



Note: This is in an overview of Kentucky Youth Advocates' analysis of selected portions of HB 1 as of April 27, 2018.

[House Bill 1](#) seeks to keep kids safe and improve how Kentucky responds to and supports families. It addresses policy change within the courts, within the Cabinet for Health and Family Service (CHFS), and within the organizations and agencies serving kids who come to the attention of child protective services to ensure all the parts of the child welfare system and related policies work together and produce better outcomes for all involved.

House Bill 1:

Establishes Child Welfare Oversight & Advisory Committee

What does that mean?

House Bill 1 will establish the Child Welfare Oversight and Advisory Committee, which will provide a forum for legislators to meet at least twice a year to review, analyze, and provide oversight to the General Assembly related to foster care, adoption, child abuse and neglect, and other child welfare related issues.

Why is it good for Kentucky's kids?

The establishment of a group of legislators dedicated to looking at child welfare issues is good for kids because it ensures there is a spotlight on what is happening within the system. They can help to identify issues, highlight what is working well, and help to inform policy and budget related decisions that happen within the General Assembly.

Modifies Duties of the Office of the Ombudsman

What does that mean?

The Office of the Ombudsman serves as an advocate for citizens and works to ensure those seeking various public services are treated fairly. They answer questions about CHFS programs, investigate customer complaints and work with CHFS management to resolve them, advise CHFS management about patterns of complaints, and recommend corrective action when appropriate. For example, if a foster parent contacts a caseworker about reasonable needs for the child in their care and the caseworker is continuously unresponsive or refuses to ensure the child's needs are met, even after being requested, then the Office of the Ombudsman can step in to help resolve the issue.

House Bill 1 includes changes that will help to make the Ombudsman stronger by compiling an annual report on citizens' complaints for the new Child Welfare Oversight and Advisory Committee and will report charges or cases against an employee of CHFS to the Office of the Inspector General to provide better oversight. While some states go as far as having an independent office for the Ombudsman, this positive step taken in House Bill 1 gets Kentucky closer to more transparency and accountability when it comes to complaints and quality improvement.

Why is it good for Kentucky's kids?

A strengthened Office of the Ombudsman would better serve kids and families as it would help to ensure that individuals are being heard when they have complaints and those complaints are being tracked to identify if additional monitoring or improved services delivery is needed.

Includes Additional Reporting of DCBS Caseload Averages

What does that mean?

House Bill 1 will ensure regional and county caseload averages are reported to the Legislative Research Commission and the Governor, if the monthly caseload average for Department of Community Based Services (DCBS) child protection workers exceeds twenty five (25) active cases for ninety (90) consecutive days. Reporting of statewide averages was already required.

Why is it good for Kentucky's kids?

A closer eye on how well caseworkers are faring and if they have manageable caseloads is important for child outcomes. When we set our frontline workers up for success by more closely monitoring caseloads, workers are able to manage their cases and kids are more likely to have engaged workers and the support they need.

Includes the Diligent Recruitment of Family Foster Homes

What does that mean?

All children in foster care deserve a family. Some children need foster families that meet their very specific needs. In order to ensure there are enough foster families to meet the needs of the children in care, House Bill 1 will ensure CHFS and foster care agencies are able to be responsive to the needs of children coming into the care of the state.

Why is it good for Kentucky's kids?

The diligent recruitment of family foster homes is especially important for children who are seen as "hard to place" based on their age, race, or physical or behavioral health needs. Children shouldn't be placed in non-family based care, like residential treatment facilities, due to a lack of availability of foster care, as those specialized placements are intended to be short-term and to meet the intense needs of the child.

Standardizes Home Study Requirements

What does that mean?

Home studies are performed when families are going through the process of meeting the requirements to foster or adopt children. Home studies are important because they ensure the safety and security of children entering the homes of individuals who are responsible for keeping them safe. House Bill 1 will make those requirements uniform to help streamline the process for families who are opening their homes to children through different foster care agencies-- whether that's through DCBS or a private agency.

Why is it good for Kentucky's kids?

Standardizing home studies can help ensure a home can be ready for a child in a timely fashion and ensure the state has the information they need about the home in a uniform way, regardless of the agency completing it.

Studies Performance-Based Contracting

What does that mean?

House Bill 1 creates a study group that will look into "performance-based contracting" within CHFS. Performance-based contracting is an approach that stresses the permanency outcomes for children in the care of DCBS and pays private providers according to those outcomes. The study group will include a number of CHFS and DCBS officials, as well as foster parents, former foster youth, and representatives from private child-placing and child care agencies. The group will report their findings to the Governor and legislators by December 2018 with the hopes that performance-based contracting will be implemented by July 2019.

