary
6 possesses a power of sale of the defendant's interest, but any fiduciary possessing
7 such a power shall also be made a defendant. The case shall be tried without a jury.
- 8 (2) A defendant who is under disability and for whom no fiduciary is acting shall be
9 represented in the action by a guardian ad litem appointed by the Department of
10 Family Representation and Advocacy in accordance with Section 6 of this Act,
11 but in the event of sale of such defendant's interest the court shall retain control of
12 the proceeds of such interest until a duly appointed and adequately bonded fiduciary
13 or custodian pursuant to a court order makes claim to the funds.
- 14 (3) In all such actions indivisibility of the real estate shall be presumed unless an issue
15 in respect thereto is raised by the pleading of any party, and if the court is satisfied
16 from the evidence that the property is divisible, without materially impairing the
17 value of any interest therein, division thereof pursuant to KRS 381.135 shall be
18 ordered.
- 19 (4) If a sale of all or any part of the real estate shall be ordered, the court shall refer the
20 matter to the master commissioner or appoint a commissioner to conduct a public
21 sale and convey the property upon terms of sale and disposition of the net proceeds
22 as may have been determined by the court.
- 23 (5) The death of any party pending the action and prior to distribution of the proceeds
24 of sale or setting apart a divisible share shall not affect the action but the court may
25 direct distribution or apportionment to the successors in interest of the decedent
26 upon application therefor.
- 27 (6) If the interest of any party be one for life, or other term, in any portion of the real

1 estate, the court shall determine the value of such interest and direct that such party
2 receive a portion of the net sale proceeds or portion of the property if divisible, in
3 fee in satisfaction of such interest, but if any party to the action objects to such
4 procedure, and if the court finds that such procedure would defeat the objects and
5 purpose of a person not a party to the action, such as a testator, grantor or settlor,
6 but that sale or division is nevertheless desirable, the court shall order that the
7 interest of the life or term tenant shall continue as to his or her portion of the real
8 estate or the net proceeds of the sale thereof, in the latter case by directing that the
9 funds derived from the sale of that portion of the real estate in which the life or term
10 interest existed be paid to a trustee, appointed by and accountable to the District
11 Court, for reinvestment and distribution of income and principal in a manner
12 consistent with the instrument under which the life or term estate was created.

13 ➔Section 43. KRS 389A.035 is amended to read as follows:

14 When two (2) or more persons share title to real estate but an interest therein may be
15 possessed by persons unborn or not immediately ascertainable, an action for sale or
16 division may be brought in the same manner as provided in KRS 389A.030 but the
17 interest of the unborn or unascertainable persons, unless a living member of the class to
18 which such persons belong who is sui juris is a party to the action, shall be represented by
19 a guardian ad litem appointed by the Department of Family Representation and
20 Advocacy in accordance with Section 6 of this Act, who is not acting in such capacity
21 for any other party to the action. In the event of sale or division under this section, the
22 court shall apply the provisions of subsection (6) of KRS 389A.030 to preserve the
23 interest of the unborn or unascertainable persons until they are born, ascertained or the
24 class to which they belong otherwise closes.

25 ➔Section 44. KRS 392.140 is amended to read as follows:

26 Whenever a married person has become a confirmed mentally disabled person, the
27 Circuit Court of the county in which is situated land belonging to the spouse of such

