

1 AN ACT relating to child welfare and declaring an emergency.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO  
4 READ AS FOLLOWS:

- 5 *(1) The cabinet shall require a staff member of a child-caring facility or child-*  
6 *placing agency to submit to background checks in accordance with 42 U.S.C. sec.*  
7 *671(a)(20)(D) and the implementing federal rules, including national and state*  
8 *fingerprint-supported criminal background checks by the Department of*  
9 *Kentucky State Police and the Federal Bureau of Investigation.*
- 10 *(2) The child-caring facility or child-placing agency staff member shall provide the*  
11 *member's fingerprints to the Department of Kentucky State Police for submission*  
12 *to the Federal Bureau of Investigation after a state criminal background check is*  
13 *conducted.*
- 14 *(3) The results of the national and state criminal background checks shall be sent to*  
15 *the cabinet.*
- 16 *(4) The cabinet may register a child-caring facility or child-placing agency staff*  
17 *member in the rap back system.*
- 18 *(5) The request for background checks shall be in a manner approved by the Justice*  
19 *and Public Safety Cabinet, and the Cabinet for Health and Family Services may*  
20 *charge a fee to be paid by a child-caring facility or child-placing agency not to*  
21 *exceed the actual cost of processing the request.*
- 22 *(6) The cabinet shall promulgate administrative regulations in accordance with KRS*  
23 *Chapter 13A to implement this section.*

24 ➔Section 2. KRS 199.011 is amended to read as follows:

25 As used in this chapter, unless the context otherwise requires:

- 26 (1) "Adoption worker" means an employee of the cabinet so designated by the secretary  
27 for health and family services, a social worker employed by a county or city who

- 1 has been approved by the cabinet to handle, under its supervision, adoption  
2 placement services to children, or a social worker employed by or under contract to  
3 a child-placing adoption agency;
- 4 (2) "Adult adopted person" means any adopted person who is twenty-one (21) years of  
5 age or older;
- 6 (3) "Cabinet" means the Cabinet for Health and Family Services;
- 7 (4) "Child" means any person who has not reached his eighteenth birthday;
- 8 (5) "Child-caring facility" means any institution or group home, including institutions  
9 and group homes that are publicly operated, providing residential care on a twenty-  
10 four (24) hour basis to children, not related by blood, adoption, or marriage to the  
11 person maintaining the facility, other than an institution or group home certified by  
12 an appropriate agency as operated primarily for educational or medical purposes, or  
13 a residential program operated or contracted by the Department of Juvenile Justice  
14 that maintains accreditation, or obtains accreditation within two (2) years of  
15 opening from a nationally recognized accrediting organization;
- 16 (6) "Child-placing agency" means any agency licensed by the cabinet, which supervises  
17 the placement of children in foster family homes or child-caring facilities, or which  
18 places children for adoption;
- 19 (7) "Department" means the Department for Community Based Services;
- 20 (8) "Family rehabilitation home" means a child-caring facility for appropriate families  
21 and comprising not more than twelve (12) children and two (2) staff persons;
- 22 (9) "Fictive kin" means an individual who is not related by birth, adoption, or marriage  
23 to a child, but who has an emotionally significant relationship with the child;
- 24 (10) "Foster family home" means a private home in which children are placed for foster  
25 family care under supervision of the cabinet or of a licensed child-placing agency;
- 26 (11) "Group home" means a homelike facility, excluding Department of Juvenile Justice-  
27 operated or -contracted facilities, for not more than eight (8) foster children, not

