

1 AN ACT relating to educational neglect.

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

3 ➔Section 1. KRS 600.020 is amended to read as follows:

4 As used in KRS Chapters 600 to 645, unless the context otherwise requires:

5 (1) "Abused or neglected child" means a child whose health or welfare is harmed or  
6 threatened with harm when:

7 (a) His or her parent, guardian, person in a position of authority or special trust,  
8 as defined in KRS 532.045, or other person exercising custodial control or  
9 supervision of the child:

- 10 1. Inflicts or allows to be inflicted upon the child physical or emotional  
11 injury as defined in this section by other than accidental means;
- 12 2. Creates or allows to be created a risk of physical or emotional injury as  
13 defined in this section to the child by other than accidental means;
- 14 3. Engages in a pattern of conduct that renders the parent incapable of  
15 caring for the immediate and ongoing needs of the child, including but  
16 not limited to parental incapacity due to a substance use disorder as  
17 defined in KRS 222.005;
- 18 4. Continuously or repeatedly fails or refuses to provide essential parental  
19 care and protection for the child, considering the age of the child;
- 20 5. Commits or allows to be committed an act of sexual abuse, sexual  
21 exploitation, or prostitution upon the child;
- 22 6. Creates or allows to be created a risk that an act of sexual abuse, sexual  
23 exploitation, or prostitution will be committed upon the child;
- 24 7. Abandons or exploits the child;
- 25 8. Does not provide the child with:
  - 26 a. Adequate care;~~1~~
  - 27 b. Supervision;~~1~~

c. Food;[t,]

2 **d.** Clothing;[.]

3 e. Shelter; ~~[, and]~~

4           f.   Education, which shall include a parent's failure to properly  
5           supervise, instruct, train, or control his or her child and that  
6           failure is a substantial contributing factor to the child's violation  
7           of the school board's code of acceptable behavior and discipline  
8           adopted under KRS Chapter 158; or

9                    **g.** Medical care necessary for the child's well-being when financially  
10                   able to do so or offered financial or other means to do so. A parent  
11                   or other person exercising custodial control or supervision of the  
12                   child legitimately practicing the person's religious beliefs shall not  
13                   be considered a negligent parent solely because of failure to  
14                   provide specified medical treatment for a child for that reason  
15                   alone. This exception shall not preclude a court from ordering  
16                   necessary medical services for a child;

17           9.     Fails to make sufficient progress toward identified goals as set forth in  
18                 the court-approved case plan to allow for the safe return of the child to  
19                 the parent that results in the child remaining committed to the cabinet  
20                 and remaining in foster care for fifteen (15) cumulative months out of  
21                 forty-eight (48) months; or

22 10. Commits or allows female genital mutilation as defined in KRS 508.125  
23 to be committed; or

(b) A person twenty-one (21) years of age or older commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon a child less than sixteen (16) years of age;

27 (2) "Age or developmentally appropriate" has the same meaning as in 42 U.S.C. sec.

- 1           675(11);
- 2       (3) "Aggravated circumstances" means the existence of one (1) or more of the
- 3           following conditions:
- 4           (a) The parent has not attempted or has not had contact with the child for a period
- 5                 of not less than ninety (90) days;
- 6           (b) The parent is incarcerated and will be unavailable to care for the child for a
- 7                 period of at least one (1) year from the date of the child's entry into foster care
- 8                 and there is no appropriate relative placement available during this period of
- 9                 time;
- 10          (c) The parent has sexually abused the child and has refused available treatment;
- 11          (d) The parent has been found by the cabinet to have engaged in abuse of the
- 12                 child that required removal from the parent's home two (2) or more times in
- 13                 the past two (2) years; or
- 14          (e) The parent has caused the child serious physical injury;
- 15       (4) "Beyond the control of parents" means a child who has repeatedly failed to follow
- 16                 the reasonable directives of his or her parents, legal guardian, or person exercising
- 17                 custodial control or supervision other than a state agency, which behavior results in
- 18                 danger to the child or others, and which behavior does not constitute behavior that
- 19                 would warrant the filing of a petition under KRS Chapter 645;
- 20       (5) "Beyond the control of school" means any child who has been found by the court to
- 21                 have repeatedly violated the lawful regulations for the government of the school as
- 22                 provided in KRS 158.150, and as documented in writing by the school as a part of
- 23                 the school's petition or as an attachment to the school's petition. The petition or
- 24                 attachment shall describe the student's behavior and all intervention strategies
- 25                 attempted by the school;
- 26       (6) "Boarding home" means a privately owned and operated home for the boarding and
- 27                 lodging of individuals which is approved by the Department of Juvenile Justice or