1 disabled person may, upon the petition of the spouse of the mentally disabled person,
2 adjudge the sale and conveyance, or the mortgage, of the inchoate right of dower or
3 curtesy of the person under disability. The mentally disabled person and his or her
4 guardian or conservator, if he or she has one, shall be made defendants to the action; if he
5 or she has no guardian or conservator, the court shall request, and the Department of
6 Family Representation and Advocacy shall appoint in accordance with Section 6 of this
7 Act, an attorney to defend for him or her, to whom the court shall ~~make a reasonable~~
8 ~~allowance to~~ be paid by the spouse of the mentally disabled person a fee not to exceed
9 five hundred dollars (\$500) for his or her services. A description of the land shall be
10 given in the petition and the evidence of title of the spouse of the mentally disabled
11 person filed therewith. If the court is satisfied by the proof that the mentally disabled
12 spouse is a confirmed mentally disabled person, it may adjudge the sale and conveyance,
13 or mortgage, of her inchoate right of dower or his inchoate right to curtesy in said land,
14 and if the mentally disabled spouse has a guardian or conservator, the court may direct
15 that he or she unite with the spouse of the mentally disabled person in the deed or
16 mortgage; if the mentally disabled spouse has no guardian or conservator, the court shall
17 appoint a commissioner who shall unite with the spouse of the mentally disabled person
18 in the deed or mortgage. Before any judgment pursuant to this section shall be rendered,
19 the spouse of the mentally disabled person, with at least two (2) good sureties, shall
20 execute before the court a covenant to the Commonwealth for the benefit of the mentally
21 disabled spouse, to be approved by the court, that the mentally disabled spouse will be
22 paid the value of his or her right of dower or curtesy in the land should such right
23 thereafter become complete.

24 ➔Section 45. KRS 394.190 is amended to read as follows:

25 Any person interested in such probate may be summoned, or proceeded against by
26 warning order, and if an infant or mentally disabled person, a guardian ad litem shall be
27 appointed by the Department of Family Representation and Advocacy in accordance

1 with Section 6 of this Act.

2 ➔Section 46. KRS 403.100 is amended to read as follows:

3 In any court proceeding conducted pursuant to KRS 403.010 to 403.350, if the
4 respondent is incarcerated for a conviction pursuant to KRS Chapter 507, 508, 509, or
5 510, where the petitioner is the victim, the guardian ad litem shall be paid by the Justice
6 and Public Safety~~[Finance and Administration]~~ Cabinet.

7 ➔Section 47. KRS 403.727 is amended to read as follows:

8 (1) Any petition filed under KRS 403.725 on behalf of a minor who is alleged to be a
9 victim of domestic violence and abuse, or in which a minor is named as a
10 respondent or petitioner, shall comply with the requirements in that section and
11 shall:

12 (a) Proceed in accordance with the procedural safeguards under KRS 610.070;
13 and

14 (b) Conform to the confidentiality provisions under KRS 610.340.

15 (2) If the court orders an evidentiary hearing under KRS 403.730(1)(a), a guardian ad
16 litem shall be requested~~[appointed]~~ by the court and appointed by the Department
17 of Family Representation and Advocacy in accordance with Section 6 of this Act
18 for any unrepresented minor who is a respondent to the action or a petitioner who is
19 an alleged victim of domestic violence and abuse. The guardian ad litem shall be
20 paid a fee fixed by the court not to exceed five hundred dollars (\$500), which shall
21 be paid by the Justice and Public Safety~~[Finance and Administration]~~ Cabinet.

22 (3) Violation of the terms or conditions of an order of protection issued under KRS
23 403.740 after the person has been served or given notice of the order shall
24 constitute contempt of court and may constitute a criminal offense pursuant to KRS
25 403.763 if the offender is an adult or a public offense under KRS 600.020(51) if the
26 offender is a juvenile. Once a juvenile action or contempt proceeding has been
27 initiated, the other shall not be undertaken regardless of the outcome of the original

1 proceeding.

2 (4) ~~Nothing in~~ Subsection (3) of this section shall **not** preclude the Commonwealth
3 from proceeding, or the petitioner from pursuing charges, against the minor
4 respondent for offenses other than a violation of an order of protection. Proceedings
5 against a minor respondent for offenses other than a violation of an order of
6 protection shall proceed:

7 (a) In the juvenile session of District Court; and

8 (b) In accordance with the procedural and statutory provisions established for the
9 juvenile session of District Court.

10 ➔Section 48. KRS 404.060 is amended to read as follows:

11 (1) A married woman may sue, and be sued, as a single woman.

12 (2) She may defend an action against her and her husband for herself, and for him also
13 if he fail to defend.

14 (3) If a husband desert his wife, she may bring or defend for him any action which he
15 might bring or defend, and shall have the powers and rights with reference thereto
16 which he would have had but for such desertion.