- 1 adjacent to or part of an institutional campus, operated by a sponsoring agency for  
2 children who may participate in community activities and use community resources;
- 3 (12) "Institution" means a child-caring facility providing care or maintenance for nine (9)  
4 or more children;
- 5 (13) "Placement services" means those social services customarily provided by a  
6 licensed child-placing or a public agency, which are necessary for the arrangement  
7 and placement of children in foster family homes, child-placing facilities, or  
8 adoptive homes. Placement services are provided through a licensed child-placing  
9 or a public agency for children who cannot be cared for by their biological parents  
10 and who need and can benefit from new and permanent family ties established  
11 through legal adoption. Licensed child-placing agencies and public agencies have a  
12 responsibility to act in the best interests of children, biological parents, and adoptive  
13 parents by providing social services to all the parties involved in an adoption;
- 14 (14) "Rap back system" means a system that enables an authorized entity to receive  
15 ongoing status notifications of any criminal history from the Department of  
16 Kentucky State Police or the Federal Bureau of Investigation reported on an  
17 individual whose fingerprints are registered in the system, upon approval and  
18 implementation of the system;
- 19 (15) "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C.  
20 sec. 675(10);
- 21 (16) "Secretary" means the secretary for health and family services; and
- 22 (17) "Voluntary and informed consent" means that at the time of the execution of the  
23 consent, the consenting person was fully informed of the legal effect of the consent,  
24 that the consenting person was not given or promised anything of value except those  
25 expenses allowable under KRS 199.590(6), that the consenting person was not  
26 coerced in any way to execute the consent, and that the consent was voluntarily and  
27 knowingly given. If at the time of the execution of the consent the consenting

1 person was represented by independent legal counsel, there shall be a presumption  
2 that the consent was voluntary and informed. The consent shall be in writing, signed  
3 and sworn to by the consenting person, and include the following:

- 4 (a) Date, time, and place of the execution of the consent;
- 5 (b) Name of the child, if any, to be adopted, and the date and place of the child's  
6 birth;
- 7 (c) Consenting person's relationship to the child;
- 8 (d) Identity of the proposed adoptive parents or a statement that the consenting  
9 person does not desire to know the identification of the proposed adoptive  
10 parents;
- 11 (e) 1. A statement that the consenting person understands that the consent will  
12 be final and irrevocable under this paragraph unless withdrawn under  
13 this paragraph.
- 14 2. If placement approval by the secretary is required, the voluntary and  
15 informed consent shall become final and irrevocable twenty (20) days  
16 after it is signed~~[the later of the placement approval or the execution of~~  
17 ~~the voluntary and informed consent]~~. This consent may be withdrawn  
18 only by written notification sent to the proposed adoptive parent or the  
19 attorney for the proposed adoptive parent on or before the twentieth day  
20 by certified or registered mail and also by first-class mail.
- 21 3. If placement approval by the secretary is not required, the voluntary and  
22 informed consent shall become final and irrevocable twenty (20) days  
23 after the execution of the voluntary and informed consent. This consent  
24 may be withdrawn only by written notification sent to the proposed  
25 adoptive parent or the attorney for the proposed adoptive parent on or  
26 before the twentieth day by certified or registered mail and also by first-  
27 class mail;

- 1 (f) Disposition of the child if the adoption is not adjudged;
- 2 (g) A statement that the consenting person has received a completed and signed  
3 copy of the consent at the time of the execution of the consent;
- 4 (h) Name and address of the person who prepared the consent, name and address  
5 of the person who reviewed and explained the consent to the consenting  
6 person, and a verified statement from the consenting person that the consent  
7 has been reviewed with and fully explained to the consenting person; and
- 8 (i) Total amount of the consenting person's legal fees, if any, for any purpose  
9 related to the execution of the consent and the source of payment of the legal  
10 fees.

11 ➔Section 3. KRS 199.505 is amended to read as follows:

- 12 (1) An attorney or child-placing agency that arranges a prospective adoption may at any  
13 time request that the cabinet search the putative father registry established under  
14 KRS 199.503 to determine whether a putative father is registered in relation to a  
15 mother whose child is the subject of the adoption.
- 16 (2) An attorney or child-placing agency that arranges a prospective adoption may at any  
17 time serve the putative father of a child or cause the putative father to be served  
18 with actual notice that the mother of the child is considering an adoptive placement  
19 for the child.
- 20 (3) **Beginning July 14, 2018,** whenever a petition for adoption is filed, the attorney or  
21 child-placing agency that arranges the adoption shall request that the cabinet search  
22 the putative father registry at least one (1) day after the expiration of the period  
23 specified by KRS 199.480(1)(b)2.
- 24 (4) No later than five (5) days after receiving a request under subsection (1) or (3) of  
25 this section, the cabinet shall submit an affidavit to the requesting party verifying  
26 whether a putative father is registered in relation to a mother whose child is the  
27 subject of the adoption.

