

1 AN ACT relating to children.

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 by
- 13 a family that clearly describes the protective services that the cabinet will provide
- 14 the family in order to manage risks~~[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) "Secretary" means the secretary of the Cabinet for Health and Family Services;
- 18 (60) "Secure juvenile detention facility" means any physically secure facility used for
- 19 the secure detention of children other than any facility in which adult prisoners are
- 20 confined;
- 21 (61) "Serious physical injury" means physical injury which creates a substantial risk of
- 22 death or which causes serious and prolonged disfigurement, prolonged impairment
- 23 of health, or prolonged loss or impairment of the function of any bodily member or
- 24 organ;
- 25 (62) "Sexual abuse" includes but is not necessarily limited to any contacts or interactions
- 26 in which the parent, guardian, person in a position of authority or special trust, as
- 27 defined in KRS 532.045, or other person having custodial control or supervision of

1 the child or responsibility for his or her welfare, uses or allows, permits, or
2 encourages the use of the child for the purposes of the sexual stimulation of the
3 perpetrator or another person;

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

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

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

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

24 (67) (a) "Status offense action" is any action brought in the interest of a child who is
25 accused of committing acts, which if committed by an adult, would not be a
26 crime. Such behavior shall not be considered criminal or delinquent and such
27 children shall be termed status offenders. Status offenses shall include:

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

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

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

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

13 (70) "Transition plan" means a plan that is personalized at the direction of the youth that:

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

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

18 (71) "Valid court order" means a court order issued by a judge to a child alleged or
19 found to be a status offender:

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

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

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

27 (d) Who received, before the issuance of the order, the full due process rights

1 guaranteed by the Constitution of the United States;

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

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

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

10 ➔Section 2. KRS 620.032 is amended to read as follows:

11 (1) By November 1 of each year, beginning in 2021, the cabinet shall submit to the
12 Legislative Research Commission a comprehensive report that does not identify
13 individuals, detailing the number of reports the cabinet has received regarding
14 female genital mutilation as defined in KRS 508.125, the number of reports in
15 which the cabinet has investigated and determined that a child is the victim of
16 female genital mutilation, and the number of cases in which services were provided.

17 (2) Beginning August 1, 2024, and monthly thereafter, the cabinet shall **make available**
18 **on its website and** deliver to the Legislative Research Commission for referral to
19 the Interim Joint Committee, Senate Standing Committee, and House Standing
20 Committee on Families and Children, a report on the monthly child protective
21 services intakes received by the cabinet. The monthly report shall include at a
22 minimum the following:

23 (a) Total number of all **reports**~~[intakes]~~;

24 (b) All child protective services response **reports**~~[intakes]~~;

25 (c) **Reports**~~[Intakes]~~ with allegations of:

26 **1.** Abuse; and

27 **2.** Neglect;

- 1 (d) Reports that met acceptance criteria;
- 2 (e) Reports with a substantiated or services needed finding; and
- 3 (f) Reports with a substantiated finding.

4 ➔Section 3. KRS 620.040 is amended to read as follows:

- 5 (1) (a) Upon receipt of a report alleging abuse or neglect of a child as defined in KRS
6 600.020 by a parent, guardian, fictive kin, person in a position of authority,
7 person in a position of special trust, or person exercising custodial control or
8 supervision, pursuant to KRS 620.030(1) or (2), or a report alleging a child is
9 a victim of human trafficking pursuant to KRS 620.030(3), the recipient of the
10 report shall immediately notify the cabinet or its designated representative, the
11 local law enforcement agency or the Department of Kentucky State Police,
12 and the Commonwealth's or county attorney of the receipt of the report. If any
13 agency listed above is the reporting source, the recipient shall immediately
14 notify the cabinet or its designated representative, the local law enforcement
15 agency, the Department of Kentucky State Police, and the Commonwealth's
16 or county attorney of the receipt of the report.
- 17 (b) Based upon the allegation in the report, the cabinet shall immediately make an
18 initial determination as to the risk of harm and immediate safety of the child.
19 Based upon the level of risk determined, the cabinet shall investigate the
20 allegation or accept the report for an assessment of family needs and, if
21 appropriate, may provide or make referral to any community-based services
22 necessary to reduce risk to the child and to provide family support. A report of
23 sexual abuse or human trafficking of a child shall be considered high risk and
24 shall not be referred to any other community agency.
- 25 (c) In making the initial determination as to the risk of harm and immediate
26 safety of the child pursuant to paragraph (b) of this subsection, the cabinet
27 shall at a minimum:

