

1 AN ACT relating to child abuse.

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 adequate care, supervision, food,
26 clothing, shelter, and education or medical care necessary for the child's
27 well-being when financially able to do so or offered financial or other

- 1 means to do so. A parent or other person exercising custodial control or
2 supervision of the child legitimately practicing the person's religious
3 beliefs shall not be considered a negligent parent solely because of
4 failure to provide specified medical treatment for a child for that reason
5 alone. This exception shall not preclude a court from ordering necessary
6 medical services for a child;
- 7 9. Fails to make sufficient progress toward identified goals as set forth in
8 the court-approved case plan to allow for the safe return of the child to
9 the parent that results in the child remaining committed to the cabinet
10 and remaining in foster care for fifteen (15) cumulative months out of
11 forty-eight (48) months; or
- 12 10. Commits or allows female genital mutilation as defined in KRS 508.125
13 to be committed; or
- 14 (b) A person twenty-one (21) years of age or older commits or allows to be
15 committed an act of sexual abuse, sexual exploitation, or prostitution upon a
16 child less than sixteen (16) years of age;
- 17 (2) "Age or developmentally appropriate" has the same meaning as in 42 U.S.C. sec.
18 675(11);
- 19 (3) "Aggravated circumstances" means the existence of one (1) or more of the
20 following conditions:
- 21 (a) The parent has not attempted or has not had contact with the child for a period
22 of not less than ninety (90) days;
- 23 (b) The parent is incarcerated and will be unavailable to care for the child for a
24 period of at least one (1) year from the date of the child's entry into foster care
25 and there is no appropriate relative placement available during this period of
26 time;
- 27 (c) The parent has sexually abused the child and has refused available treatment;

- 1 (d) The parent has been found by the cabinet to have engaged in abuse of the
2 child that required removal from the parent's home two (2) or more times in
3 the past two (2) years; or
- 4 (e) The parent has caused the child serious physical injury;
- 5 (4) "Beyond the control of parents" means a child who has repeatedly failed to follow
6 the reasonable directives of his or her parents, legal guardian, or person exercising
7 custodial control or supervision other than a state agency, which behavior results in
8 danger to the child or others, and which behavior does not constitute behavior that
9 would warrant the filing of a petition under KRS Chapter 645;
- 10 (5) "Beyond the control of school" means any child who has been found by the court to
11 have repeatedly violated the lawful regulations for the government of the school as
12 provided in KRS 158.150, and as documented in writing by the school as a part of
13 the school's petition or as an attachment to the school's petition. The petition or
14 attachment shall describe the student's behavior and all intervention strategies
15 attempted by the school;
- 16 (6) "Boarding home" means a privately owned and operated home for the boarding and
17 lodging of individuals which is approved by the Department of Juvenile Justice or
18 the cabinet for the placement of children committed to the department or the
19 cabinet;
- 20 (7) "Cabinet" means the Cabinet for Health and Family Services;
- 21 (8) "Certified juvenile facility staff" means individuals who meet the qualifications of,
22 and who have completed a course of education and training in juvenile detention
23 developed and approved by, the Department of Juvenile Justice after consultation
24 with other appropriate state agencies;
- 25 (9) "Child" means any person who has not reached his or her eighteenth birthday,
26 unless otherwise provided;
- 27 (10) "Child-caring facility" means any facility or group home other than a state facility,

1 Department of Juvenile Justice contract facility or group home, or one certified by
2 an appropriate agency as operated primarily for educational or medical purposes,
3 providing residential care on a twenty-four (24) hour basis to children not related by
4 blood, adoption, or marriage to the person maintaining the facility;

5 (11) "Child-placing agency" means any agency, other than a state agency, which
6 supervises the placement of children in foster family homes or child-caring
7 facilities or which places children for adoption;

8 (12) "Clinical treatment facility" means a facility with more than eight (8) beds
9 designated by the Department of Juvenile Justice or the cabinet for the treatment of
10 mentally ill children. The treatment program of such facilities shall be supervised
11 by a qualified mental health professional;

12 (13) "Commitment" means an order of the court which places a child under the custodial
13 control or supervision of the Cabinet for Health and Family Services, Department
14 of Juvenile Justice, or another facility or agency until the child attains the age of
15 eighteen (18) unless otherwise provided by law;

16 (14) "Community-based facility" means any nonsecure, homelike facility licensed,
17 operated, or permitted to operate by the Department of Juvenile Justice or the
18 cabinet, which is located within a reasonable proximity of the child's family and
19 home community, which affords the child the opportunity, if a Kentucky resident,
20 to continue family and community contact;

21 (15) "Complaint" means a verified statement setting forth allegations in regard to the
22 child which contain sufficient facts for the formulation of a subsequent petition;

23 (16) "Court" means the juvenile session of District Court unless a statute specifies the
24 adult session of District Court or the Circuit Court;

25 (17) "Court-designated worker" means that organization or individual delegated by the
26 Administrative Office of the Courts for the purposes of placing children in
27 alternative placements prior to arraignment, conducting preliminary investigations,

1 and formulating, entering into, and supervising diversion agreements and
2 performing such other functions as authorized by law or court order;

3 (18) "Deadly weapon" has the same meaning as it does in KRS 500.080;

4 (19) "Department" means the Department for Community Based Services;

5 (20) "Dependent child" means any child, other than an abused or neglected child, who is
6 under improper care, custody, control, or guardianship that is not due to an
7 intentional act of the parent, guardian, or person exercising custodial control or
8 supervision of the child;

9 (21) "Detention" means the safe and temporary custody of a juvenile who is accused of
10 conduct subject to the jurisdiction of the court who requires a restricted or closely
11 supervised environment for his or her own or the community's protection;

12 (22) "Detention hearing" means a hearing held by a judge or trial commissioner within
13 twenty-four (24) hours, exclusive of weekends and holidays, of the start of any
14 period of detention prior to adjudication;

15 (23) "Diversion agreement" means a mechanism designed to hold a child accountable
16 for his or her behavior and, if appropriate, securing services to serve the best
17 interest of the child and to provide redress for that behavior without court action
18 and without the creation of a formal court record;

19 (24) "Eligible youth" means a person who:

20 (a) Is or has been committed to the cabinet as dependent, neglected, or abused;

21 (b) Is eighteen (18) years of age to nineteen (19) years of age; and

22 (c) Is requesting to extend or reinstate his or her commitment to the cabinet in
23 order to participate in state or federal educational programs or to establish
24 independent living arrangements;

25 (25) "Emergency shelter" is a group home, private residence, foster home, or similar
26 homelike facility which provides temporary or emergency care of children and
27 adequate staff and services consistent with the needs of each child;

- 1 (26) "Emotional injury" means an injury to the mental or psychological capacity or
2 emotional stability of a child as evidenced by a substantial and observable
3 impairment in the child's ability to function within a normal range of performance
4 and behavior with due regard to his or her age, development, culture, and
5 environment as testified to by a qualified mental health professional;
- 6 (27) "Evidence-based practices" means policies, procedures, programs, and practices
7 proven by scientific research to reliably produce reductions in recidivism;
- 8 (28) "Fictive kin" means an individual who is not related by birth, adoption, or marriage
9 to a child, but who has an emotionally significant relationship with the child, or an
10 emotionally significant relationship with a biological parent, siblings, or half-
11 siblings of the child in the case of a child from birth to twelve (12) months of age,
12 prior to placement;
- 13 (29) "Firearm" shall have the same meaning as in KRS 237.060 and 527.010;
- 14 (30) "Foster family home" means a private home in which children are placed for foster
15 family care under supervision of the cabinet or a licensed child-placing agency;
- 16 (31) "Graduated sanction" means any of a continuum of accountability measures,
17 programs, and sanctions, ranging from less restrictive to more restrictive in nature,
18 that may include but are not limited to:
- 19 (a) Electronic monitoring;
- 20 (b) Drug and alcohol screening, testing, or monitoring;
- 21 (c) Day or evening reporting centers;
- 22 (d) Reporting requirements;
- 23 (e) Community service; and
- 24 (f) Rehabilitative interventions such as family counseling, substance abuse
25 treatment, restorative justice programs, and behavioral or mental health
26 treatment;
- 27 (32) "Habitual runaway" means any child who has been found by the court to have been

- 1 absent from his or her place of lawful residence without the permission of his or her
2 custodian for at least three (3) days during a one (1) year period;
- 3 (33) "Habitual truant" means any child who has been found by the court to have been
4 reported as a truant as defined in KRS 159.150(1) two (2) or more times during a
5 one (1) year period;
- 6 (34) "Hospital" means, except for purposes of KRS Chapter 645, a licensed private or
7 public facility, health care facility, or part thereof, which is approved by the cabinet
8 to treat children;
- 9 (35) "Independent living" means those activities necessary to assist a committed child to
10 establish independent living arrangements;
- 11 (36) "Informal adjustment" means an agreement reached among the parties, with
12 consultation, but not the consent, of the victim of the crime or other persons
13 specified in KRS 610.070 if the victim chooses not to or is unable to participate,
14 after a petition has been filed, which is approved by the court, that the best interest
15 of the child would be served without formal adjudication and disposition;
- 16 (37) "Intentionally" means, with respect to a result or to conduct described by a statute
17 which defines an offense, that the actor's conscious objective is to cause that result
18 or to engage in that conduct;
- 19 (38) "Least restrictive alternative" means, except for purposes of KRS Chapter 645, that
20 the program developed on the child's behalf is no more harsh, hazardous, or
21 intrusive than necessary; or involves no restrictions on physical movements nor
22 requirements for residential care except as reasonably necessary for the protection
23 of the child from physical injury; or protection of the community, and is conducted
24 at the suitable available facility closest to the child's place of residence to allow for
25 appropriate family engagement;
- 26 (39) "Motor vehicle offense" means any violation of the nonfelony provisions of KRS
27 Chapters 186, 189, or 189A, KRS 177.300, 304.39-110, or 304.39-117;

- 1 (40) "Near fatality" means an injury that, as certified by a physician, places a child in
2 serious or critical condition;
- 3 (41) "Needs of the child" means necessary food, clothing, health, shelter, and education;
- 4 (42) "Nonoffender" means a child alleged to be dependent, neglected, or abused and
5 who has not been otherwise charged with a status or public offense;
- 6 (43) "Nonsecure facility" means a facility which provides its residents access to the
7 surrounding community and which does not rely primarily on the use of physically
8 restricting construction and hardware to restrict freedom;
- 9 (44) "Nonsecure setting" means a nonsecure facility or a residential home, including a
10 child's own home, where a child may be temporarily placed pending further court
11 action. Children before the court in a county that is served by a state operated
12 secure detention facility, who are in the detention custody of the Department of
13 Juvenile Justice, and who are placed in a nonsecure alternative by the Department
14 of Juvenile Justice, shall be supervised by the Department of Juvenile Justice;
- 15 (45) "Out-of-home placement" means a placement other than in the home of a parent,
16 relative, or guardian, in a boarding home, clinical treatment facility, community-
17 based facility, detention facility, emergency shelter, fictive kin home, foster family
18 home, hospital, nonsecure facility, physically secure facility, residential treatment
19 facility, or youth alternative center;
- 20 (46) "Parent" means the biological or adoptive mother or father of a child;
- 21 (47) "Person exercising custodial control or supervision" means a person or agency that
22 has assumed the role and responsibility of a parent or guardian for the child, but that
23 does not necessarily have legal custody of the child;
- 24 (48) "Petition" means a verified statement, setting forth allegations in regard to the child,
25 which initiates formal court involvement in the child's case;
- 26 (49) "Physical injury" means substantial physical pain or any impairment of physical
27 condition;

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

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

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

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

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

17 (c) A psychologist with the health service provider designation, a psychological
18 practitioner, a certified psychologist, or a psychological associate licensed
19 under the provisions of KRS Chapter 319;

20 (d) A licensed registered nurse with a master's degree in psychiatric nursing from
21 an accredited institution and two (2) years of clinical experience with
22 mentally ill persons, or a licensed registered nurse with a bachelor's degree in
23 nursing from an accredited institution who is certified as a psychiatric and
24 mental health nurse by the American Nurses Association and who has three
25 (3) years of inpatient or outpatient clinical experience in psychiatric nursing
26 and who is currently employed by a hospital or forensic psychiatric facility
27 licensed by the Commonwealth or a psychiatric unit of a general hospital, a