- 1       the cabinet for the placement of children committed to the department or the  
2       cabinet;
- 3       (7) "Cabinet" means the Cabinet for Health and Family Services;
- 4       (8) "Certified juvenile facility staff" means individuals who meet the qualifications of,  
5       and who have completed a course of education and training in juvenile detention  
6       developed and approved by, the Department of Juvenile Justice after consultation  
7       with other appropriate state agencies;
- 8       (9) "Child" means any person who has not reached his or her eighteenth birthday,  
9       unless otherwise provided;
- 10      (10) "Child-caring facility" means any facility or group home other than a state facility,  
11      Department of Juvenile Justice contract facility or group home, or one certified by  
12      an appropriate agency as operated primarily for educational or medical purposes,  
13      providing residential care on a twenty-four (24) hour basis to children not related by  
14      blood, adoption, or marriage to the person maintaining the facility;
- 15      (11) "Child-placing agency" means any agency, other than a state agency, which  
16      supervises the placement of children in foster family homes or child-caring  
17      facilities or which places children for adoption;
- 18      (12) "Clinical treatment facility" means a facility with more than eight (8) beds  
19      designated by the Department of Juvenile Justice or the cabinet for the treatment of  
20      mentally ill children. The treatment program of such facilities shall be supervised  
21      by a qualified mental health professional;
- 22      (13) "Commitment" means an order of the court which places a child under the custodial  
23      control or supervision of the Cabinet for Health and Family Services, Department  
24      of Juvenile Justice, or another facility or agency until the child attains the age of  
25      eighteen (18) unless otherwise provided by law;
- 26      (14) "Community-based facility" means any nonsecure, homelike facility licensed,  
27      operated, or permitted to operate by the Department of Juvenile Justice or the

- 1 cabinet, which is located within a reasonable proximity of the child's family and  
2 home community, which affords the child the opportunity, if a Kentucky resident,  
3 to continue family and community contact;
- 4 (15) "Complaint" means a verified statement setting forth allegations in regard to the  
5 child which contain sufficient facts for the formulation of a subsequent petition;
- 6 (16) "Court" means the juvenile session of District Court unless a statute specifies the  
7 adult session of District Court or the Circuit Court;
- 8 (17) "Court-designated worker" means that organization or individual delegated by the  
9 Administrative Office of the Courts for the purposes of placing children in  
10 alternative placements prior to arraignment, conducting preliminary investigations,  
11 and formulating, entering into, and supervising diversion agreements and  
12 performing such other functions as authorized by law or court order;
- 13 (18) "Deadly weapon" has the same meaning as it does in KRS 500.080;
- 14 (19) "Department" means the Department for Community Based Services;
- 15 (20) "Dependent child" means any child, other than an abused or neglected child, who is  
16 under improper care, custody, control, or guardianship that is not due to an  
17 intentional act of the parent, guardian, or person exercising custodial control or  
18 supervision of the child;
- 19 (21) "Detention" means the safe and temporary custody of a juvenile who is accused of  
20 conduct subject to the jurisdiction of the court who requires a restricted or closely  
21 supervised environment for his or her own or the community's protection;
- 22 (22) "Detention hearing" means a hearing held by a judge or trial commissioner within  
23 twenty-four (24) hours, exclusive of weekends and holidays, of the start of any  
24 period of detention prior to adjudication;
- 25 (23) "Diversion agreement" means a mechanism designed to hold a child accountable  
26 for his or her behavior and, if appropriate, securing services to serve the best  
27 interest of the child and to provide redress for that behavior without court action