1 (5) Whenever the cabinet finds that one (1) or more putative fathers are registered, the  
2 cabinet shall submit a copy of each registration form with its affidavit.

3 (6) A court shall not grant an adoption unless the cabinet's affidavit under this section is  
4 filed with the court.

5 **(7) An adoption involving a foreign-born child, an adoption initiated out-of-state, or**  
6 **a public agency adoption shall not be subject to the requirements of this section.**

7 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO  
8 READ AS FOLLOWS:

9 **A child who is placed in foster care shall be considered a primary partner and member**  
10 **of a professional team. A foster child, as the most integral part of the professional**  
11 **team, shall have the following rights to:**

12 **(1) Adequate food, clothing, and shelter;**

13 **(2) Freedom from physical, sexual, or emotional injury or exploitation;**

14 **(3) Develop physically, mentally, and emotionally to his or her potential;**

15 **(4) A safe, secure, and stable family;**

16 **(5) Individual educational needs being met;**

17 **(6) Remain in the same educational setting prior to removal, whenever possible;**

18 **(7) Placement in the least restrictive setting in close proximity to his or her home that**  
19 **meets the his or her needs and serves his or her best interests to the extent that**  
20 **such placement is available;**

21 **(8) Information about the circumstances requiring his or her initial and continued**  
22 **placement;**

23 **(9) Receive notice of, attend, and be consulted in the development of case plans**  
24 **during periodic reviews;**

25 **(10) Receive notice of and participate in court hearings;**

26 **(11) Receive notice of and explanation for changes in placement or visitation**  
27 **agreements;**

- 1 (12) Visit the family in the family home, receive visits from family and friends, and  
2 have telephone conversations with family members, when not contraindicated by  
3 the case plan or court order;
- 4 (13) Participate in extracurricular, social, cultural, and enrichment activities,  
5 including but not limited to sports, field trips, and overnights;
- 6 (14) Express opinions on issues concerning his or her care or treatment;
- 7 (15) Three (3) additional rights if he or she is age fourteen (14) years or older. These  
8 additional three (3) rights are the right to:
- 9 (a) Designate two (2) additional individuals to participate in case planning  
10 conferences or periodic reviews, who are not the foster parent or his or her  
11 worker, and who may advocate on his or her behalf. The cabinet, child-  
12 caring-facility, or child-placing agency may reject an individual with  
13 reasonable belief that the individual will not act appropriately on the child's  
14 behalf;
- 15 (b) Receive a written description of the programs and services that will help  
16 prepare him or her for the transition from foster care to successful  
17 adulthood; and
- 18 (c) Receive a consumer report yearly until discharged from care and to receive  
19 assistance in interpreting and resolving any inaccuracies in the report,  
20 pursuant to 42 U.S.C. sec. 675(5)(I); and
- 21 (16) Receive, free of charge when he or she is eighteen (18) years or older and  
22 preparing to exit foster care by reason of attaining the age of eighteen (18) years  
23 old, the following:
- 24 (a) An official birth certificate;
- 25 (b) A Social Security card;
- 26 (c) Health insurance information;
- 27 (d) A copy of the child's medical records; and

1        (e) A state-issued identification.