1 private agency or company engaged in providing mental health services, or a
2 regional comprehensive care center;

3 (e) A licensed clinical social worker licensed under the provisions of KRS
4 335.100, or a certified social worker licensed under the provisions of KRS
5 335.080 with three (3) years of inpatient or outpatient clinical experience in
6 psychiatric social work and currently employed by a hospital or forensic
7 psychiatric facility licensed by the Commonwealth, a psychiatric unit of a
8 general hospital, a private agency or company engaged in providing mental
9 health services, or a regional comprehensive care center;

10 (f) A marriage and family therapist licensed under the provisions of KRS
11 335.300 to 335.399 with three (3) years of inpatient or outpatient clinical
12 experience in psychiatric mental health practice and currently employed by a
13 hospital or forensic psychiatric facility licensed by the Commonwealth, a
14 psychiatric unit of a general hospital, a private agency or company engaged in
15 providing mental health services, or a regional comprehensive care center;

16 (g) A professional counselor credentialed under the provisions of KRS 335.500 to
17 335.599 with three (3) years of inpatient or outpatient clinical experience in
18 psychiatric mental health practice and currently employed by a hospital or
19 forensic facility licensed by the Commonwealth, a psychiatric unit of a
20 general hospital, a private agency or company engaged in providing mental
21 health services, or a regional comprehensive care center; or

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

- 24 1. Provides documentation that he or she has completed a psychiatric
25 residency program for physician assistants;
- 26 2. Has completed at least one thousand (1,000) hours of clinical experience
27 under a supervising physician, as defined by KRS 311.840, who is a

- 1 psychiatrist and is certified or eligible for certification by the American
2 Board of Psychiatry and Neurology, Inc.;
- 3 3. Holds a master's degree from a physician assistant program accredited
4 by the Accreditation Review Commission on Education for the
5 Physician Assistant or its predecessor or successor agencies, is
6 practicing under a supervising physician as defined by KRS 311.840,
7 and:
- 8 a. Has two (2) years of clinical experience in the assessment,
9 evaluation, and treatment of mental disorders; or
- 10 b. Has been employed by a hospital or forensic psychiatric facility
11 licensed by the Commonwealth or a psychiatric unit of a general
12 hospital or a private agency or company engaged in the provision
13 of mental health services or a regional community program for
14 mental health and individuals with an intellectual disability for at
15 least two (2) years; or
- 16 4. Holds a bachelor's degree, possesses a current physician assistant
17 certificate issued by the board prior to July 15, 2002, is practicing under
18 a supervising physician as defined by KRS 311.840, and:
- 19 a. Has three (3) years of clinical experience in the assessment,
20 evaluation, and treatment of mental disorders; or
- 21 b. Has been employed by a hospital or forensic psychiatric facility
22 licensed by the Commonwealth or a psychiatric unit of a general
23 hospital or a private agency or company engaged in the provision
24 of mental health services or a regional community program for
25 mental health and individuals with an intellectual disability for at
26 least three (3) years;
- 27 (53) "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C.

1 sec. 675(10);

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

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

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

12 (57) "Safety plan" means a written agreement developed by the cabinet and agreed to
13 by a family that clearly describes the protective services that the cabinet will
14 provide the family in order to manage threats to a child's safety;

15 (58) "School personnel" means those certified persons under the supervision of the local
16 public or private education agency;

17 (59)~~(58)~~ "Secretary" means the secretary of the Cabinet for Health and Family
18 Services;

19 (60)~~(59)~~ "Secure juvenile detention facility" means any physically secure facility used
20 for the secure detention of children other than any facility in which adult prisoners
21 are confined;

22 (61)~~(60)~~ "Serious physical injury" means physical injury which creates a substantial
23 risk of death or which causes serious and prolonged disfigurement, prolonged
24 impairment of health, or prolonged loss or impairment of the function of any bodily
25 member or organ;

26 (62)~~(61)~~ "Sexual abuse" includes but is not necessarily limited to any contacts or
27 interactions in which the parent, guardian, person in a position of authority or

1 special trust, as defined in KRS 532.045, or other person having custodial control or
2 supervision of the child or responsibility for his or her welfare, uses or allows,
3 permits, or encourages the use of the child for the purposes of the sexual
4 stimulation of the perpetrator or another person;

5 ~~(63)~~~~((62))~~ "Sexual exploitation" includes but is not limited to a situation in which a
6 parent, guardian, person in a position of authority or special trust, as defined in
7 KRS 532.045, or other person having custodial control or supervision of a child or
8 responsible for his or her welfare, allows, permits, or encourages the child to
9 engage in an act which constitutes prostitution under Kentucky law; or a parent,
10 guardian, person in a position of authority or special trust, as defined in KRS
11 532.045, or other person having custodial control or supervision of a child or
12 responsible for his or her welfare, allows, permits, or encourages the child to
13 engage in an act of obscene or pornographic photographing, filming, or depicting of
14 a child as provided for under Kentucky law;

15 ~~(64)~~~~((63))~~ "Social service worker" means any employee of the cabinet or any private
16 agency designated as such by the secretary of the cabinet or a social worker
17 employed by a county or city who has been approved by the cabinet to provide,
18 under its supervision, services to families and children;

19 ~~(65)~~~~((64))~~ "Staff secure facility for residential treatment" means any setting which
20 assures that all entrances and exits are under the exclusive control of the facility
21 staff, and in which a child may reside for the purpose of receiving treatment;

22 **(66) "Statewide reporting system" means a system for making and compiling reports**
23 **of child dependency, neglect, and abuse in Kentucky made via telephone call or**
24 **in writing by a member of the public;**

25 ~~(67)~~~~((65))~~ (a) "Status offense action" is any action brought in the interest of a child
26 who is accused of committing acts, which if committed by an adult, would not
27 be a crime. Such behavior shall not be considered criminal or delinquent and

1 such children shall be termed status offenders. Status offenses shall include:

- 2 1. Beyond the control of school or beyond the control of parents;
- 3 2. Habitual runaway;
- 4 3. Habitual truant; and
- 5 4. Alcohol offenses as provided in KRS 244.085.