17 (4) If a female party to an action marry, her husband may be made a party by a motion,
18 causing the fact to be stated upon the record; and the action shall not be delayed by
19 reason of the marriage.

20 (5) But if a wife be adjudged mentally disabled, or imprisoned, the actions mentioned
21 in subsections (1), (2) and (3), of this section must be prosecuted or defended by her
22 guardian, conservator, or curator, if she have one, and if she have none, must be
23 prosecuted by her next friend, or defended by her guardian ad litem **appointed by**
24 **the Department of Family Representation and Advocacy in accordance with**
25 **Section 6 of this Act.**

26 ➔Section 49. KRS 422.170 is amended to read as follows:

27 (1) The party desiring to perpetuate any testimony as provided in KRS 422.160 shall

1 file, in the circuit clerk's office in the county where the real property is located, a
2 statement which shall set forth that he or she has a title to the real property about
3 which he or she desires to take testimony or evidence.

4 (2) (a) If any parties who may be interested or claim to be interested in the real
5 property are known to the party filing the statement, the statement shall be
6 directed to them and shall give their names and addresses, if known, and if
7 they are nonresidents of this state, the state or county in which they reside, if
8 known.

9 (b) If one (1) or more of the parties are unknown, the statement shall be directed
10 to the parties known to be interested, with the statement in the caption, "to
11 whom it may concern, and to all parties interested in the real property herein
12 described."

13 (c) If no person is known to be interested in the real property, the statement shall
14 be directed "to any and all parties interested in following described real
15 estate," setting forth by description the real estate about which testimony is to
16 be taken.

17 (3) The statement shall also set forth the time and place the depositions are to be taken,
18 and the names of one (1) or more witnesses whose testimony or evidence is to be
19 taken at the time stipulated in the statement. The statement shall be subscribed and
20 verified by the party filing it or by his or her attorney, representative or agent and
21 shall be filed before the notice provided for in KRS 422.180 shall be given.

22 (4) Upon the filing of the statement, the circuit clerk shall mark it "filed," and record it
23 in a book kept by the clerk~~[him]~~ for that purpose, properly labeled and indexed, for
24 which recording he or she shall receive a fee of one dollar (\$1).

25 (5) If any claimant or probable claimant to whom the statement is directed is an infant,
26 a lawyer guardian ad litem shall be requested~~[designated]~~ to represent such infant
27 by the clerk of the court and appointed by the Department of Family

1 **Representation and Advocacy in accordance with Section 6 of this Act.** The clerk
2 shall **request, and the Department of Family Representation and Advocacy shall**
3 appoint **in accordance with Section 6 of this Act,** an attorney to represent
4 nonresident interested parties, claimants, or probable claimants. The same lawyer
5 may be appointed to represent as attorney and guardian ad litem nonresident parties
6 whether infants or not.

7 ➔Section 50. KRS 456.035 is amended to read as follows:

8 (1) Any petition filed under KRS 456.030 on behalf of a minor who is an alleged
9 victim of dating violence and abuse, sexual assault, or stalking, or in which a minor
10 is named as a respondent or petitioner, shall comply with the requirements in that
11 section and shall:

12 (a) Proceed in accordance with the procedural safeguards under KRS 610.070;
13 and

14 (b) Conform to the confidentiality provisions under KRS 610.340.

15 (2) If the court orders an evidentiary hearing under KRS 456.040(1)(a), a guardian ad
16 litem shall be **requested by the court and** appointed **by the Department of Family**
17 **Representation and Advocacy in accordance with Section 6 of this Act** for any
18 unrepresented minor who is a respondent to the action or a petitioner who is an
19 alleged victim of dating violence and abuse, sexual assault, or stalking. The
20 guardian ad litem shall be paid a fee fixed by the court not to exceed five hundred
21 dollars (\$500), which shall be paid by the **Justice and Public Safety**
22 **Cabinet**~~[Finance and Administration Cabinet].~~

23 (3) Violation of the terms or conditions of an order of protection issued under KRS
24 456.060 after the person has been served or given notice of the order shall
25 constitute contempt of court and may constitute a criminal offense pursuant to KRS
26 456.180 if the offender is an adult or a public offense under KRS 600.020(51) if the
27 offender is a juvenile. Once a juvenile action or contempt proceeding has been

1 initiated, the other shall not be undertaken regardless of the outcome of the original
2 proceeding.

