

1 AN ACT relating to transitional living support for foster youth.

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

3 ➔Section 1. KRS 620.140 is amended to read as follows:

4 (1) In determining the disposition of all cases brought on behalf of dependent,  
5 neglected, or abused children, the juvenile session of the District Court, in the best  
6 interest of the child, shall have but shall not be limited to the following  
7 dispositional alternatives:

8 (a) Informal adjustment of the case by agreement, which may be entered into at  
9 any time. Informal adjustment may include an agreed plan by which:

10 1. The parent or other person exercising custodial control or supervision  
11 agrees that grounds exist for a finding of dependency, neglect, or abuse,  
12 and agrees to the conditions of protective orders under paragraph (b) of  
13 this subsection for a duration of up to one (1) year;

14 2. The action will be dismissed by the court, without hearing, at the end of  
15 the period agreed upon if no motion is brought alleging a violation of a  
16 protective order; and

17 3. If a motion is brought alleging a violation of a protective order, a  
18 hearing will be held at which the parent or other person exercising  
19 custodial control or supervision may contest the alleged violation, but  
20 may not contest the original grounds for a finding of dependency,  
21 neglect, or abuse. If a violation is found to have occurred, the court may  
22 consider other dispositional alternatives pursuant to this section;

23 (b) Protective orders, such as the following:

24 1. Requiring the parent or any other person to abstain from any conduct  
25 abusing, neglecting, or making the child dependent;

26 2. Placing the child in his or her own home under supervision of the  
27 cabinet or its designee with services as determined to be appropriate by

1                   the cabinet; and

2                   3. Orders authorized by KRS 403.715 to 403.785 and by KRS Chapter  
3                   456;

4                   (c) Removal of the child to the custody of an adult relative, fictive kin, other  
5                   person, or child-caring facility or child-placing agency, taking into  
6                   consideration the wishes of the parent or other person exercising custodial  
7                   control or supervision. Before any child is committed to the cabinet or placed  
8                   out of his or her home under the supervision of the cabinet, the court shall  
9                   determine that reasonable efforts have been made by the court or the cabinet  
10                  to prevent or eliminate the need for removal and that continuation in the home  
11                  would be contrary to the welfare of the child. If a child is to be placed with an  
12                  adult relative or fictive kin the parent or other person exercising custodial  
13                  control or supervision shall provide a list to the cabinet of possible persons to  
14                  be considered;

15                  (d) Commitment of the child to the custody of the cabinet for placement for an  
16                  indeterminate period of time not to exceed his or her attainment of the age  
17                  eighteen (18), unless the youth elects to extend his or her commitment beyond  
18                  the age of eighteen (18) under paragraph (e) of this subsection. Beginning at  
19                  least six (6) months prior to an eligible youth attaining the age of eighteen  
20                  (18), the cabinet shall provide the eligible youth with education,  
21                  encouragement, assistance, and support regarding the development of a  
22                  transition plan, and inform the eligible youth of his or her right to extend  
23                  commitment beyond the age of eighteen (18); or

24                  (e) Extend or reinstate an eligible youth's commitment up to the age of twenty-  
25                  one (21) to receive transitional living support. The request shall be made by  
26                  the youth prior to attaining twenty (20) years of age. A youth may opt in or  
27                  out of extended commitment up to two (2) times prior to attaining twenty (20)

1           years of age~~[, with a ninety (90) day grace period between the time he or she~~  
2           ~~exits and then reenters custody]~~ so long as there is documentation that his or  
3           her request was submitted prior to attaining twenty (20) years of age. The  
4           court may grant an extension or reinstatement of a youth's commitment even  
5           if the concurrence of the cabinet occurs after the youth attains twenty (20)  
6           years of age. Upon receipt of the request and with the concurrence of the  
7           cabinet, the court may authorize commitment up to the age of twenty-one  
8           (21).

9       (2) An order of temporary custody to the cabinet shall not be considered as a  
10       permissible dispositional alternative.