

1 AN ACT relating to best interests of a child.

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

3 ➔Section 1. KRS 620.023 is amended to read as follows:

4 (1) Evidence of the following circumstances, if relevant, shall be considered by the
5 court in all proceedings conducted pursuant to KRS Chapter 620 in which the court
6 is required to render decisions in the best interest of the child:

7 (a) Mental illness as defined in KRS 202A.011 or an intellectual disability as
8 defined in KRS 202B.010 of the parent, as attested to by a qualified mental
9 health professional, which renders the parent unable to care for the immediate
10 and ongoing needs of the child;

11 (b) Acts of abuse or neglect as defined in KRS 600.020 toward any child;

12 (c) Substance use disorder, as defined in KRS 222.005, that results in an
13 incapacity by the parent or caretaker to provide essential care and protection
14 for the child;

15 (d) A finding of domestic violence and abuse as defined in KRS 403.720, whether
16 or not committed in the presence of the child;

17 (e) Any other crime committed by a parent which results in the death or
18 permanent physical or mental disability of a member of that parent's family or
19 household; and

20 (f) The existence of any guardianship or conservatorship of the parent pursuant to
21 a determination of disability or partial disability as made under KRS 387.500
22 to 387.770 and 387.990.

23 (2) **(a)** In determining the best interest of the child, the court may consider:

24 **1.** The effectiveness of rehabilitative efforts made by the parent or
25 caretaker intended to address circumstances in this section;~~[-]~~

26 **2. Whether the harm likely to be caused by a change of environment is**
27 **outweighed by its advantages to the child;**

- 1 3. The child's adjustment and continuing proximity to his or her home,
- 2 school, and community;
- 3 4. The interaction and interrelationship of the child with his or her
- 4 parent or parents, siblings, and any other person who may
- 5 significantly affect the child's best interests and the likelihood the
- 6 child will be able to maintain those relationships;
- 7 5. The least restrictive and disruptive placement for the child;
- 8 6. The potential risks associated with entering out-of-home care;
- 9 7. The constitutional rights of all parties;
- 10 8. The child's physical and mental health;
- 11 9. The wishes of the child with due consideration given to any outside
- 12 influence and its impact on the child's wishes; and
- 13 10. The existence of a strong support system for the child.
- 14 (b) The court shall not consider the socioeconomic status of the parent or
- 15 caretaker when determining the best interests of the child.