3 (4) ~~Nothing in~~ Subsection (3) of this section shall ***not*** preclude the Commonwealth
4 from proceeding, or the petitioner from pursuing charges, against the minor
5 respondent for offenses other than a violation of an order of protection. Proceedings
6 against a minor respondent for offenses other than a violation of an order of
7 protection shall proceed:

8 (a) In the juvenile session of District Court; and

9 (b) In accordance with the procedural and statutory provisions established for the
10 juvenile session of District Court.

11 ➔ Section 51. KRS 620.100 is amended to read as follows:

12 (1) If the court determines, as a result of a temporary removal hearing, that further
13 proceedings are required, the court shall advise the child and his ***or her*** parent or
14 other person exercising custodial control or supervision of their right to
15 appointment of separate counsel:

16 (a) The court shall ***request, and the Department of Family Representation and***
17 ***Advocacy shall*** appoint ***in accordance with Section 6 of this Act,*** counsel for
18 the child to be paid for by the ***Justice and Public Safety***~~Finance and~~
19 ~~Administration~~ Cabinet. Counsel shall document participation in training on
20 the role of counsel that includes training in early childhood, child, and
21 adolescent development. The clerk of the court shall arrange for service on all
22 parties, including the local representative of the Cabinet for Health and
23 Family Services, of the order appointing counsel. The fee to be fixed by the
24 court shall not exceed five hundred dollars (\$500).~~;~~ However, if the action
25 has final disposition in the District Court, the fee shall not exceed two
26 hundred fifty dollars (\$250);

27 (b) The court shall ***request, and the Department of Family Representation and***

1 **Advocacy shall** appoint **in accordance with Section 6 of this Act**, separate
2 counsel for the parent who exercises custodial control or supervision if the
3 parent is unable to afford counsel pursuant to KRS Chapter 31. The clerk of
4 the court shall arrange for service on all parties, including the local
5 representative of the Cabinet for Health and Family Services, of the order
6 appointing counsel. The parent's counsel shall be provided or paid for by the
7 **Justice and Public Safety**~~[Finance and Administration]~~ Cabinet. The fee to be
8 fixed by the court shall not exceed five hundred dollars (\$500)~~]; however, if~~
9 ~~the action has final disposition in the District Court, the fee shall not exceed~~
10 ~~two hundred fifty dollars (\$250)];~~

- 11 (c) The court shall **request, and the Department of Family Representation and**
12 **Advocacy shall** appoint **in accordance with Section 6 of this Act**, separate
13 counsel for a person claiming to be a de facto custodian, as defined in KRS
14 403.270, if the person is unable to afford counsel pursuant to KRS Chapter 31.
15 The clerk of the court shall arrange for service on all parties, including the
16 local representative of the Cabinet for Health and Family Services, of the
17 order appointing counsel. The person's counsel shall be provided or paid for
18 by the **Justice and Public Safety**~~[Finance and Administration]~~ Cabinet. The
19 fee to be fixed by the court shall not exceed five hundred dollars (\$500)~~];~~
20 ~~however, if the action has final disposition in the District Court, the fee shall~~
21 ~~not exceed two hundred fifty dollars (\$250)];~~

- 22 (d) The court may, in the interest of justice, **request, and the Department of**
23 **Family Representation and Advocacy shall** appoint **in accordance with**
24 **Section 6 of this Act**, separate counsel for a nonparent who exercises
25 custodial control or supervision of the child, if the person is unable to afford
26 counsel, pursuant to KRS Chapter 31. The clerk of the court shall arrange for
27 service on all parties, including the local representative of the Cabinet for