6 (b) Status offenses shall not include violations of state or local ordinances which
7 may apply to children such as a violation of curfew;

8 ~~(68)~~~~[(66)]~~ "Take into custody" means the procedure by which a peace officer or other
9 authorized person initially assumes custody of a child. A child may be taken into
10 custody for a period of time not to exceed two (2) hours;

11 ~~(69)~~~~[(67)]~~ "Transitional living support" means all benefits to which an eligible youth is
12 entitled upon being granted extended or reinstated commitment to the cabinet by the
13 court;

14 ~~(70)~~~~[(68)]~~ "Transition plan" means a plan that is personalized at the direction of the
15 youth that:

16 (a) Includes specific options on housing, health insurance, education, local
17 opportunities for mentors and continuing support services, and workforce
18 supports and employment services; and

19 (b) Is as detailed as the youth may elect;

20 ~~(71)~~~~[(69)]~~ "Valid court order" means a court order issued by a judge to a child alleged or
21 found to be a status offender:

22 (a) Who was brought before the court and made subject to the order;

23 (b) Whose future conduct was regulated by the order;

24 (c) Who was given written and verbal warning of the consequences of the
25 violation of the order at the time the order was issued and whose attorney or
26 parent or legal guardian was also provided with a written notice of the
27 consequences of violation of the order, which notification is reflected in the

1 record of the court proceedings; and

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

4 ~~(72)~~~~(70)~~ "Violation" means any offense, other than a traffic infraction, for which a
5 sentence of a fine only can be imposed;

6 ~~(73)~~~~(71)~~ "Youth alternative center" means a nonsecure facility, approved by the
7 Department of Juvenile Justice, for the detention of juveniles, both prior to
8 adjudication and after adjudication, which meets the criteria specified in KRS
9 15A.320; and

10 ~~(74)~~~~(72)~~ "Youthful offender" means any person regardless of age, transferred to Circuit
11 Court under the provisions of KRS Chapter 635 or 640 and who is subsequently
12 convicted in Circuit Court.

13 ➔Section 2. KRS 620.023 is amended to read as follows:

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

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

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

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

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

27 (e) Any other crime committed by a parent which results in the death or

1 permanent physical or mental disability of a member of that parent's family or
2 household; and

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

6 (2) In determining the best interest of the child, the court may consider the
7 effectiveness of rehabilitative efforts made by the parent or caretaker intended to
8 address circumstances in this section.

9 **(3) In determining the best interest of the child, the court shall have access to the**
10 **entire protection and permanency record of the child that is prepared, owned,**
11 **used, in the possession of, or retained by the cabinet.**

12 ➔Section 3. KRS 620.030 is amended to read as follows:

13 (1) Any person who knows or has reasonable cause to believe that a child is dependent,
14 neglected, or abused shall immediately cause an oral or written report, **including**
15 **but not limited to electronic submissions,** to be made to a local law enforcement
16 agency or to the Department of Kentucky State Police, the cabinet or its designated
17 representative, the Commonwealth's attorney, or the county attorney by telephone
18 or otherwise. If the cabinet receives a report of abuse or neglect allegedly
19 committed by a person other than a parent, guardian, fictive kin, person in a
20 position of authority, person in a position of special trust, or person exercising
21 custodial control or supervision, the cabinet shall refer the matter to the
22 Commonwealth's attorney or the county attorney and the local law enforcement
23 agency or the Department of Kentucky State Police. Nothing in this section shall
24 relieve individuals of their obligations to report.

25 (2) (a) Any person, including but not limited to a physician, osteopathic physician,
26 nurse, teacher, school personnel, social worker, coroner, medical examiner,
27 child-caring personnel, resident, intern, chiropractor, dentist, optometrist,

1 emergency medical technician, paramedic, health professional, mental health
2 professional, peace officer, or any organization or agency for any of the
3 above, who knows or has reasonable cause to believe that a child is
4 dependent, neglected, or abused, regardless of whether the person believed to
5 have caused the dependency, neglect, or abuse is a parent, guardian, fictive
6 kin, person in a position of authority, person in a position of special trust,
7 person exercising custodial control or supervision, or another person, or who
8 has attended such child as a part of his or her professional duties, shall:

- 9 1. Immediately make an oral or written report, including but not limited to
10 electronic submissions, in accordance with subsection (1) of this
11 section;
- 12 2. Immediately notify the supervisor of the institution, school, facility,
13 agency, or designated agent of the person in charge; and
- 14 3. If requested, in addition to the report required in subsection (1) or (3) of
15 this section, file with the local law enforcement agency or the
16 Department of Kentucky State Police, the cabinet or its designated
17 representative, the Commonwealth's attorney, or county attorney within
18 forty-eight (48) hours of the original report a written report, including
19 but not limited to electronic submissions, containing:
 - 20 a. The names and addresses of the child and his or her parents or
21 other persons exercising custodial control or supervision;
 - 22 b. The child's age;
 - 23 c. The nature and extent of the child's alleged dependency, neglect,
24 or abuse, including any previous charges of dependency, neglect,
25 or abuse, to this child or his or her siblings;
 - 26 d. The name and address of the person allegedly responsible for the
27 abuse or neglect; and

- 1 e. Any other information that the person making the report believes
2 may be helpful in the furtherance of the purpose of this section.
- 3 (b) Upon notification, the supervisor or the designated agent, if any, shall
4 facilitate the cooperation of the institution, school, facility, or agency with the
5 investigation of the report.
- 6 (c) Any person who knowingly causes intimidation, retaliation, or obstruction in
7 the investigation of the report shall be guilty of a Class A misdemeanor.
- 8 (d) This section shall not require more than one (1) report from any institution,
9 school, facility, or agency.
- 10 (3) Any person who knows or has reasonable cause to believe that a child is a victim of
11 human trafficking as defined in KRS 529.010 shall immediately cause an oral or
12 written report, including but not limited to electronic submissions, to be made to a
13 local law enforcement agency or the Department of Kentucky State Police; or the
14 cabinet or its designated representative; or the Commonwealth's attorney or the
15 county attorney; by telephone or otherwise. This subsection shall apply regardless
16 of whether the person believed to have caused the human trafficking of the child is
17 a parent, guardian, fictive kin, person in a position of authority, person in a position
18 of special trust, or person exercising custodial control or supervision.
- 19 (4) Any person who knows or has reasonable cause to believe that a child is a victim of
20 female genital mutilation as defined in KRS 508.125 shall immediately cause an
21 oral or written report, including but not limited to electronic submissions, to be
22 made by telephone or otherwise to:
- 23 (a) A local law enforcement agency or the Department of Kentucky State Police;
24 (b) The cabinet or its designated representative; or
25 (c) The Commonwealth's attorney or the county attorney.
- 26 This subsection shall apply regardless of whether the person believed to have
27 caused the female genital mutilation of the child is a parent, guardian, or person

1 exercising custodial control or supervision.