2        ➔Section 5. KRS 620.020 is amended to read as follows:

3        The definitions in KRS Chapter 600 shall apply to this chapter. In addition, as used in this  
4        chapter, unless the context requires otherwise:

- 5        (1) "Case permanency plan" means a document identifying decisions made by the  
6        cabinet, for both the biological family and the child, concerning action which needs  
7        to be taken to assure that the child in foster care expeditiously obtains a permanent  
8        home;
- 9        (2) "Case progress report" means a written record of goals that have been achieved in  
10       the case of a child;
- 11       (3) "Case record" means a cabinet file of specific documents and a running record of  
12       activities pertaining to the child;
- 13       (4) "Children's advocacy center" means an agency that advocates on behalf of children  
14       alleged to have been abused; that assists in the coordination of the investigation of  
15       child abuse by providing a location for forensic interviews and medical  
16       examinations, and by promoting the coordination of services for children alleged to  
17       have been abused; and that provides, directly or by formalized agreements, services  
18       that include, but are not limited to, forensic interviews, medical examinations,  
19       mental health and related support services, court advocacy, consultation, training,  
20       and staffing of multidisciplinary teams;
- 21       (5) "Foster care" means the provision of temporary twenty-four (24) hour care for a  
22       child for a planned period of time when the child is:
- 23       (a) Removed from his parents or person exercising custodial control or  
24       supervision and subsequently placed in the custody of the cabinet; and
- 25       (b) Placed in a foster home or private child-caring facility or child-placing agency  
26       but remains under the supervision of the cabinet;
- 27       (6) "Local citizen foster care review board" means a citizen board which provides



- 1 periodic permanency reviews of children placed in the custody of the cabinet by a  
2 court order of temporary custody or commitment under this chapter;
- 3 (7) "Multidisciplinary teams" means local teams operating under protocols governing  
4 roles, responsibilities, and procedures developed by the Kentucky Multidisciplinary  
5 Commission on Child Sexual Abuse pursuant to KRS 431.600;
- 6 (8) "Pediatric abusive head trauma" means the various injuries or conditions that may  
7 result following the vigorous shaking, slamming, or impacting the head of an infant  
8 or young child. These injuries or conditions, also known as pediatric acquired  
9 abusive head trauma, have in the past been called "Shaken Baby Syndrome" or  
10 "Shaken Infant Syndrome." Pediatric abusive head trauma injuries or conditions  
11 have included but are not limited to the following:
- 12 (a) Irreversible brain damage;
  - 13 (b) Blindness;
  - 14 (c) Retinal hemorrhage;
  - 15 (d) Eye damage;
  - 16 (e) Cerebral palsy;
  - 17 (f) Hearing loss;
  - 18 (g) Spinal cord injury;
  - 19 (h) Paralysis;
  - 20 (i) Seizures;
  - 21 (j) Learning disability;
  - 22 (k) Death;
  - 23 (l) Central nervous system injury as evidenced by central nervous system  
24 hemorrhaging;
  - 25 (m) Closed head injury;
  - 26 (n) Rib fracture; and
  - 27 (o) Subdural hematoma;

1 (9) "Permanence" means a relationship between a child and an adult which is intended  
2 to last a lifetime, providing commitment and continuity in the child's relationships  
3 and a sense of belonging;

4 (10) **"Position of authority" has the same meaning as in KRS 532.045;**

5 **(11) "Position of special trust" has the same meaning as in KRS 532.045;**

6 **(12)** "Preventive services" means those services which are designed to help maintain and  
7 strengthen the family unit by preventing or eliminating the need for removal of  
8 children from the family;

9 **(13)**~~(11)~~ "Reasonable efforts" means the exercise of ordinary diligence and care by the  
10 department to utilize all preventive and reunification services available to the  
11 community in accordance with the state plan for Public Law 96-272 which are  
12 necessary to enable the child to safely live at home;

13 **(14)**~~(12)~~ "Reunification services" means remedial and preventive services which are  
14 designed to strengthen the family unit, to secure reunification of the family and  
15 child where appropriate, as quickly as practicable, and to prevent the future removal  
16 of the child from the family; and

17 **(15)**~~(13)~~ "State citizen foster care review board" means a board created by KRS  
18 620.310.

