

1 AN ACT relating to the protection of children.

2 WHEREAS, the care, custody, and control of one's children is a fundamental liberty
3 interest protected under the United States Constitution and affirmed in decisions of the
4 Supreme Court of the United States; and

5 WHEREAS, child protection systems must prioritize child safety while preserving
6 families whenever possible; and

7 WHEREAS, transparency, accountability, and constitutional compliance are
8 essential to public trust; and

9 WHEREAS, kinship placements preserve family bonds and reduce trauma; and

10 WHEREAS, federal law, including the Adoption and Safe Families Act, requires
11 reasonable efforts toward reunification when safe and appropriate; and

12 WHEREAS, the purpose of this Act is to protect children while safeguarding
13 parental rights, prevent unnecessary removals, promote kinship care, ensure reunification
14 whenever safely possible, and hold government actors accountable for constitutional
15 violations;

16 NOW, THEREFORE,

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

18 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO
19 READ AS FOLLOWS:

20 *(1) A social service worker shall wear a department-issued body-worn camera during*
21 *an investigation pursuant to KRS 620.050 when the social service worker:*

22 *(a) Visits the child's residence or placement;*

23 *(b) Interviews a child outside a school setting; and*

24 *(c) Removes a child from the home pursuant to a court order.*

25 *(2) Recordings shall be preserved for at least five (5) years and, notwithstanding KRS*
26 *620.050(5), be made available to the court and to the custodial parent or legal*
27 *guardian of the child alleged to be dependent, neglected, or abused and his or her*

1 attorney.

2 (3) If a social service worker fails to activate his or her body-worn camera without
3 documented exigent circumstances, there shall be a rebuttable presumption in
4 favor of the parent's account of events in a proceeding under this chapter or KRS
5 Chapter 625.

6 (4) The cabinet shall promulgate administrative regulations in accordance with KRS
7 Chapter 13A to implement this section.

8 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO
9 READ AS FOLLOWS:

10 (1) A parent shall have a cause of action against an employee of the cabinet who:

11 (a) Knowingly submits a false statement;

12 (b) Withholds exculpatory evidence; or

13 (c) Violates a person's constitutional rights.

14 (2) It shall not be a defense or immunity to an action brought against an employee or
15 agent of the cabinet in his or her official capacity that the employee or agent:

16 (a) Acted in good faith and within the scope of his or her employment or
17 authority in exercising discretion and judgment or personal deliberation in
18 performing an act or omission;

19 (b) Believed, reasonably or otherwise, that his or her conduct was lawful at the
20 time it was committed; or

21 (c) Deprived legal rights, privileges, or immunities, by an act or omission, that
22 were not clearly established at the time of their deprivation, or that the state
23 of the law was otherwise such that the employee or agent could not
24 reasonably have been expected to know whether his or her conduct was
25 lawful.

26 (3) In an action brought under this section, the court shall award attorney's fees to a
27 prevailing plaintiff.

1 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 605 IS CREATED TO
2 READ AS FOLLOWS:

3 *The cabinet shall submit an annual report by July 1 of each year to the Legislative*
4 *Research Commission for referral to the Interim Joint Committee on Families and*
5 *Children that contains the following information:*

6 *(1) The number of children removed from the custody of a parent or other person*
7 *exercising custodial control or supervision; and*

8 *(2) The average caseload for social service workers and a statement of compliance*
9 *with KRS 199.461.*

10 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 194A IS CREATED TO
11 READ AS FOLLOWS:

12 *(1) There is hereby established in the State Treasury a trust and agency account to be*
13 *known as the family preservation fund. The fund shall consist of moneys received*
14 *from state appropriations, gifts, grants, and federal funds.*

15 *(2) The fund shall be administered by the cabinet.*

16 *(3) Amounts deposited in the fund shall be used for:*

17 *(a) Substance abuse treatment;*

18 *(b) Parental education;*

19 *(c) Housing stabilization;*

20 *(d) Mental health services; and*

21 *(e) Domestic violence intervention;*

22 *and for no other purpose.*

23 *(4) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal*
24 *year shall not lapse but shall be carried forward into the next fiscal year.*

25 ➔Section 5. KRS 600.010 is amended to read as follows:

26 (1) KRS Chapters 600 to 645 shall be known as the Kentucky Unified Juvenile Code.