- 1 and without the creation of a formal court record;
- 2 (24) "Eligible youth" means a person who:
- 3 (a) Is or has been committed to the cabinet as dependent, neglected, or abused;
- 4 (b) Is eighteen (18) years of age to nineteen (19) years of age; and
- 5 (c) Is requesting to extend or reinstate his or her commitment to the cabinet in
- 6 order to participate in state or federal educational programs or to establish
- 7 independent living arrangements;
- 8 (25) "Emergency shelter" is a group home, private residence, foster home, or similar
- 9 homelike facility which provides temporary or emergency care of children and
- 10 adequate staff and services consistent with the needs of each child;
- 11 (26) "Emotional injury" means an injury to the mental or psychological capacity or
- 12 emotional stability of a child as evidenced by a substantial and observable
- 13 impairment in the child's ability to function within a normal range of performance
- 14 and behavior with due regard to his or her age, development, culture, and
- 15 environment as testified to by a qualified mental health professional;
- 16 (27) "Evidence-based practices" means policies, procedures, programs, and practices
- 17 proven by scientific research to reliably produce reductions in recidivism;
- 18 (28) "Fictive kin" means an individual who is not related by birth, adoption, or marriage
- 19 to a child, but who has an emotionally significant relationship with the child, or an
- 20 emotionally significant relationship with a biological parent, siblings, or half-
- 21 siblings of the child in the case of a child from birth to twelve (12) months of age,
- 22 prior to placement;
- 23 (29) "Firearm" shall have the same meaning as in KRS 237.060 and 527.010;
- 24 (30) "Foster family home" means a private home in which children are placed for foster
- 25 family care under supervision of the cabinet or a licensed child-placing agency;
- 26 (31) "Graduated sanction" means any of a continuum of accountability measures,
- 27 programs, and sanctions, ranging from less restrictive to more restrictive in nature,

1 that may include but are not limited to:

2 (a) Electronic monitoring;

3 (b) Drug and alcohol screening, testing, or monitoring;

4 (c) Day or evening reporting centers;

5 (d) Reporting requirements;

6 (e) Community service; and

7 (f) Rehabilitative interventions such as family counseling, substance abuse  
8 treatment, restorative justice programs, and behavioral or mental health  
9 treatment;

10 (32) "Habitual runaway" means any child who has been found by the court to have been  
11 absent from his or her place of lawful residence without the permission of his or her  
12 custodian for at least three (3) days during a one (1) year period;

13 (33) "Habitual truant" means any child who has been found by the court to have been  
14 reported as a truant as defined in KRS 159.150(1) two (2) or more times during a  
15 one (1) year period;

16 (34) "Hospital" means, except for purposes of KRS Chapter 645, a licensed private or  
17 public facility, health care facility, or part thereof, which is approved by the cabinet  
18 to treat children;

19 (35) "Independent living" means those activities necessary to assist a committed child to  
20 establish independent living arrangements;

21 (36) "Informal adjustment" means an agreement reached among the parties, with  
22 consultation, but not the consent, of the victim of the crime or other persons  
23 specified in KRS 610.070 if the victim chooses not to or is unable to participate,  
24 after a petition has been filed, which is approved by the court, that the best interest  
25 of the child would be served without formal adjudication and disposition;

26 (37) "Intentionally" means, with respect to a result or to conduct described by a statute  
27 which defines an offense, that the actor's conscious objective is to cause that result

1 or to engage in that conduct;

2 (38) "Least restrictive alternative" means, except for purposes of KRS Chapter 645, that  
3 the program developed on the child's behalf is no more harsh, hazardous, or  
4 intrusive than necessary; or involves no restrictions on physical movements nor  
5 requirements for residential care except as reasonably necessary for the protection  
6 of the child from physical injury; or protection of the community, and is conducted  
7 at the suitable available facility closest to the child's place of residence to allow for  
8 appropriate family engagement;