19 ➔Section 6. KRS 620.030 is amended to read as follows:

20 (1) Any person who knows or has reasonable cause to believe that a child is dependent,  
21 neglected, or abused shall immediately cause an oral or written report to be made to  
22 a local law enforcement agency or the Department of Kentucky State Police; the  
23 cabinet or its designated representative; the Commonwealth's attorney or the county  
24 attorney; by telephone or otherwise. Any supervisor who receives from an employee  
25 a report of suspected dependency, neglect, or abuse shall promptly make a report to  
26 the proper authorities for investigation. If the cabinet receives a report of abuse or  
27 neglect allegedly committed by a person other than a parent, guardian, **fictive kin,**

1        **person in a position of authority, person in a position of special trust,** or person  
2        exercising custodial control or supervision, the cabinet shall refer the matter to the  
3        Commonwealth's attorney or the county attorney and the local law enforcement  
4        agency or the Department of Kentucky State Police. Nothing in this section shall  
5        relieve individuals of their obligations to report.

6        (2) Any person, including but not limited to a physician, osteopathic physician, nurse,  
7        teacher, school personnel, social worker, coroner, medical examiner, child-caring  
8        personnel, resident, intern, chiropractor, dentist, optometrist, emergency medical  
9        technician, paramedic, health professional, mental health professional, peace  
10       officer, or any organization or agency for any of the above, who knows or has  
11       reasonable cause to believe that a child is dependent, neglected, or abused,  
12       regardless of whether the person believed to have caused the dependency, neglect,  
13       or abuse is a parent, guardian, **fictive kin, person in a position of authority, person**  
14       **in a position of special trust,** person exercising custodial control or supervision, or  
15       another person, or who has attended such child as a part of his or her professional  
16       duties shall, if requested, in addition to the report required in subsection (1) or (3) of  
17       this section, file with the local law enforcement agency or the Department of  
18       Kentucky State Police or the Commonwealth's or county attorney, the cabinet or its  
19       designated representative within forty-eight (48) hours of the original report a  
20       written report containing:

21       (a) The names and addresses of the child and his or her parents or other persons  
22       exercising custodial control or supervision;

23       (b) The child's age;

24       (c) The nature and extent of the child's alleged dependency, neglect, or abuse,  
25       including any previous charges of dependency, neglect, or abuse, to this child  
26       or his or her siblings;

27       (d) The name and address of the person allegedly responsible for the abuse or

1 neglect; and

2 (e) Any other information that the person making the report believes may be  
3 helpful in the furtherance of the purpose of this section.

4 (3) Any person who knows or has reasonable cause to believe that a child is a victim of  
5 human trafficking as defined in KRS 529.010 shall immediately cause an oral or  
6 written report to be made to a local law enforcement agency or the Department of  
7 Kentucky State Police; or the cabinet or its designated representative; or the  
8 Commonwealth's attorney or the county attorney; by telephone or otherwise. This  
9 subsection shall apply regardless of whether the person believed to have caused the  
10 human trafficking of the child is a parent, guardian, fictive kin, person in a position  
11 of authority, person in a position of special trust, or person exercising custodial  
12 control or supervision.

13 (4) Neither the husband-wife nor any professional-client/patient privilege, except the  
14 attorney-client and clergy-penitent privilege, shall be a ground for refusing to report  
15 under this section or for excluding evidence regarding a dependent, neglected, or  
16 abused child or the cause thereof, in any judicial proceedings resulting from a report  
17 pursuant to this section. This subsection shall also apply in any criminal proceeding  
18 in District or Circuit Court regarding a dependent, neglected, or abused child.

19 (5) The cabinet upon request shall receive from any agency of the state or any other  
20 agency, institution, or facility providing services to the child or his or her family,  
21 such cooperation, assistance, and information as will enable the cabinet to fulfill its  
22 responsibilities under KRS 620.030, 620.040, and 620.050.

23 (6) Nothing in this section shall limit the cabinet's investigatory authority under KRS  
24 620.050 or any other obligation imposed by law.

25 (7) Any person who intentionally violates the provisions of this section shall be guilty  
26 of a:

27 (a) Class B misdemeanor for the first offense;

1 (b) Class A misdemeanor for the second offense; and

2 (c) Class D felony for each subsequent offense.