27 (2) KRS Chapters 600 to 645 shall be interpreted to effectuate the following express

1 legislative purposes:

2 (a) The Commonwealth shall direct its efforts to promoting protection of
3 children; to the strengthening and encouragement of family life for the
4 protection and care of children; to strengthening and maintaining the
5 biological family unit; to ensuring that policies and practices utilized are
6 supported by data and research and are monitored or measured for their
7 effectiveness in achieving the intended results; and to offering all available
8 resources to any family in need of them;

9 (b) It also shall be declared to be the policy of this Commonwealth that:

10 1. All efforts shall be directed toward providing each child a safe and
11 nurturing home;

12 2. Emphasis shall be placed on involving families in interventions
13 developed for youth, providing families with access to services
14 necessary to address issues within the family, and increasing
15 accountability of the youth and families within the juvenile justice
16 system;

17 3. To the extent possible, out-of-home placement should only be utilized
18 for youth who are high-risk or high-level offenders, and that low-risk,
19 low-level offenders should be served through evidence-based
20 programming in their community; and

21 4. As the population in Department of Juvenile Justice facilities is reduced
22 through increased use of community-based treatment, and if staffing
23 ratios can be maintained at the levels required by accreditation bodies,
24 reductions of the number of facilities should be considered;

25 (c) The court shall show that other less restrictive alternatives have been
26 attempted or are not feasible in order to insure that children are not removed
27 from families except when absolutely necessary;

- 1 (d) Any child brought before the court under KRS Chapters 600 to 645 shall have
2 a right to treatment reasonably calculated, through the use of evidence-based
3 programs when available, to bring about an improvement of his or her
4 condition and, to the extent possible, have that treatment administered in the
5 county of residence of the custodial parent or parents or in the nearest
6 available county;
- 7 (e) KRS Chapter 635 shall be interpreted to promote the best interests of the child
8 through providing treatment and sanctions to reduce recidivism and assist in
9 making the child a productive citizen by involving the family, as appropriate,
10 and by advancing the principles of personal responsibility, accountability, and
11 reformation, while maintaining public safety, and seeking restitution and
12 reparation;
- 13 (f) KRS Chapter 640 shall be interpreted to promote public safety and the
14 concept that every child be held accountable for his or her conduct through
15 the use of restitution, reparation, and sanctions, in an effort to rehabilitate
16 delinquent youth; and
- 17 (g) It shall further be the policy of this Commonwealth to provide judicial
18 procedures in which rights and interests of all parties, including the parents
19 and victims, are recognized and all parties are assured prompt and fair
20 hearings. Unless otherwise provided, such protections belong to the child
21 individually and may not be waived by any other party.
- 22 **(3) (a) KRS Chapters 600 to 645 shall be interpreted consistently with federal law**
23 **and constitutional protections of parental rights.**
- 24 **(b) A provision of KRS Chapter 600 to 645 or any other child welfare statute of**
25 **the Commonwealth in conflict with federal protections of parental rights is**
26 **void to the extent of the conflict.**
- 27 **(c) The court shall apply strict scrutiny when reviewing state action that**

1 interferes with the fundamental rights of a parent relating to the parent-
2 child relationship.

3 ➔Section 6. KRS 610.070 is amended to read as follows:

