

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 ~~9.18.~~ 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 ~~10.19.1~~ 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)~~~~(q)~~ 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 ~~(1)(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, ~~for~~ statutory guardian, ~~for~~ 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, ~~for 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~~~~no~~ 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~~~~court~~ 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.

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

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

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

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

(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.