3 →Section 7. KRS 620.040 is amended to read as follows:

4 (1) (a) Upon receipt of a report alleging abuse or neglect by a parent, guardian, *fictive*  
5 *kin, person in a position of authority, person in a position of special trust,* or  
6 person exercising custodial control or supervision, pursuant to KRS  
7 620.030(1) or (2), or a report alleging a child is a victim of human trafficking  
8 pursuant to KRS 620.030(3), the recipient of the report shall immediately  
9 notify the cabinet or its designated representative, the local law enforcement  
10 agency or the Department of Kentucky State Police, and the Commonwealth's  
11 or county attorney of the receipt of the report unless they are the reporting  
12 source.

13 (b) Based upon the allegation in the report, the cabinet shall immediately make an  
14 initial determination as to the risk of harm and immediate safety of the child.  
15 Based upon the level of risk determined, the cabinet shall investigate the  
16 allegation or accept the report for an assessment of family needs and, if  
17 appropriate, may provide or make referral to any community-based services  
18 necessary to reduce risk to the child and to provide family support. A report of  
19 sexual abuse or human trafficking of a child shall be considered high risk and  
20 shall not be referred to any other community agency.

21 (c) The cabinet shall, within seventy-two (72) hours, exclusive of weekends and  
22 holidays, make a written report to the Commonwealth's or county attorney and  
23 the local enforcement agency or the Department of Kentucky State Police  
24 concerning the action that has been taken on the investigation.

25 (d) If the report alleges abuse or neglect by someone other than a parent, guardian,  
26 *fictive kin, person in a position of authority, person in a position of special*  
27 *trust,* or person exercising custodial control or supervision, or the human

1 trafficking of a child, the cabinet shall immediately notify the  
2 Commonwealth's or county attorney and the local law enforcement agency or  
3 the Department of Kentucky State Police.

4 (2) (a) Upon receipt of a report alleging dependency pursuant to KRS 620.030(1) and  
5 (2), the recipient shall immediately notify the cabinet or its designated  
6 representative.

7 (b) Based upon the allegation in the report, the cabinet shall immediately make an  
8 initial determination as to the risk of harm and immediate safety of the child.  
9 Based upon the level of risk, the cabinet shall investigate the allegation or  
10 accept the report for an assessment of family needs and, if appropriate, may  
11 provide or make referral to any community-based services necessary to reduce  
12 risk to the child and to provide family support. A report of sexual abuse or  
13 human trafficking of a child shall be considered high risk and shall not be  
14 referred to any other community agency.

15 (c) The cabinet need not notify the local law enforcement agency or the  
16 Department of Kentucky State Police or county attorney or Commonwealth's  
17 attorney of reports made under this subsection unless the report involves the  
18 human trafficking of a child, in which case the notification shall be required.

19 (3) If the cabinet or its designated representative receives a report of abuse by a person  
20 other than a parent, guardian, fictive kin, person in a position of authority, person  
21 in a position of special trust, or other person exercising custodial control or  
22 supervision of a child, it shall immediately notify the local law enforcement agency  
23 or the Department of Kentucky State Police and the Commonwealth's or county  
24 attorney of the receipt of the report and its contents, and they shall investigate the  
25 matter. The cabinet or its designated representative shall participate in an  
26 investigation of noncustodial physical abuse or neglect at the request of the local  
27 law enforcement agency or the Department of Kentucky State Police. The cabinet

1 shall participate in all investigations of reported or suspected sexual abuse or human  
2 trafficking of a child.

3 (4) School personnel or other persons listed in KRS 620.030(2) do not have the  
4 authority to conduct internal investigations in lieu of the official investigations  
5 outlined in this section.

6 (5) (a) If, after receiving the report, the law enforcement officer, the cabinet, or its  
7 designated representative cannot gain admission to the location of the child, a  
8 search warrant shall be requested from, and may be issued by, the judge to the  
9 appropriate law enforcement official upon probable cause that the child is  
10 dependent, neglected, or abused. If, pursuant to a search under a warrant, a  
11 child is discovered and appears to be in imminent danger, the child may be  
12 removed by the law enforcement officer.