- 4 (1) All cases involving children brought before the court whose cases are under the
5 jurisdiction of the court shall be granted a speedy hearing and shall be dealt with by
6 the court without a jury.
- 7 (2) The hearings shall be conducted in a formal manner, unless specified to the contrary
8 by other provisions of KRS Chapters 600 to 645.
- 9 (3) The general public shall be excluded and only the immediate families or guardians
10 of the parties before the court, witnesses necessary for the prosecution and defense
11 of the case, the probation worker with direct interest in the case, a representative
12 from the Department of Juvenile Justice, the victim, his or her parent or legal
13 guardian, or if emancipated, his or her spouse, or a legal representative of either,
14 such persons admitted as the judge shall find have a direct interest in the case or in
15 the work of the court, and such other persons as agreed to by the child and his or
16 her attorney may be admitted to the hearing. A parent, legal guardian, or spouse if a
17 witness shall be admitted to the hearing only during and after his or her testimony at
18 the hearing, and witnesses shall be admitted to the hearing only for the duration of
19 their testimony. The court may order the exclusion of a parent, legal guardian, or
20 spouse, if it is shown to the satisfaction of the court that the parent, legal guardian,
21 or spouse may physically disrupt the proceedings or may do violence to any
22 participant therein. The mere presence of a parent, legal guardian, or spouse shall
23 not be deemed to be a disruption of the proceedings merely because their presence
24 may make the defendant uncomfortable; the court shall find a potential for actual
25 physical disruption of the proceedings before an exclusion may be granted for this
26 reason.
- 27 (4) The court shall order at least one (1) parent, guardian, or person exercising

1 custodial control over the child to be present at any hearing or other proceeding
2 involving the child. The court shall make accommodations necessary to allow the
3 person to attend, including but not limited to allowing remote attendance or holding
4 hearings outside the court's normal operating hours.

5 **(5) In dependency, neglect, and abuse actions, all hearings shall be audio and video**
6 **recorded. Recordings shall be preserved as part of the official record and parents**
7 **shall have access to a recording at no cost. A hearing shall not occur without**
8 **recording unless the court finds it necessary to protect a child victim's privacy.**

9 ➔Section 7. KRS 620.060 is amended to read as follows:

10 (1) The court for the county where the child ordinarily resides or will reside or the
11 county where the child is present may issue an ex parte emergency custody order
12 when it appears to the court that removal is in the best interest of the child and **the**
13 **court finds by clear and convincing evidence**~~[that there are reasonable grounds to~~
14 ~~believe]~~, as supported by affidavit or by recorded sworn testimony, that one (1) or
15 more of the following conditions exist and that the parents or other person
16 exercising custodial control or supervision are unable or unwilling to protect the
17 child:

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

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

25 (c) The child is in immediate danger due to the parent's failure or refusal to
26 provide for the safety or needs of the child.

27 (2) Custody may be placed with a relative taking into account the wishes of the

1 custodial parent and child or any other appropriate person or agency including the
2 cabinet.

3 (3) An emergency custody order shall be effective no longer than seventy-two (72)
4 hours~~[,]~~ exclusive of weekends and holidays, unless there is a temporary removal
5 hearing with oral or other notice to the county attorney and the parent or other
6 person exercising custodial control or supervision of the child~~[,]~~ to determine if the
7 child should be held for a longer period. The seventy-two (72) hour period also may
8 be extended or delayed upon the waiver or request of the child's parent or other
9 person exercising custodial control or supervision.

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

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

17 (6) **This section**~~[Nothing herein]~~ shall **not** preclude the issuance of arrest warrants
18 pursuant to the Rules of Criminal Procedure.

19 ➔Section 8. KRS 620.080 is amended to read as follows:

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

22 (a) Within **twenty-four (24)**~~[seventy-two (72)]~~ hours~~[,]~~ excluding weekends and
23 holidays~~[,]~~ of the time when an emergency custody order is issued or when a
24 child is taken into custody without the consent of his parent or other person
25 exercising custodial control or supervision; and

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

1 (2) (a) At a temporary removal hearing, the court shall determine whether there are
 2 reasonable grounds to believe that the child would be dependent, neglected or
 3 abused if returned to or left in the custody of his parent or other person
 4 exercising custodial control or supervision even though it is not proved
 5 conclusively who has perpetrated the dependency, neglect or abuse. For good
 6 cause, the court may allow hearsay evidence.