- 1 Health and Family Services, of the order appointing counsel. Counsel for the
2 person shall be provided or paid for by the *Justice and Public Safety*~~Finance~~
3 ~~and Administration~~ Cabinet. The fee to be fixed by the court shall not exceed
4 five hundred dollars (\$500)~~}; however, if the action has final disposition in the~~
5 ~~District Court, the fee shall not exceed two hundred fifty dollars (\$250)}~~; and
- 6 (e) The court may, in the interest of justice, appoint a court-appointed special
7 advocate volunteer to represent the best interests of the child pursuant to KRS
8 620.500 to 620.550. The clerk of the court shall arrange for service on all
9 parties, including the local representative of the cabinet, of the order
10 appointing the court-appointed special advocate volunteer.
- 11 (2) If the court determines that further proceedings are required, the court also shall
12 advise the child and his *or her* parent or other person exercising custodial control or
13 supervision that they have a right to not incriminate themselves, and a right to a full
14 adjudicatory hearing at which they may confront and cross-examine all adverse
15 witnesses, present evidence on their own behalf and to an appeal.
- 16 (3) The adjudication shall determine the truth or falsity of the allegations in the
17 complaint. The burden of proof shall be upon the complainant, and a determination
18 of dependency, neglect, and abuse shall be made by a preponderance of the
19 evidence. The Kentucky Rules of Civil Procedure shall apply.
- 20 (4) The disposition shall determine the action to be taken by the court on behalf of the
21 child and his *or her* parent or other person exercising custodial control or
22 supervision.
- 23 (5) Foster parents, preadoptive parents, or relatives providing care for the child shall
24 receive notice of, and shall have a right to be heard in, any proceeding held with
25 respect to the child. This subsection shall not be construed to require that a foster
26 parent, preadoptive parent, or relative caring for the child be made a party to a
27 proceeding solely on the basis of the notice and right to be heard.

1 (6) If the court determines that further proceedings are required, the court shall, in the
2 interest of justice, have the ability to request that separate counsel is available to
3 advise a cabinet employee in court anytime that the cabinet employee is required to
4 be in court.

5 ➔Section 52. KRS 625.0405 is amended to read as follows:

6 (1) A parent desiring the termination of his or her parental rights and a transfer of the
7 parental rights to a person, persons, the cabinet, or a child-placing agency licensed
8 by the cabinet for the purpose of adoption may prior to or upon the filing of the
9 petition request the Circuit Court to appoint an attorney to represent the parent and
10 provide legal representation in the termination action. If the court determines
11 pursuant to KRS Chapter 31 that the requesting parent is indigent, the court shall
12 **request, and the Department of Family Representation and Advocacy shall**
13 appoint **in accordance with Section 6 of this Act,** an attorney ~~{~~within forty-eight
14 (48) hours~~}~~ to represent the indigent parent. The attorney for the indigent parent
15 shall receive a fee to be fixed by the court, not to exceed five hundred dollars
16 (\$500) and assessed as costs, and the court may order the costs to be paid by the
17 proposed adoptive parent, parents, or agency before the entry of a judgment of
18 termination, except the attorney's fee shall be paid by the **Justice and Public**
19 **Safety**~~[Finance and Administration]~~ Cabinet if termination is not granted, or if
20 custody of the child is placed with the cabinet.

21 (2) (a) In every voluntary termination proceeding, the expenses paid, including but
22 not limited to any fees for legal services, placement services, and expenses of
23 the biological parent or parents, by the prospective adoptive parent for any
24 purpose related to a termination of parental rights shall be submitted to the
25 court, supported by an affidavit, setting forth in detail a listing of the expenses
26 for the court's approval or modification.

27 (b) In the event the court modifies the expense request as it relates to legal fees

1 and legal expenses only, the attorney for the prospective adoptive parents
2 shall not have any claim against the prospective adoptive parents for the
3 amount not approved.

4 (3) Any person who violates subsection (2) of this section shall be guilty of a Class A
5 misdemeanor.

6 ➔Section 53. KRS 625.041 is amended to read as follows:

7 (1) The parties to an action for voluntary termination of parental rights shall be the
8 parent seeking termination, whose presence is not required if represented by
9 counsel for the parent when an appearance-waiver and consent-to-adopt form is
10 filed with the court, but the court shall **request, and the Department of Family**
11 **Representation and Advocacy shall** appoint **in accordance with Section 6 of this**
12 **Act,** a guardian ad litem to represent the best **interests**~~[interest]~~ of the child, unless
13 one has already been appointed in a proceeding under KRS Chapter 620.