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

8 (6) The cabinet shall establish and operate a statewide reporting system for the
9 public to make reports of child dependency, neglect, and abuse via telephone call
10 or written report, including but not limited to electronic submissions. The
11 statewide reporting system shall operate a twenty-four (24) hour on-call response
12 system that includes but is not limited to a child abuse hotline for the receipt of
13 emergency and nonemergency reports of child dependency, neglect, and abuse
14 during and after normal office hours. The cabinet may use contract employees to
15 operate the system.

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

20 ~~(8)(7)~~ Nothing in this section shall limit the cabinet's investigatory authority under
21 KRS 620.050 or any other obligation imposed by law.

22 ~~(9)(8)~~ Any person who intentionally violates the provisions of this section shall be
23 guilty of a:

- 24 (a) Class B misdemeanor for the first offense;
25 (b) Class A misdemeanor for the second offense; and
26 (c) Class D felony for each subsequent offense.

27 ➔Section 4. KRS 620.032 is amended to read as follows:

1 **(1)** By November 1 of each year, beginning in 2021, the cabinet ~~for Health and Family~~
2 ~~Services~~ shall submit to the Legislative Research Commission a comprehensive
3 report that does not identify individuals, detailing the number of reports the cabinet
4 has received regarding female genital mutilation as defined in KRS 508.125, the
5 number of reports in which the cabinet has investigated and determined that a child
6 is the victim of female genital mutilation, and the number of cases in which services
7 were provided.

8 **(2) Beginning August 1, 2024, and monthly thereafter, the cabinet shall deliver to the**
9 **Legislative Research Commission for referral to the Interim Joint Committee,**
10 **Senate Standing Committee, and House Standing Committee on Families and**
11 **Children, a report on the monthly child protective services intakes received by the**
12 **cabinet. The monthly report shall include at a minimum the following:**

13 **(a) Total number of all intakes;**

14 **(b) All child protective services response intakes;**

15 **(c) Intakes with allegations of abuse and neglect;**

16 **(d) Reports that met acceptance criteria;**

17 **(e) Reports with a substantiated or services needed finding; and**

18 **(f) Reports with a substantiated finding.**

19 ➔Section 5. KRS 605.035 is amended to read as follows:

20 (1) There is hereby created in each judicial district a family accountability,
21 intervention, and response team that shall develop enhanced case management
22 plans and opportunities for services for children referred to the team. The family
23 accountability, intervention, and response team shall consist of not more than
24 fifteen (15) persons.

25 (2) The membership of the team shall include the following representatives as
26 appointed by their agencies or organizations:

27 (a) A court-designated worker in that judicial circuit or district;

- 1 (b) One (1) or more members, one (1) of whom shall be a representative of the
2 community mental health center, of the regional interagency council specified
3 in KRS 200.509(1)(a) to (d) and (g), or corresponding members of the local
4 interagency council if one exists;
- 5 (c) A representative from the cabinet knowledgeable about services available
6 through the cabinet and authorized to facilitate access to services;
- 7 (d) A representative from the office of a county attorney within the judicial
8 district;
- 9 (e) A representative from the Department of Public Advocacy;
- 10 (f) A representative from a local public school within the judicial district;
- 11 (g) A representative of law enforcement; and
- 12 (h) Other persons interested in juvenile justice issues, as identified by the family
13 accountability, intervention, and response team, who are necessary for a
14 complete representation of resources within each judicial circuit or district.
- 15 (3) A court-designated worker from within the judicial circuit or district shall lead the
16 team and be responsible for convening and staffing the team.
- 17 (4) The team shall adopt a case management approach and process for reviewing:
- 18 (a) Referrals from the court-designated worker involving cases in which a child
19 has failed to appear for a preliminary intake inquiry, declined to enter into a
20 diversion agreement, or failed to complete the terms of the agreement; and
- 21 (b) Status offense cases if the court-designated worker, after reviewing the
22 complaint, has determined that no further action is necessary.
- 23 (5) After reviewing the actions taken by the court-designated worker, including
24 referrals made for the child and his or her family, efforts to address barriers to
25 successful completion, and whether other appropriate services are available to
26 address the needs of the child and his or her family, the team may:
- 27 (a) Refer the case back to the court-designated worker to take further action as

1 recommended by the team;

2 (b) Refer the case to the cabinet, which shall conduct an investigation of
3 suspected dependency, neglect, or abuse *of a child as defined in Section 1 of*
4 *this Act*; or

5 (c) Advise the court-designated worker to refer the case to the county attorney if
6 the team has no further recommendations to offer.

7 ➔Section 6. KRS 620.040 is amended to read as follows:

8 (1) (a) Upon receipt of a report alleging abuse or neglect *of a child as defined in*
9 *Section 1 of this Act* by a parent, guardian, fictive kin, person in a position of
10 authority, person in a position of special trust, or person exercising custodial
11 control or supervision, pursuant to KRS 620.030(1) or (2), or a report alleging
12 a child is a victim of human trafficking pursuant to KRS 620.030(3), the
13 recipient of the report shall immediately notify the cabinet or its designated
14 representative, the local law enforcement agency or the Department of
15 Kentucky State Police, and the Commonwealth's or county attorney of the
16 receipt of the report. If any agency listed above is the reporting source, the
17 recipient shall immediately notify the cabinet or its designated representative,
18 the local law enforcement agency, the Department of Kentucky State Police,
19 and the Commonwealth's or county attorney of the receipt of the report.