9 (39) "Motor vehicle offense" means any violation of the nonfelony provisions of KRS  
10 Chapters 186, 189, or 189A, KRS 177.300, 304.39-110, or 304.39-117;

11 (40) "Near fatality" means an injury that, as certified by a physician, places a child in  
12 serious or critical condition;

13 (41) "Needs of the child" means necessary food, clothing, health, shelter, and education;

14 (42) "Nonoffender" means a child alleged to be dependent, neglected, or abused and  
15 who has not been otherwise charged with a status or public offense;

16 (43) "Nonsecure facility" means a facility which provides its residents access to the  
17 surrounding community and which does not rely primarily on the use of physically  
18 restricting construction and hardware to restrict freedom;

19 (44) "Nonsecure setting" means a nonsecure facility or a residential home, including a  
20 child's own home, where a child may be temporarily placed pending further court  
21 action. Children before the court in a county that is served by a state operated  
22 secure detention facility, who are in the detention custody of the Department of  
23 Juvenile Justice, and who are placed in a nonsecure alternative by the Department  
24 of Juvenile Justice, shall be supervised by the Department of Juvenile Justice;

25 (45) "Out-of-home placement" means a placement other than in the home of a parent,  
26 relative, or guardian, in a boarding home, clinical treatment facility, community-  
27 based facility, detention facility, emergency shelter, fictive kin home, foster family

1 home, hospital, nonsecure facility, physically secure facility, residential treatment  
2 facility, or youth alternative center;

3 (46) "Parent" means the biological or adoptive mother or father of a child;

4 (47) "Person exercising custodial control or supervision" means a person or agency that  
5 has assumed the role and responsibility of a parent or guardian for the child, but that  
6 does not necessarily have legal custody of the child;

7 (48) "Petition" means a verified statement, setting forth allegations in regard to the child,  
8 which initiates formal court involvement in the child's case;

9 (49) "Physical injury" means substantial physical pain or any impairment of physical  
10 condition;

11 (50) "Physically secure facility" means a facility that relies primarily on the use of  
12 construction and hardware such as locks, bars, and fences to restrict freedom;

13 (51) "Public offense action" means an action, excluding contempt, brought in the interest  
14 of a child who is accused of committing an offense under KRS Chapter 527 or a  
15 public offense which, if committed by an adult, would be a crime, whether the same  
16 is a felony, misdemeanor, or violation, other than an action alleging that a child  
17 sixteen (16) years of age or older has committed a motor vehicle offense;

18 (52) "Qualified mental health professional" means:

19 (a) A physician licensed under the laws of Kentucky to practice medicine or  
20 osteopathy, or a medical officer of the government of the United States while  
21 engaged in the performance of official duties;

22 (b) A psychiatrist licensed under the laws of Kentucky to practice medicine or  
23 osteopathy, or a medical officer of the government of the United States while  
24 engaged in the practice of official duties, and who is certified or eligible to  
25 apply for certification by the American Board of Psychiatry and Neurology,  
26 Inc.;

27 (c) A psychologist with the health service provider designation, a psychological

- 1 practitioner, a certified psychologist, or a psychological associate licensed  
2 under the provisions of KRS Chapter 319;
- 3 (d) A licensed registered nurse with a master's degree in psychiatric nursing from  
4 an accredited institution and two (2) years of clinical experience with  
5 mentally ill persons, or a licensed registered nurse with a bachelor's degree in  
6 nursing from an accredited institution who is certified as a psychiatric and  
7 mental health nurse by the American Nurses Association and who has three  
8 (3) years of inpatient or outpatient clinical experience in psychiatric nursing  
9 and who is currently employed by a hospital or forensic psychiatric facility  
10 licensed by the Commonwealth or a psychiatric unit of a general hospital, a  
11 private agency or company engaged in providing mental health services, or a  
12 regional comprehensive care center;
- 13 (e) A licensed clinical social worker licensed under the provisions of KRS  
14 335.100, or a certified social worker licensed under the provisions of KRS  
15 335.080 with three (3) years of inpatient or outpatient clinical experience in  
16 psychiatric social work and currently employed by a hospital or forensic  
17 psychiatric facility licensed by the Commonwealth, a psychiatric unit of a  
18 general hospital, a private agency or company engaged in providing mental  
19 health services, or a regional comprehensive care center;
- 20 (f) A marriage and family therapist licensed under the provisions of KRS  
21 335.300 to 335.399 with three (3) years of inpatient or outpatient clinical  
22 experience in psychiatric mental health practice and currently employed by a  
23 hospital or forensic psychiatric facility licensed by the Commonwealth, a  
24 psychiatric unit of a general hospital, a private agency or company engaged in  
25 providing mental health services, or a regional comprehensive care center;
- 26 (g) A professional counselor credentialed under the provisions of KRS 335.500 to  
27 335.599 with three (3) years of inpatient or outpatient clinical experience in