7 (b) The court shall not order removal under this section unless the
 8 Commonwealth proves by clear and convincing evidence, as supported by
 9 affidavit or by recorded sworn testimony, that one (1) of more of the
 10 following conditions exist and that the parents or other person exercising
 11 custodial control or supervision are unable or unwilling to protect the child:

12 1. The child is in danger of imminent death or serious physical injury or
 13 is being sexually abused;

14 2. The parent has repeatedly inflicted or allowed to be inflicted by other
 15 than accidental means physical injury or emotional injury. This
 16 condition shall not include reasonable and ordinary discipline
 17 recognized in the community where the child lives, as long as
 18 reasonable and ordinary discipline does not result in abuse or neglect;
 19 or

20 3. The child is in immediate danger due to the parent's failure or refusal
 21 to provide for the safety or needs of the child. ~~[The Commonwealth~~
 22 ~~shall bear the burden of proof by a preponderance of the evidence and if~~
 23 ~~the Commonwealth should fail to establish same,]~~

24 (c) The child shall be released to or retained in the custody of his or her parent or
 25 other person exercising custodial control or supervision if the Commonwealth
 26 fails to meet the burden of proof.

27 ➔Section 9. KRS 620.090 is amended to read as follows:

- 1 (1) If, after completion of the temporary removal hearing, the court finds there are
2 reasonable grounds to believe the child is dependent, neglected or abused, the court
3 shall:
- 4 (a) Issue an order for temporary removal and shall grant temporary custody to the
5 cabinet or other appropriate person or agency. Preference shall be given to
6 available and qualified relatives of the child considering the wishes of the
7 parent or other person exercising custodial control or supervision, if known.
8 The order shall state the specific reasons for removal and show that alternative
9 less restrictive placements and services have been considered. The court may
10 recommend a placement for the child;
- 11 (b) Inquire as to an existing child support order; and
- 12 (c) If there is no existing order, or if the order is to be amended, the court shall:
- 13 1. Make specific findings, either written or on the record, as to:
- 14 a. The child support obligation in the best interest of the child;
- 15 b. The action to be taken by the payee, payor, or any other party by
16 making an application for services to the child support office who
17 shall take all appropriate action; or
- 18 c. Setting a hearing as soon as practicable; and
- 19 2. Require proper service before establishing a new child support order.
- 20 (2) (a) In placing a child under an order of temporary custody, the cabinet or its
21 designee shall use the least restrictive appropriate placement available.
22 Preference shall be given to available and qualified relatives of the child
23 considering the wishes of the parent or other person exercising custodial
24 control or supervision, if known. The child may also be placed in a facility or
25 program operated or approved by the cabinet, including a foster home, or any
26 other appropriate available placement. However, under no circumstance shall
27 the child be placed in a home, facility, or other shelter with a child who has

1 been committed to the Department of Juvenile Justice for commission of a sex
2 crime as that term is defined in KRS 17.500, unless the child committed for
3 the commission of a sex crime is kept segregated from other children in the
4 home, facility, or other shelter that have not been committed for the
5 commission of a sex crime.

6 **(b) If placement is not made with relatives or fictive kin, the cabinet shall**
7 **provide a written explanation to the court explaining the reasons for the**
8 **placement.**

9 (3) If the court finds there are not reasonable grounds to believe the child is dependent,
10 neglected or abused, or if no action is taken within seventy-two (72) hours, the
11 emergency custody order shall be dissolved automatically and the cabinet or its
12 designee shall return the child to the parent or other person exercising custodial
13 control or supervision. A request for a continuance of the hearing by the parent or
14 other person exercising custodial control or supervision shall constitute action
15 precluding automatic dissolution of the emergency custody order.

16 (4) When the court issues a temporary order for the custody of a child, the court may
17 order that, within two (2) weeks, arrangements be made for the child to receive a
18 thorough medical, visual, and dental examination by a professional authorized by
19 the Kentucky Revised Statutes to conduct such examinations. The costs of the
20 examination shall be paid by the cabinet.

21 (5) The child shall remain in temporary custody with the cabinet for a period of time
22 not to exceed forty-five (45) days from the date of the removal from his home. The
23 court shall conduct the adjudicatory hearing and shall make a final disposition
24 within forty-five (45) days of the removal of the child. The court may extend such
25 time after making written findings establishing the need for the extension and after
26 finding that the extension is in the child's best interest.

27 (6) If custody is granted to a grandparent of the child pursuant to this section, the court

1 shall consider granting reasonable visitation rights to any other grandparent of the
2 child if the court determines the grandparent has a significant and viable
3 relationship with the child as established in KRS 405.021(1)(c).