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

1 (c) In making the initial determination as to the risk of harm and immediate
2 safety of the child pursuant to paragraph (b) of this subsection, the cabinet
3 shall at a minimum:

4 1. Consider the age and vulnerability of a child, particularly for ages five
5 (5) years of age and under, when assessing allegations of abuse and
6 neglect;

7 2. Automatically accept for investigation a subsequent report from a
8 professional reporting source, who makes a report pursuant to the
9 requirements in KRS Chapter 620 that a child is abused or neglected
10 and identifies himself or herself by name, title, and employer, when
11 the same or similar allegation has been reported by one (1) or more
12 unique professional reporting sources within the past thirty (30) days.
13 For the purposes of this subparagraph "professional reporting
14 source" means an individual who is a social worker, therapist,
15 medical professional, educator, judge, attorney, law enforcement
16 officer, or any other individual holding a degree or position in a field
17 related to the safety and care of children; and

18 3. Automatically accept for investigation a report from a court of
19 appropriate jurisdiction that makes a report pursuant to the
20 requirements in KRS Chapter 620 that a child is abused or neglected
21 or identifies that the child is a plaintiff in an active emergency
22 protective order or interpersonal protection order case.

23 (d) The cabinet shall, within seventy-two (72) hours, exclusive of weekends and
24 holidays, make a written report, including but not limited to electronic
25 submissions, to the Commonwealth's or county attorney and the local law
26 enforcement agency or the Department of Kentucky State Police concerning
27 the action that has been taken on the investigation.

1 ~~(e)~~~~(d)~~ If the report alleges abuse or neglect by someone other than a parent,
2 guardian, fictive kin, person in a position of authority, person in a position of
3 special trust, or person exercising custodial control or supervision, or the
4 human trafficking of a child, the cabinet shall immediately notify the
5 Commonwealth's or county attorney and the local law enforcement agency or
6 the Department of Kentucky State Police.

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

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

18 (c) In making the initial determination as to the risk of harm and immediate
19 safety of the child pursuant to paragraph (b) of this subsection, the cabinet
20 shall at a minimum:

21 1. Consider the age and vulnerability of a child, particularly for ages five
22 (5) years of age and under, when assessing allegations of dependency;

23 2. Automatically accept for investigation a subsequent report from a
24 professional reporting source, who makes a report pursuant to the
25 requirements in KRS Chapter 620 that a child is dependent and
26 identifies himself or herself by name, title, and employer, when the
27 same or similar allegation has been reported by one (1) or more

1 unique professional reporting sources within the past thirty (30) days.

2 For the purposes of this subparagraph "professional reporting
3 source" means an individual who is a social worker, therapist,
4 medical professional, educator, judge, attorney, law enforcement
5 officer, or any other individual holding a degree or position in a field
6 related to the safety and care of children; and

7 3. Automatically accept for investigation a report from a court of
8 appropriate jurisdiction that makes a report pursuant to the
9 requirements in KRS Chapter 620 that a child is dependent or
10 identifies that the child is a plaintiff in an active emergency protective
11 order or interpersonal protection order case.

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

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

27 (4) School personnel or other persons listed in KRS 620.030(2) do not have the

1 authority to conduct internal investigations in lieu of the official investigations
2 outlined in this section.

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

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

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

26 (d) When a law enforcement officer, hospital administrator, or physician takes a
27 child into custody without the consent of the parent or other person exercising

1 custodial control or supervision, he or she shall provide written notice to the
2 parent or other person stating the reasons for removal of the child. Failure of
3 the parent or other person to receive notice shall not, by itself, be cause for
4 civil or criminal liability.

5 (e) 1. If a report includes a child fatality or near fatality, and the law
6 enforcement officer has reasonable grounds to believe any parent or
7 person exercising custodial control or supervision of the child was under
8 the influence of alcohol or drugs at the time the fatality or near fatality
9 occurred, the law enforcement officer shall request a test of blood,
10 breath, or urine from that person.

11 2. If, after making the request, consent is not given for the test of blood,
12 breath, or urine, a search warrant shall be requested from and may be
13 issued by the judge to the appropriate law enforcement official upon
14 probable cause that a child fatality or near fatality has occurred and that
15 the person exercising custodial control or supervision of the child at the
16 time of the fatality or near fatality was under the influence.

17 3. Any test requested under this section shall be conducted pursuant to the
18 testing procedures and requirements in KRS 189A.103.

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

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

24 (b) Membership of the multidisciplinary team shall include but shall not be
25 limited to social service workers employed by the Cabinet for Health and
26 Family Services and law enforcement officers. Additional team members may
27 include Commonwealth's and county attorneys, children's advocacy center

- 1 staff, mental health professionals, medical professionals, victim advocates
2 including advocates for victims of human trafficking, educators, and other
3 related professionals, as deemed appropriate.
- 4 (c) The multidisciplinary team shall review child sexual abuse cases and child
5 human trafficking cases involving commercial sexual activity referred by
6 participating professionals, including those in which the alleged perpetrator
7 does not have custodial control or supervision of the child or is not
8 responsible for the child's welfare. The purpose of the multidisciplinary team
9 shall be to review investigations, assess service delivery, and to facilitate
10 efficient and appropriate disposition of cases through the criminal justice
11 system.
- 12 (d) The team shall hold regularly scheduled meetings if new reports of sexual
13 abuse or child human trafficking cases involving commercial sexual activity
14 are received or if active cases exist. At each meeting, each active case shall be
15 presented and the agencies' responses assessed.
- 16 (e) The multidisciplinary team shall provide an annual report to the public of
17 nonidentifying case information to allow assessment of the processing and
18 disposition of child sexual abuse cases and child human trafficking cases
19 involving commercial sexual activity.
- 20 (f) Multidisciplinary team members and anyone invited by the multidisciplinary
21 team to participate in a meeting shall not divulge case information, including
22 information regarding the identity of the victim or source of the report. Team
23 members and others attending meetings shall sign a confidentiality statement
24 that is consistent with statutory prohibitions on disclosure of this information.
- 25 (g) The multidisciplinary team shall, pursuant to KRS 431.600 and 431.660,
26 develop a local protocol consistent with the model protocol issued by the
27 Kentucky Multidisciplinary Commission on Child Sexual Abuse. The local

1 team shall submit the protocol to the commission for review and approval.