1 psychiatric mental health practice and currently employed by a hospital or  
2 forensic facility licensed by the Commonwealth, a psychiatric unit of a  
3 general hospital, a private agency or company engaged in providing mental  
4 health services, or a regional comprehensive care center; or

5 (h) A physician assistant licensed under KRS 311.840 to 311.862, who meets one  
6 (1) of the following requirements:

- 7 1. Provides documentation that he or she has completed a psychiatric  
8 residency program for physician assistants;
- 9 2. Has completed at least one thousand (1,000) hours of clinical experience  
10 under a supervising physician, as defined by KRS 311.840, who is a  
11 psychiatrist and is certified or eligible for certification by the American  
12 Board of Psychiatry and Neurology, Inc.;
- 13 3. Holds a master's degree from a physician assistant program accredited  
14 by the Accreditation Review Commission on Education for the  
15 Physician Assistant or its predecessor or successor agencies, is  
16 practicing under a supervising physician as defined by KRS 311.840,  
17 and:
  - 18 a. Has two (2) years of clinical experience in the assessment,  
19 evaluation, and treatment of mental disorders; or
  - 20 b. Has been employed by a hospital or forensic psychiatric facility  
21 licensed by the Commonwealth or a psychiatric unit of a general  
22 hospital or a private agency or company engaged in the provision  
23 of mental health services or a regional community program for  
24 mental health and individuals with an intellectual disability for at  
25 least two (2) years; or
- 26 4. Holds a bachelor's degree, possesses a current physician assistant  
27 certificate issued by the board prior to July 15, 2002, is practicing under

1 a supervising physician as defined by KRS 311.840, and:

2 a. Has three (3) years of clinical experience in the assessment,  
3 evaluation, and treatment of mental disorders; or

4 b. Has been employed by a hospital or forensic psychiatric facility  
5 licensed by the Commonwealth or a psychiatric unit of a general  
6 hospital or a private agency or company engaged in the provision  
7 of mental health services or a regional community program for  
8 mental health and individuals with an intellectual disability for at  
9 least three (3) years;

10 (53) "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C.  
11 sec. 675(10);

12 (54) "Residential treatment facility" means a facility or group home with more than eight  
13 (8) beds designated by the Department of Juvenile Justice or the cabinet for the  
14 treatment of children;

15 (55) "Retain in custody" means, after a child has been taken into custody, the continued  
16 holding of the child by a peace officer for a period of time not to exceed twelve (12)  
17 hours when authorized by the court or the court-designated worker for the purpose  
18 of making preliminary inquiries;

19 (56) "Risk and needs assessment" means an actuarial tool scientifically proven to  
20 identify specific factors and needs that are related to delinquent and noncriminal  
21 misconduct;

22 (57) "School personnel" means those certified persons under the supervision of the local  
23 public or private education agency;

24 (58) "Secretary" means the secretary of the Cabinet for Health and Family Services;

25 (59) "Secure juvenile detention facility" means any physically secure facility used for  
26 the secure detention of children other than any facility in which adult prisoners are  
27 confined;