13 (b) If a child who is in a hospital or under the immediate care of a physician  
14 appears to be in imminent danger if he or she is returned to the persons having  
15 custody of him or her, the physician or hospital administrator may hold the  
16 child without court order, provided that a request is made to the court for an  
17 emergency custody order at the earliest practicable time, not to exceed  
18 seventy-two (72) hours.

19 (c) Any appropriate law enforcement officer may take a child into protective  
20 custody and may hold that child in protective custody without the consent of  
21 the parent or other person exercising custodial control or supervision if there  
22 exist reasonable grounds for the officer to believe that the child is in danger of  
23 imminent death or serious physical injury, is being sexually abused, or is a  
24 victim of human trafficking and that the parents or other person exercising  
25 custodial control or supervision are unable or unwilling to protect the child.  
26 The officer or the person to whom the officer entrusts the child shall, within  
27 twelve (12) hours of taking the child into protective custody, request the court

1 to issue an emergency custody order.

2 (d) When a law enforcement officer, hospital administrator, or physician takes a  
3 child into custody without the consent of the parent or other person exercising  
4 custodial control or supervision, he or she shall provide written notice to the  
5 parent or other person stating the reasons for removal of the child. Failure of  
6 the parent or other person to receive notice shall not, by itself, be cause for  
7 civil or criminal liability.

8 (6) To the extent practicable and when in the best interest of a child alleged to have  
9 been abused, interviews with the child shall be conducted at a children's advocacy  
10 center.

11 (7) (a) One (1) or more multidisciplinary teams may be established in every county or  
12 group of contiguous counties.

13 (b) Membership of the multidisciplinary team shall include but shall not be  
14 limited to social service workers employed by the Cabinet for Health and  
15 Family Services and law enforcement officers. Additional team members may  
16 include Commonwealth's and county attorneys, children's advocacy center  
17 staff, mental health professionals, medical professionals, victim advocates  
18 including advocates for victims of human trafficking, educators, and other  
19 related professionals, as deemed appropriate.

20 (c) The multidisciplinary team shall review child sexual abuse cases and child  
21 human trafficking cases involving commercial sexual activity referred by  
22 participating professionals, including those in which the alleged perpetrator  
23 does not have custodial control or supervision of the child or is not  
24 responsible for the child's welfare. The purpose of the multidisciplinary team  
25 shall be to review investigations, assess service delivery, and to facilitate  
26 efficient and appropriate disposition of cases through the criminal justice  
27 system.



- 1 (d) The team shall hold regularly scheduled meetings if new reports of sexual  
2 abuse or child human trafficking cases involving commercial sexual activity  
3 are received or if active cases exist. At each meeting, each active case shall be  
4 presented and the agencies' responses assessed.
- 5 (e) The multidisciplinary team shall provide an annual report to the public of  
6 nonidentifying case information to allow assessment of the processing and  
7 disposition of child sexual abuse cases and child human trafficking cases  
8 involving commercial sexual activity.
- 9 (f) Multidisciplinary team members and anyone invited by the multidisciplinary  
10 team to participate in a meeting shall not divulge case information, including  
11 information regarding the identity of the victim or source of the report. Team  
12 members and others attending meetings shall sign a confidentiality statement  
13 that is consistent with statutory prohibitions on disclosure of this information.
- 14 (g) The multidisciplinary team shall, pursuant to KRS 431.600 and 431.660,  
15 develop a local protocol consistent with the model protocol issued by the  
16 Kentucky Multidisciplinary Commission on Child Sexual Abuse. The local  
17 team shall submit the protocol to the commission for review and approval.
- 18 (h) The multidisciplinary team review of a case may include information from  
19 reports generated by agencies, organizations, or individuals that are  
20 responsible for investigation, prosecution, or treatment in the case, KRS  
21 610.320 to KRS 610.340 notwithstanding.
- 22 (i) To the extent practicable, multidisciplinary teams shall be staffed by the local  
23 children's advocacy center.