- 1 1. Consider the age and vulnerability of a child, particularly for ages five
- 2 (5) years of age and under, when assessing allegations of abuse and
- 3 neglect;
- 4 2. ~~Automatically~~ Accept for investigation a subsequent report from a
- 5 professional reporting source, who makes a report pursuant to the
- 6 requirements in KRS Chapter 620 that a child is abused or neglected and
- 7 identifies himself or herself by name, title, and employer, when the same
- 8 or similar allegation has been reported by one (1) or more unique
- 9 professional reporting sources within the past thirty (30) days. For the
- 10 purposes of this subparagraph "professional reporting source" means an
- 11 individual who is a social worker, therapist, medical professional,
- 12 educator, judge, attorney, law enforcement officer, or any other
- 13 individual holding a degree or position in a field related to the safety and
- 14 care of children; and
- 15 3. Automatically accept for investigation a report from a court of
- 16 appropriate jurisdiction that makes a report pursuant to the requirements
- 17 in KRS Chapter 620 that a child is abused or neglected or identifies that
- 18 the child is *an alleged victim of domestic violence and abuse as defined*
- 19 *in KRS 403.720 or sexual assault as defined in KRS 456.010* ~~as a~~
- 20 ~~plaintiff~~ in an active emergency protective order or *temporary*
- 21 interpersonal protection order case.
- 22 (d) The cabinet shall, within seventy-two (72) hours, exclusive of weekends and
- 23 holidays, make a written report, including but not limited to electronic
- 24 submissions, to the Commonwealth's or county attorney and the local law
- 25 enforcement agency or the Department of Kentucky State Police concerning
- 26 the action that has been taken on the investigation.
- 27 (e) If the report alleges abuse or neglect by someone other than a parent,

1 guardian, fictive kin, person in a position of authority, person in a position of
2 special trust, or person exercising custodial control or supervision, or the
3 human trafficking of a child, the cabinet shall immediately notify the
4 Commonwealth's or county attorney and the local law enforcement agency or
5 the Department of Kentucky State Police.

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

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

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

- 20 1. Consider the age and vulnerability of a child, particularly for ages five
21 (5) years of age and under, when assessing allegations of dependency;
- 22 2. ~~Automatically~~ Accept for investigation a subsequent report from a
23 professional reporting source, who makes a report pursuant to the
24 requirements in KRS Chapter 620 that a child is dependent and
25 identifies himself or herself by name, title, and employer, when the same
26 or similar allegation has been reported by one (1) or more unique
27 professional reporting sources within the past thirty (30) days. For the

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

6 3. Automatically accept for investigation a report from a court of
7 appropriate jurisdiction that makes a report pursuant to the requirements
8 in KRS Chapter 620 that a child is dependent or identifies that the child
9 is *an alleged victim of domestic violence and abuse as defined in KRS*
10 *403.720 or sexual assault as defined in KRS 456.010*~~[a plaintiff]~~ in an
11 active emergency protective order or *temporary* interpersonal protection
12 order case.

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

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

- 1 (4) School personnel or other persons listed in KRS 620.030(2) do not have the
2 authority to conduct internal investigations in lieu of the official investigations
3 outlined in this section.
- 4 (5) (a) If, after receiving the report, the law enforcement officer, the cabinet, or its
5 designated representative cannot gain admission to the location of the child, a
6 search warrant shall be requested from, and may be issued by, the judge to the
7 appropriate law enforcement official upon probable cause that the child is
8 dependent, neglected, or abused. If, pursuant to a search under a warrant, a
9 child is discovered and appears to be in imminent danger, the child may be
10 removed by the law enforcement officer.
- 11 (b) If a child who is in a hospital or under the immediate care of a physician
12 appears to be in imminent danger if he or she is returned to the persons having
13 custody of him or her, the physician or hospital administrator may hold the
14 child without court order, provided that a request is made to the court for an
15 emergency custody order at the earliest practicable time, not to exceed
16 seventy-two (72) hours.
- 17 (c) Any appropriate law enforcement officer may take a child into protective
18 custody and may hold that child in protective custody without the consent of
19 the parent or other person exercising custodial control or supervision if there
20 exist reasonable grounds for the officer to believe that the child is in danger of
21 imminent death or serious physical injury, is being sexually abused, or is a
22 victim of human trafficking and that the parents or other person exercising
23 custodial control or supervision are unable or unwilling to protect the child.
24 The officer or the person to whom the officer entrusts the child shall, within
25 twelve (12) hours of taking the child into protective custody, request the court
26 to issue an emergency custody order.
- 27 (d) When a law enforcement officer, hospital administrator, or physician takes a

1 child into custody without the consent of the parent or other person exercising
2 custodial control or supervision, he or she shall provide written notice to the
3 parent or other person stating the reasons for removal of the child. Failure of
4 the parent or other person to receive notice shall not, by itself, be cause for
5 civil or criminal liability.