- 1 (60) "Serious physical injury" means physical injury which creates a substantial risk of  
2 death or which causes serious and prolonged disfigurement, prolonged impairment  
3 of health, or prolonged loss or impairment of the function of any bodily member or  
4 organ;
- 5 (61) "Sexual abuse" includes but is not necessarily limited to any contacts or interactions  
6 in which the parent, guardian, person in a position of authority or special trust, as  
7 defined in KRS 532.045, or other person having custodial control or supervision of  
8 the child or responsibility for his or her welfare, uses or allows, permits, or  
9 encourages the use of the child for the purposes of the sexual stimulation of the  
10 perpetrator or another person;
- 11 (62) "Sexual exploitation" includes but is not limited to a situation in which a parent,  
12 guardian, person in a position of authority or special trust, as defined in KRS  
13 532.045, or other person having custodial control or supervision of a child or  
14 responsible for his or her welfare, allows, permits, or encourages the child to  
15 engage in an act which constitutes prostitution under Kentucky law; or a parent,  
16 guardian, person in a position of authority or special trust, as defined in KRS  
17 532.045, or other person having custodial control or supervision of a child or  
18 responsible for his or her welfare, allows, permits, or encourages the child to  
19 engage in an act of obscene or pornographic photographing, filming, or depicting of  
20 a child as provided for under Kentucky law;
- 21 (63) "Social service worker" means any employee of the cabinet or any private agency  
22 designated as such by the secretary of the cabinet or a social worker employed by a  
23 county or city who has been approved by the cabinet to provide, under its  
24 supervision, services to families and children;
- 25 (64) "Staff secure facility for residential treatment" means any setting which assures that  
26 all entrances and exits are under the exclusive control of the facility staff, and in  
27 which a child may reside for the purpose of receiving treatment;

- 1 (65) (a) "Status offense action" is any action brought in the interest of a child who is  
2 accused of committing acts, which if committed by an adult, would not be a  
3 crime. Such behavior shall not be considered criminal or delinquent and such  
4 children shall be termed status offenders. Status offenses shall include:
- 5 1. Beyond the control of school or beyond the control of parents;
  - 6 2. Habitual runaway;
  - 7 3. Habitual truant; and
  - 8 4. Alcohol offenses as provided in KRS 244.085.
- 9 (b) Status offenses shall not include violations of state or local ordinances which  
10 may apply to children such as a violation of curfew;
- 11 (66) "Take into custody" means the procedure by which a peace officer or other  
12 authorized person initially assumes custody of a child. A child may be taken into  
13 custody for a period of time not to exceed two (2) hours;
- 14 (67) "Transitional living support" means all benefits to which an eligible youth is  
15 entitled upon being granted extended or reinstated commitment to the cabinet by the  
16 court;
- 17 (68) "Transition plan" means a plan that is personalized at the direction of the youth that:
- 18 (a) Includes specific options on housing, health insurance, education, local  
19 opportunities for mentors and continuing support services, and workforce  
20 supports and employment services; and
  - 21 (b) Is as detailed as the youth may elect;
- 22 (69) "Valid court order" means a court order issued by a judge to a child alleged or  
23 found to be a status offender:
- 24 (a) Who was brought before the court and made subject to the order;
  - 25 (b) Whose future conduct was regulated by the order;
  - 26 (c) Who was given written and verbal warning of the consequences of the  
27 violation of the order at the time the order was issued and whose attorney or

1 parent or legal guardian was also provided with a written notice of the  
2 consequences of violation of the order, which notification is reflected in the  
3 record of the court proceedings; and

4 (d) Who received, before the issuance of the order, the full due process rights  
5 guaranteed by the Constitution of the United States;

6 (70) "Violation" means any offense, other than a traffic infraction, for which a sentence  
7 of a fine only can be imposed;

8 (71) "Youth alternative center" means a nonsecure facility, approved by the Department  
9 of Juvenile Justice, for the detention of juveniles, both prior to adjudication and  
10 after adjudication, which meets the criteria specified in KRS 15A.320; and

11 (72) "Youthful offender" means any person regardless of age, transferred to Circuit  
12 Court under the provisions of KRS Chapter 635 or 640 and who is subsequently  
13 convicted in Circuit Court.