4 ➔Section 10. KRS 620.155 is amended to read as follows:

5 **(1)** Any interested party aggrieved by a proceeding under KRS 610.010(2)(d) including
6 the parent, child, guardian ad litem, the cabinet, and the county attorney may appeal
7 from the juvenile court to the Circuit Court as a matter of right in the manner
8 provided in the Kentucky Rules of Civil Procedure. The Circuit Court may order
9 that the child may be removed to a suitable place, pending the appeal, if it appears
10 by affidavit or sworn testimony that the child would be in imminent danger if left
11 with or returned to his or her parents, guardian, or other person party to the appeal.

12 **(2) *An appeal of a removal order shall be heard within twenty-four (24) hours of the***
13 **order.**

14 ➔Section 11. KRS 625.090 is amended to read as follows:

15 (1) The Circuit Court may involuntarily terminate all parental rights of a parent of a
16 named child~~[-]~~ if the Circuit Court finds from the record by clear and convincing
17 evidence that:

- 18 (a) 1. The child has been adjudged to be an abused or neglected child, as
19 defined in KRS 600.020(1), by a court of competent jurisdiction;
- 20 2. The child is found to be an abused or neglected child, as defined in KRS
21 600.020(1), by the Circuit Court in this proceeding;
- 22 3. The child is found to have been diagnosed with neonatal abstinence
23 syndrome at the time of birth, unless his or her birth mother:
- 24 a. Was prescribed and properly using medication for a legitimate
25 medical condition as directed by a health care practitioner that may
26 have led to the neonatal abstinence syndrome;
- 27 b. Is currently, or within ninety (90) days after the birth, enrolled in

1 and maintaining substantial compliance with both a substance
 2 abuse treatment or recovery program and a regimen of prenatal
 3 care or postnatal care as recommended by her health care
 4 practitioner throughout the remaining term of her pregnancy or the
 5 appropriate time after her pregnancy; or

6 c. In the absence of a prescription for the treatment of a legitimate
 7 medical condition, agrees, prior to discharge from the hospital, to
 8 participate in a court-ordered assessment by a drug treatment
 9 provider and the assigning of a certified peer support specialist for
 10 referral to appropriate treatment, and agrees to participate in
 11 treatment which shall commence within ninety (90) days after the
 12 birth; or

13 4. The parent has been convicted of a criminal charge relating to the
 14 physical or sexual abuse or neglect of any child and that physical or
 15 sexual abuse, neglect, or emotional injury to the child named in the
 16 present termination action is likely to occur if the parental rights are not
 17 terminated;

18 (b) 1. The Cabinet for Health and Family Services has filed a petition with the
 19 court pursuant to KRS 620.180 or 625.050; or

20 2. A child-placing agency licensed by the cabinet, any county or
 21 Commonwealth's attorney, or a parent has filed a petition with the court
 22 under KRS 625.050; and

23 (c) Termination would be in the best interest of the child.

24 (2) ~~No~~ Termination of parental rights shall ***not*** be ordered unless the Circuit Court
 25 also finds by clear and convincing evidence the existence of one (1) or more of the
 26 following grounds:

27 (a) That the parent has abandoned the child for a period of not less than ninety

- 1 (90) days;
- 2 (b) That the parent has inflicted or allowed to be inflicted upon the child, by other
3 than accidental means, serious physical injury;
- 4 (c) That the parent has continuously or repeatedly inflicted or allowed to be
5 inflicted upon the child, by other than accidental means, physical injury or
6 emotional harm;
- 7 (d) That the parent has been convicted of a felony that involved the infliction of
8 serious physical injury to any child;
- 9 (e) That the parent, for a period of not less than six (6) months, has continuously
10 or repeatedly failed or refused to provide or has been substantially incapable
11 of providing essential parental care and protection for the child and that there
12 is no reasonable expectation of improvement in parental care and protection,
13 considering the age of the child;
- 14 (f) That the parent has caused or allowed the child to be sexually abused or
15 exploited;
- 16 (g) That the parent, for reasons other than poverty alone, has continuously or
17 repeatedly failed to provide or is incapable of providing essential food,
18 clothing, shelter, medical care, or education reasonably necessary and
19 available for the child's well-being and that there is no reasonable expectation
20 of significant improvement in the parent's conduct in the immediately
21 foreseeable future, considering the age of the child;
- 22 (h) That:
- 23 1. The parent's parental rights to another child have been involuntarily
24 terminated;
- 25 2. The child named in the present termination action was born subsequent
26 to or during the pendency of the previous termination; and
- 27 3. The conditions or factors which were the basis for the previous