2 (h) The multidisciplinary team review of a case may include information from
3 reports generated by agencies, organizations, or individuals that are
4 responsible for investigation, prosecution, or treatment in the case, KRS
5 610.320 to KRS 610.340 notwithstanding.

6 (i) To the extent practicable, multidisciplinary teams shall be staffed by the local
7 children's advocacy center.

8 (8) Nothing in this section shall limit the cabinet's investigatory authority under KRS
9 620.050 or any other obligation imposed by law.

10 ➔Section 7. KRS 620.050 is amended to read as follows:

11 (1) Anyone acting upon reasonable cause in the making of a report or acting under
12 KRS 620.030 to 620.050 in good faith shall have immunity from any liability, civil
13 or criminal, that might otherwise be incurred or imposed. Any such participant shall
14 have the same immunity with respect to participation in any judicial proceeding
15 resulting from such report or action. However, any person who knowingly makes a
16 false report and does so with malice shall be guilty of a Class A misdemeanor.

17 (2) Any employee or designated agent of a children's advocacy center shall be immune
18 from any civil liability arising from performance within the scope of the person's
19 duties as provided in KRS 620.030 to 620.050. Any such person shall have the
20 same immunity with respect to participation in any judicial proceeding. Nothing in
21 this subsection shall limit liability for negligence. Upon the request of an employee
22 or designated agent of a children's advocacy center, the Attorney General shall
23 provide for the defense of any civil action brought against the employee or
24 designated agent as provided under KRS 12.211 to 12.215.

25 (3) Neither the husband-wife nor any professional-client/patient privilege, except the
26 attorney-client and clergy-penitent privilege, shall be a ground for refusing to report
27 under this section or for excluding evidence regarding a dependent, neglected, or

1 abused child or the cause thereof, in any judicial proceedings resulting from a report
2 pursuant to this section. This subsection shall also apply in any criminal proceeding
3 in District or Circuit Court regarding a dependent, neglected, or abused child.

4 (4) Upon receipt of a report of an abused, neglected, or dependent child pursuant to this
5 chapter, the cabinet as the designated agency or its delegated representative shall
6 initiate a prompt investigation or assessment of family needs, take necessary action,
7 and shall offer protective services toward safeguarding the welfare of the child. The
8 cabinet shall work toward preventing further dependency, neglect, or abuse of the
9 child or any other child under the same care, and preserve and strengthen family
10 life, where possible, by enhancing parental capacity for adequate child care. *If an*
11 *oral or written report, including but not limited to electronic submissions,*
12 *alleging that a child is dependent, neglected, or abused is made pursuant to this*
13 *section, and the cabinet determines that the report does not meet criteria for an*
14 *investigation, the cabinet shall refer the family to appropriate community-based*
15 *child and family service agencies for services to preserve and strengthen family*
16 *life in accordance with the requirements in 42 U.S.C. sec. 5106a.*

17 (5) The report of suspected child abuse, neglect, or dependency and all information
18 obtained by the cabinet or its delegated representative, as a result of an investigation
19 or assessment made pursuant to this chapter, except for those records provided for
20 in subsection (6) of this section, shall not be divulged to anyone except:

- 21 (a) Persons suspected of causing dependency, neglect, or abuse;
22 (b) The custodial parent or legal guardian of the child alleged to be dependent,
23 neglected, or abused;
24 (c) Persons within the cabinet with a legitimate interest or responsibility related
25 to the case;
26 (d) A licensed child-caring facility or child-placing agency evaluating placement
27 for or serving a child who is believed to be the victim of an abuse, neglect, or

- 1 dependency report;
- 2 (e) Other medical, psychological, educational, or social service agencies, child
3 care administrators, corrections personnel, or law enforcement agencies,
4 including the county attorney's office, the coroner, and the local child fatality
5 response team, that have a legitimate interest in the case;
- 6 (f) A noncustodial parent when the dependency, neglect, or abuse is
7 substantiated;
- 8 (g) Members of multidisciplinary teams as defined by KRS 620.020 and which
9 operate pursuant to KRS 431.600;
- 10 (h) Employees or designated agents of a children's advocacy center;
- 11 (i) Those persons so authorized by court order; or
- 12 (j) The external child fatality and near fatality review panel established by KRS
13 620.055.
- 14 (6) (a) Files, reports, notes, photographs, records, electronic and other
15 communications, and working papers used or developed by a children's
16 advocacy center in providing services under this chapter are confidential and
17 shall not be disclosed except to the following persons:
- 18 1. Staff employed by the cabinet, law enforcement officers, and
19 Commonwealth's and county attorneys who are directly involved in the
20 investigation or prosecution of the case, including a cabinet
21 investigation or assessment of child abuse, neglect, and dependency in
22 accordance with this chapter;
- 23 2. Medical and mental health professionals listed by name in a release of
24 information signed by the guardian of the child, provided that the
25 information shared is limited to that necessary to promote the physical
26 or psychological health of the child or to treat the child for abuse-related
27 symptoms;

- 1 3. The court and those persons so authorized by a court order;
- 2 4. The external child fatality and near fatality review panel established by
- 3 KRS 620.055; and
- 4 5. The parties to an administrative hearing conducted by the cabinet or its
- 5 designee in accordance with KRS Chapter 13B in an appeal of a cabinet-
- 6 substantiated finding of abuse or neglect. The children's advocacy center
- 7 may, in its sole discretion, provide testimony in lieu of files, reports,
- 8 notes, photographs, records, electronic and other communications, and
- 9 working papers used or developed by the center if the center determines
- 10 that the release poses a threat to the safety or well-being of the child, or
- 11 would be in the best interests of the child. Following the administrative
- 12 hearing and any judicial review, the parties to the administrative hearing
- 13 shall return all files, reports, notes, photographs, records, electronic and
- 14 other communications, and working papers used or developed by the
- 15 children's advocacy center to the center.
- 16 (b) The provisions of this subsection shall not be construed as to contravene the
- 17 Rules of Criminal Procedure relating to discovery.
- 18 (7) Nothing in this section shall prohibit a parent or guardian from accessing records
- 19 for his or her child providing that the parent or guardian is not currently under
- 20 investigation by a law enforcement agency or the cabinet relating to the abuse or
- 21 neglect of a child.
- 22 (8) Nothing in this section shall prohibit employees or designated agents of a children's
- 23 advocacy center from disclosing information during a multidisciplinary team
- 24 review of a child sexual abuse case as set forth under KRS 620.040. Persons
- 25 receiving this information shall sign a confidentiality statement consistent with
- 26 statutory prohibitions on disclosure of this information.
- 27 (9) Employees or designated agents of a children's advocacy center may confirm to

1 another children's advocacy center that a child has been seen for services. If an
2 information release has been signed by the guardian of the child, a children's
3 advocacy center may disclose relevant information to another children's advocacy
4 center.