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

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

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

20 (6) The cabinet shall make efforts as soon as practicable to determine any military
21 status of a parent or legal guardian of a child who is the subject of an investigation
22 or assessment pursuant to this section. If the cabinet determines that the parent or
23 legal guardian is a member of the United States Armed Forces, the cabinet shall
24 notify the Department of Defense family advocacy program operating within the
25 service member's assigned installation of the investigation or assessment and
26 provide case information.

27 (7) To the extent practicable and when in the best interest of a child alleged to have

1 been abused, interviews with the child shall be conducted at a children's advocacy
2 center.

3 (8) (a) One (1) or more multidisciplinary teams may be established in every county
4 or group of contiguous counties.

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

12 (c) The multidisciplinary team shall review child sexual abuse cases and child
13 human trafficking cases involving commercial sexual activity referred by
14 participating professionals, including those in which the alleged perpetrator
15 does not have custodial control or supervision of the child or is not
16 responsible for the child's welfare. The purpose of the multidisciplinary team
17 shall be to review investigations, assess service delivery, and to facilitate
18 efficient and appropriate disposition of cases through the criminal justice
19 system.

20 (d) The team shall hold regularly scheduled meetings if new reports of sexual
21 abuse or child human trafficking cases involving commercial sexual activity
22 are received or if active cases exist. At each meeting, each active case shall be
23 presented and the agencies' responses assessed.

24 (e) The multidisciplinary team shall provide an annual report to the public of
25 nonidentifying case information to allow assessment of the processing and
26 disposition of child sexual abuse cases and child human trafficking cases
27 involving commercial sexual activity.

- 1 (f) Multidisciplinary team members and anyone invited by the multidisciplinary
2 team to participate in a meeting shall not divulge case information, including
3 information regarding the identity of the victim or source of the report. Team
4 members and others attending meetings shall sign a confidentiality statement
5 that is consistent with statutory prohibitions on disclosure of this information.
- 6 (g) The multidisciplinary team shall, pursuant to KRS 431.600 and 431.660,
7 develop a local protocol consistent with the model protocol issued by the
8 Kentucky Multidisciplinary Commission on Child Sexual Abuse. The local
9 team shall submit the protocol to the commission for review and approval.
- 10 (h) The multidisciplinary team review of a case may include information from
11 reports generated by agencies, organizations, or individuals that are
12 responsible for investigation, prosecution, or treatment in the case, KRS
13 610.320 to KRS 610.340 notwithstanding.
- 14 (i) To the extent practicable, multidisciplinary teams shall be staffed by the local
15 children's advocacy center.
- 16 (9) Nothing in this section shall limit the cabinet's investigatory authority under KRS
17 620.050 or any other obligation imposed by law.
- 18 ➔Section 4. KRS 620.048 is amended to read as follows:
- 19 (1) During a child protective services investigation conducted pursuant to the authority
20 in this chapter where *there is a safety plan negotiated and agreed upon between*
21 *the cabinet and the parent, guardian, person in a position of authority or special*
22 *trust, as defined in KRS 532.045, or other person having custodial control or*
23 *supervision of the child or responsibility for his or her welfare that the child*
24 *cannot safely remain in the home that the child cannot safely remain in the*
25 *home*~~[a child is placed outside of his or her home on a safety plan]~~, the cabinet shall
26 file a petition in court within seventy-two (72) hours if the child remains placed
27 outside of his or her home for more than fourteen (14) consecutive days.

- 1 (2) All safety plans implemented pursuant to this section shall be compiled by the
2 cabinet on a quarterly basis into a report containing at a minimum the total number
3 of safety plans, the outcome of the safety plans, and the number of court petitions
4 filed.
- 5 (3) By December 1, 2024, and quarterly thereafter, the cabinet shall make available, on
6 its website and to the Legislative Research Commission for referral to the Interim
7 Joint Committee, Senate Standing Committee, and House Standing Committee on
8 Families and Children, the report on safety plans established in subsection (2) of
9 this section.