24 **(8) Nothing in this section shall limit the cabinet's investigatory authority under KRS**  
25 **620.050 or any other obligation imposed by law.**

26 ➔Section 8. KRS 620.180 is amended to read as follows:

- 27 (1) The cabinet may promulgate administrative regulations to implement the provisions

1 of this chapter. The cabinet may also promulgate administrative regulations  
2 pursuant to the requirements of Public Law 96-272 as to the maximum number of  
3 children who at any time during a fiscal year, will remain in foster care after having  
4 been in such care for a period in excess of twenty-four (24) months, together with  
5 the steps to be taken to achieve such goal.

6 (2) The cabinet shall promulgate administrative regulations to provide the following:

7 (a) The method used to periodically review the status of children placed in foster  
8 family homes which shall include, but not be limited to, the following:

9 1. Within ten (10) calendar days of the temporary removal hearing  
10 provided for in this chapter, a case conference shall be held on all  
11 children placed with the cabinet for the purpose of establishing a  
12 specific treatment plan which may include preventive and reunification  
13 services for the child and his parent or other person exercising custodial  
14 control or supervision. Additional case conferences and reviews shall be  
15 held as appropriate, but shall be held at least every six (6) months. The  
16 parent or other person exercising custodial control or supervision and his  
17 counsel, if any, shall have the right to be present at and participate in  
18 such conferences. The child; the child's attorney, if any; the parent or  
19 other person exercising custodial control or supervision and his attorney  
20 of record, if any; and the county attorney shall be notified of, and may be  
21 present at and participate in such conferences;

22 2. On-going case work and supportive services shall be provided as  
23 indicated to best meet the needs of the child as established by the review  
24 and planning process; and

25 3. There may be procedures for providing for appropriate visitation  
26 between the parents and the child based on the needs of the child;

27 (b) The procedures for reporting to a committing court the status and plans for

1 children committed to the cabinet as dependent, neglected or abused and  
2 placed in foster family homes;~~and~~

3 (c) By January 1, 2019, the establishment and implementation of the processes,  
4 procedures, and requirements to ensure that children committed to the cabinet  
5 as dependent, neglected, or abused and placed in foster family homes are  
6 timely reunified with their biological family or identified for and placed in a  
7 new permanent home. These processes, procedures, and requirements shall  
8 include but not be limited to the following:

- 9 1. A case review and recommendation submitted to the committing court  
10 related to whether the best interest of the child is reunification or  
11 termination of parental rights after the child has been committed to the  
12 cabinet a total of six (6) cumulative months;
- 13 2. An additional case review and recommendation submitted to the  
14 committing court every three (3) cumulative months after the initial six  
15 (6) months if a child is still in the custody of the cabinet;
- 16 3. A petition to the court of appropriate jurisdiction seeking the termination  
17 of parental rights and authority to place the child for adoption in  
18 accordance with this chapter and KRS Chapter 625 no later than after a  
19 child has been committed to the cabinet for a total of fifteen (15)  
20 cumulative months out of forty-eight (48) months; and
- 21 4. A plan to ensure, no longer than thirty (30) working days after a court  
22 enters a judgment of termination of parental rights to a child that is  
23 committed to the cabinet, that the cabinet shall complete and submit to  
24 the court all necessary paperwork to facilitate the child's permanency  
25 plan, including but not limited to the presentation summary and  
26 identification of an adoptive home if determined; **and**

27 **(d) By October 1, 2019, the establishment and implementation of the processes,**

1           procedures, and requirements to ensure that children committed to the  
2           cabinet as dependent, neglected, or abused and placed in qualified  
3           residential treatment facilities are subject to case reviews within sixty (60)  
4           days of the start of each placement in accordance with 42 U.S.C. sec.  
5           675a(c)(2).

6           ➔Section 9. Whereas the background checks authorized herein are vital for child  
7 safety and to ensure ongoing federal funding compliance, an emergency is declared to  
8 exist, and Section 1 of this Act takes effect upon its passage and approval by the  
9 Governor or upon its otherwise becoming law.