5 (10) (a) An interview of a child recorded at a children's advocacy center shall not be
6 duplicated, except that the Commonwealth's or county attorney prosecuting
7 the case may:

- 8 1. Make and retain one (1) copy of the interview; and
- 9 2. Make one (1) copy for the defendant's or respondent's counsel that the
10 defendant's or respondent's counsel shall not duplicate.

11 (b) The defendant's or respondent's counsel shall file the copy with the court clerk
12 at the close of the case.

13 (c) Unless objected to by the victim or victims, the court, on its own motion, or
14 on motion of the attorney for the Commonwealth shall order all recorded
15 interviews that are introduced into evidence or are in the possession of the
16 children's advocacy center, law enforcement, the prosecution, or the court to
17 be sealed.

18 (d) The provisions of this subsection shall not be construed as to contravene the
19 Rules of Criminal Procedure relating to discovery.

20 (11) Identifying information concerning the individual initiating the report under KRS
21 620.030 shall not be disclosed except:

- 22 (a) To law enforcement officials that have a legitimate interest in the case;
- 23 (b) To the agency designated by the cabinet to investigate or assess the report;
- 24 (c) To members of multidisciplinary teams as defined by KRS 620.020 that
25 operated under KRS 431.600
- 26 (d) Under a court order, after the court has conducted an in camera review of the
27 record of the state related to the report and has found reasonable cause to

1 believe that the reporter knowingly made a false report; or

2 (e) The external child fatality and near fatality review panel established by KRS
3 620.055.

4 (12) (a) Information may be publicly disclosed by the cabinet in a case where child
5 abuse or neglect has resulted in a child fatality or near fatality.

6 (b) The cabinet shall conduct an internal review of any case where child abuse or
7 neglect has resulted in a child fatality or near fatality and the cabinet had prior
8 involvement with the child or family. The cabinet shall prepare a summary
9 that includes an account of:

10 1. The cabinet's actions and any policy or personnel changes taken or to be
11 taken, including the results of appeals, as a result of the findings from
12 the internal review; and

13 2. Any cooperation, assistance, or information from any agency of the state
14 or any other agency, institution, or facility providing services to the
15 child or family that were requested and received by the cabinet during
16 the investigation of a child fatality or near fatality.

17 (c) The cabinet shall submit a report by September 1 of each year containing an
18 analysis of all summaries of internal reviews occurring during the previous
19 year and an analysis of historical trends to the Governor, the General
20 Assembly, and the state child fatality review team created under KRS
21 211.684.

22 (13) When an adult who is the subject of information made confidential by subsection
23 (5) of this section publicly reveals or causes to be revealed any significant part of
24 the confidential matter or information, the confidentiality afforded by subsection (5)
25 of this section is presumed voluntarily waived, and confidential information and
26 records about the person making or causing the public disclosure, not already
27 disclosed but related to the information made public, may be disclosed if disclosure

1 is in the best interest of the child or is necessary for the administration of the
2 cabinet's duties under this chapter.

3 (14) As a result of any report of suspected child abuse or neglect, photographs and X-
4 rays or other appropriate medical diagnostic procedures may be taken or caused to
5 be taken, without the consent of the parent or other person exercising custodial
6 control or supervision of the child, as a part of the medical evaluation or
7 investigation of these reports. These photographs and X-rays or results of other
8 medical diagnostic procedures may be introduced into evidence in any subsequent
9 judicial proceedings or an administrative hearing conducted by the cabinet or its
10 designee in accordance with KRS Chapter 13B in an appeal of a cabinet-
11 substantiated finding of child abuse or neglect. The person performing the
12 diagnostic procedures or taking photographs or X-rays shall be immune from
13 criminal or civil liability for having performed the act. Nothing herein shall limit
14 liability for negligence.

15 (15) In accordance with 42 U.S.C. sec. 671, the cabinet shall share information about a
16 child in the custody of the cabinet with a relative or a parent of the child's sibling
17 for the purposes of:

- 18 (a) Evaluating or arranging a placement for the child;
- 19 (b) Arranging appropriate treatment services for the child; or
- 20 (c) Establishing visitation between the child and a relative, including a sibling of
21 the child.

22 (16) In accordance with 42 U.S.C. sec. 671, the cabinet shall, in the case of siblings
23 removed from their home who are not jointly placed, provide for frequent visitation
24 or other ongoing interaction between the siblings, unless the cabinet determines that
25 frequent visitation or other ongoing interaction would be contrary to the safety or
26 well-being of any of the siblings.

27 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 620 IS CREATED TO

1 READ AS FOLLOWS:

- 2 (1) During a child protective services investigation conducted pursuant to the
3 authority in this chapter where a child is placed outside of his or her home on a
4 safety plan, the cabinet shall file a petition in court within seventy-two (72) hours
5 if the child remains placed outside of his or her home for more than fourteen (14)
6 consecutive days.
- 7 (2) All safety plans implemented pursuant to this section shall be compiled by the
8 cabinet on a quarterly basis into a report containing at a minimum the total
9 number of safety plans, the outcome of the safety plans, and the number of court
10 petitions filed.
- 11 (3) By December 1, 2024, and quarterly thereafter, the cabinet shall make available,
12 on its website and to the Legislative Research Commission for referral to the
13 Interim Joint Committee, Senate Standing Committee, and House Standing
14 Committee on Families and Children, the report on safety plans established in
15 subsection (2) of this section.