1 termination finding have not been corrected;

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

5 (j) That the child has been in foster care under the responsibility of the cabinet
6 for fifteen (15) cumulative months out of forty-eight (48) months preceding
7 the filing of the petition to terminate parental rights; or

8 (k) That the child has been removed from the biological or legal parents more
9 than two (2) times in a twenty-four (24) month period by the cabinet or a
10 court.

11 (3) In determining the best interest of the child and the existence of a ground for
12 termination, the Circuit Court shall consider the following factors:

13 (a) Whether the parent is a mentally ill person~~[Mental illness]~~ as defined by
14 KRS 202A.011(9)~~[,]~~ or an individual with an intellectual disability as defined
15 by KRS 202B.010(9)~~[, of the parent]~~ as certified by a qualified mental health
16 professional, or whether the parent has a disability as defined in KRS
17 199.011, if the mental illness, intellectual disability, or disability renders the
18 parent consistently unable to care for the immediate and ongoing physical or
19 psychological needs of the child for extended periods of time;

20 (b) Acts of abuse or neglect as defined in KRS 600.020(1) toward any child in the
21 family;

22 (c) If the child has been placed with the cabinet, whether the cabinet has, prior to
23 the filing of the petition:

24 1. Made reasonable efforts as defined in KRS 620.020 to reunite the child
25 with the parents unless one or more of the circumstances enumerated in
26 KRS 610.127 for not requiring reasonable efforts have been
27 substantiated in a written finding by the District Court; or

- 1 2. Provided a parent with a disability as defined in KRS 199.011 with
- 2 targeted adaptive and supportive services based on an individual
- 3 assessment of the parent, or has received a written acknowledgement
- 4 from the parent knowingly and affirmatively rejecting the offered
- 5 services;
- 6 (d) The efforts and adjustments the parent has made in his or her circumstances,
- 7 conduct, or conditions to make it in the child's best interest to return the child
- 8 to his or her home within a reasonable period of time, considering the age of
- 9 the child;
- 10 (e) The physical, emotional, and mental health of the child and the prospects for
- 11 the improvement of the child's welfare if termination is ordered; and
- 12 (f) The payment or the failure to pay a reasonable portion of substitute physical
- 13 care and maintenance if financially able to do so.
- 14 (4) **If the cabinet has not made reasonable efforts as defined in KRS 620.020 to**
- 15 **reunite the child with the parents and one (1) or more of the circumstances**
- 16 **enumerated in KRS 610.127 for not requiring reasonable efforts have not been**
- 17 **substantiated in a written finding by the District Court, the court shall not order**
- 18 **termination of parental rights.**
- 19 (5) If the child has been placed with the cabinet, the parent may present testimony
- 20 concerning the reunification, adaptive or supportive services offered by the cabinet,
- 21 and whether additional services would be likely to bring about lasting parental
- 22 adjustment enabling a return of the child to the parent.
- 23 (6)~~(5)~~ If the parent proves by a preponderance of the evidence that the child will not
- 24 continue to be an abused or neglected child as defined in KRS 600.020(1) if
- 25 returned to the parent, or if the parent proves by a preponderance of the evidence
- 26 that appropriate and specifically targeted adaptive or supportive services based
- 27 upon an individual assessment of the parent have not been offered or provided to

1 the parent, the court in its discretion may determine not to terminate parental rights.
2 ~~(Z)(6)~~ Upon the conclusion of proof and argument of counsel, the Circuit Court shall
3 enter findings of fact, conclusions of law, and a decision as to each parent-
4 respondent within thirty (30) days either:
5 (a) Terminating the right of the parent; or
6 (b) Dismissing the petition and stating whether the child shall be returned to the
7 parent or shall remain in the custody of the state.
8 ➔Section 12. This Act may be cited as the Protection of the Children Act.
9 ➔Section 13. This Act shall take effect January 1, 2027.