14 ➔Section 2. KRS 620.090 is amended to read as follows:

15 (1) If, after completion of the temporary removal hearing, the court finds there are  
16 reasonable grounds to believe the child is dependent, neglected or abused, the court  
17 shall:

18 (a) Issue an order for temporary removal and shall grant temporary custody to the  
19 cabinet or other appropriate person or agency. Preference shall be given to  
20 available and qualified relatives of the child considering the wishes of the  
21 parent or other person exercising custodial control or supervision, if known.  
22 The order shall state the specific reasons for removal and show that alternative  
23 less restrictive placements and services have been considered. The court may  
24 recommend a placement for the child;

25 (b) Inquire as to an existing child support order;~~and~~

26 (c) If there is no existing order, or if the order is to be amended, the court shall:

27 1. Make specific findings, either written or on the record, as to:

- 1 a. The child support obligation in the best interest of the child;
- 2 b. The action to be taken by the payee, payor, or any other party by
- 3 making an application for services to the child support office who
- 4 shall take all appropriate action; or
- 5 c. Setting a hearing as soon as practicable; and
- 6 2. Require proper service before establishing a new child support order;

7 and

8 (d) In the case of educational neglect as described in Section 1 of this Act,  
9 inquire as to any public financial benefits being received on behalf of the  
10 child. Any identified public financial benefits shall be surrendered by the  
11 parent or guardian at the time of the child's court ordered placement  
12 outside of the home. Failure to comply with this paragraph may be  
13 punished as contempt of court. The parent or guardian shall continue to  
14 surrender all public financial benefits until the child's return to the physical  
15 placement of his or her parent or guardian.

16 (2) In placing a child under an order of temporary custody, the cabinet or its designee  
17 shall use the least restrictive appropriate placement available. Preference shall be  
18 given to available and qualified relatives of the child considering the wishes of the  
19 parent or other person exercising custodial control or supervision, if known. The  
20 child may also be placed in a facility or program operated or approved by the  
21 cabinet, including a foster home, or any other appropriate available placement.  
22 However, under no circumstance shall the child be placed in a home, facility, or  
23 other shelter with a child who has been committed to the Department of Juvenile  
24 Justice for commission of a sex crime as that term is defined in KRS 17.500, unless  
25 the child committed for the commission of a sex crime is kept segregated from  
26 other children in the home, facility, or other shelter that have not been committed  
27 for the commission of a sex crime.

- 1 (3) If the court finds there are not reasonable grounds to believe the child is dependent,  
2 neglected or abused, or if no action is taken within seventy-two (72) hours, the  
3 emergency custody order shall be dissolved automatically and the cabinet or its  
4 designee shall return the child to the parent or other person exercising custodial  
5 control or supervision. A request for a continuance of the hearing by the parent or  
6 other person exercising custodial control or supervision shall constitute action  
7 precluding automatic dissolution of the emergency custody order.
- 8 (4) When the court issues a temporary order for the custody of a child, the court may  
9 order that, within two (2) weeks, arrangements be made for the child to receive a  
10 thorough medical, visual, and dental examination by a professional authorized by  
11 the Kentucky Revised Statutes to conduct such examinations. The costs of the  
12 examination shall be paid by the cabinet.
- 13 (5) The child shall remain in temporary custody with the cabinet for a period of time  
14 not to exceed forty-five (45) days from the date of the removal from his home. The  
15 court shall conduct the adjudicatory hearing and shall make a final disposition  
16 within forty-five (45) days of the removal of the child. The court may extend such  
17 time after making written findings establishing the need for the extension and after  
18 finding that the extension is in the child's best interest.
- 19 (6) If custody is granted to a grandparent of the child pursuant to this section, the court  
20 shall consider granting reasonable visitation rights to any other grandparent of the  
21 child if the court determines the grandparent has a significant and viable  
22 relationship with the child as established in KRS 405.021(1)(c).