14 (2) The guardian ad litem shall be paid a fee to be fixed by the court, not to exceed five
15 hundred dollars (\$500), to be paid by the petitioner, except if the Cabinet for Health
16 and Family Services receives custody of the child, the guardian ad litem shall be
17 paid by the **Justice and Public Safety**~~[Finance and Administration]~~ Cabinet.

18 (3) The parent may sign an appearance-waiver and consent-to-adopt form when the
19 parent chooses not to attend a voluntary termination of parental rights proceedings.

20 This form, prescribed by the Administrative Office of the Courts, shall:

21 (a) Contain a statement of acknowledgment and agreement, regarding the
22 appearance at the proceeding, signed by the parent, counsel for the parent, and
23 the cabinet. If the parent is a minor, the form shall also be signed by the
24 guardian of the minor parent;

25 (b) Contain the parent's notarized signature;

26 (c) Contain any address to which the parent requests the final judgment be
27 served.

1 (4) If a joint petition is filed, counsel shall be designated as attorney for both parties.

2 ➔Section 54. KRS 625.080 is amended to read as follows:

3 In any involuntary action for termination of parental rights:

4 (1) The Circuit Court shall conduct a private hearing. An official stenographic or
5 mechanical record shall be made of the proceedings and retained for a period of five
6 (5) years. The court shall make findings of fact and conclusions of law, which may
7 be made on the record, to support its judgment;

8 (2) Any child to whom an involuntary action directly relates shall be made a party to
9 the action and a guardian ad litem shall be **requested by the court and** appointed **by**
10 **the Department of Family Representation and Advocacy in accordance with**
11 **Section 6 of this Act,** to represent the best interests of the child. The person
12 appointed as a guardian ad litem shall be paid a fee not to exceed five hundred
13 dollars (\$500), to be paid by the **Justice and Public Safety**~~Finance and~~
14 ~~Administration~~ Cabinet when the cabinet is the proposed custodian. When the
15 cabinet is not the proposed custodian, the court may order the cost to be paid by the
16 proposed adoptive parent, parents, agency, or the petitioner. Upon motion of any
17 party, the child may be permitted to be present during the proceedings and to testify
18 if the court finds such to be in the best interests of the child. In its discretion, the
19 Circuit Court may interview the child in private, but a record of the interview shall
20 be made, which, in the discretion of the court, may be sealed to be used only by an
21 appellate court;

22 (3) The parents have the right to legal representation in involuntary termination actions.
23 The Circuit Court shall determine if the parent is indigent and, therefore, entitled to
24 counsel pursuant to KRS Chapter 31. If the Circuit Court so finds, the Circuit Court
25 shall inform the parent; and, upon request, if it appears reasonably necessary in the
26 interest of justice, the Circuit Court shall **request, and the Department of Family**
27 **Representation and Advocacy shall** appoint **in accordance with Section 6 of this**

1 Act, an attorney to represent the parent pursuant to KRS Chapter 31 to be provided
2 or paid for by the Justice and Public Safety~~Finance and Administration~~ Cabinet a
3 fee to be set by the court and not to exceed five hundred dollars (\$500);

4 (4) If the parent is currently authorized to visit with the child, the court may continue to
5 permit the parent to visit the child pending the final hearing unless it finds that
6 visitation would not be in the best interests~~interest~~ of the child.

7 (5) The hearing under this chapter shall be held within sixty (60) days of the motion by
8 a party or the guardian ad litem for a trial date.

9 ➔Section 55. Sections 8 to 54 of this Act take effect July 1, 2027.

10 ➔Section 56. Any guardian ad litem or court-appointed counsel appointed prior to
11 July 1, 2027, shall continue to represent his or her client until released from that duty by
12 the court. On and after July 1, 2027, guardians ad litem and court-appointed counsel shall
13 be appointed in accordance with Section 6 of this Act.

14 ➔Section 57. This Act may be cited as the Family Representation and Advocacy
15 Act.