Why is it good for kids?

Children that are placed in the care of private child-placing agencies are in need of permanent, loving homes. By encouraging these agencies to focus on child-driven outcomes, the kids in their care can only benefit. The study group will ensure that the performance-based contracting approach is rolled out in a way that is safe for kids and is beneficial for both the private agencies and CHFS.

Streamlines and Evaluates Family Preservation Services

What does that mean?

House Bill 1 includes language that centralizes existing statutes related to family preservation, as previously those statutes were in various places in Kentucky law. HB 1 ensures that families are connected to family preservation services, when appropriate, and those services are of quality. There is also now a requirement to perform an evaluation of family preservation services with a report created with findings and sent to the Child Welfare Advisory and Oversight Committee.

Why is it good for Kentucky's kids?

Sometimes what a family needs most is for the parents or children to get help. Family preservation services are short-term and help parents and children overcome challenges, such as substance abuse, while keeping families safely together. The skills and resources parents gain in family preservation programs reduce the need for out-of-home care for their children.

Allows Circuit Court Action on Neonatal Abstinence Syndrome Cases

What does that mean?

On involuntary termination of parental rights decisions, House Bill 1 allows the Circuit Court to consider termination of parental rights based on the grounds that a child was exposed to substances that resulted in Neonatal Abstinence Syndrome (NAS), if the mother is not enrolled in treatment for substance abuse or use issues. The bill does provide an exception for mothers who are prescribed opioids for medical conditions and are adhering to treatment as recommended by their physician.

Why is it good for Kentucky's kids?

Action by the Circuit Court allows for children who are at risk of abuse or neglect due to the complications of NAS get to permanency faster, if it is deemed appropriate by those who are overseeing the case. It is vital for children to have stability and secure attachments, especially when they are newborns.

Allows Access to Birth Certificates

What does that mean?

House Bill 1 will allow individuals in the care of the state to receive their birth certificate free of charge. This also includes youth and young adults who have extended their commitment to CHFS past their eighteenth birthday.

Why is it good for Kentucky's kids?

Birth certificates are often necessary for individuals to receive much needed services and even employment. This provision reduces the obstacles youth in foster care face when attempting to get their birth certificates.

Allows the State to Create Programs for Kinship Care Supports

What does that mean?

House Bill 1 includes language to allow the state to establish a program for kinship care and provide additional supports for kinship caregivers. Funding within the state budget would still be necessary to lift the moratorium on the Kinship Care Program and help caregivers best meet the needs of children in their care.

Why is it good for Kentucky's kids?

When children cannot safely stay with their parents, placement with a relative can ease the stress of separation and help maintain ties to family. These families need adequate support to be successful. Prior to April 2013, kinship families received \$300 a month per child through the Kinship Care Program to assist with expenses, but the state stopped accepting new applicants in 2013. Beyond financial help, kinship families also need services like respite care, which the state already offers for foster parents.

Requires Verbal and Written Notification to Foster Parents of a Child's Placement Change

What does that mean?

House Bill 1 requires verbal and written notifications to be made to foster parents, child-caring facilities, and child-placing agencies when a child in state's custody will be moved from one placement to another or reunified with his/her family. These notifications must be made ten calendar days before the placement change or reunification, unless CHFS determines the child is in immediate danger.

Why is it good for Kentucky's kids?

Unplanned placement changes can be distressing for children and foster parents alike. Giving notice of placement change at least ten days prior will allow all those involved to prepare for the placement change both physically and emotionally. Prior notification to foster parents before a child moves placements should help with a smoother transition for the child—this is a key proactive measure.

Excludes Testimony of Parents in Criminal Cases

What does that mean?

House Bill 1 creates a provision that ensures testimony provided for dependency, neglect, or abuse cases cannot be used in a criminal proceeding. This means that in a court hearing for a child's placement or when discussing findings of abuse or neglect, the information provided would not be able to be used in a criminal case that a person was involved in.

Why is it good for Kentucky's kids?

This should help to stop the delays that often happen when both criminal proceedings and child abuse and neglect proceedings in Family or District Court are occurring. Currently, there are circumstances where judges will delay Family or District Court hearings because parents have open criminal cases. More timely court processes mean that children can get to permanency faster.

Allows Emergency Custody Orders Based on the Child's Residence

What does that mean?

House Bill 1 allows for emergency custody order petitions to be filed in the county or district in which a child resides rather than in the county or district in which a child is removed due to safety concerns.

Why is it good for Kentucky's kids?

This provision ensures a child's case stays in one court to avoid a lengthy court case transfer process. It allows for cases to be addressed faster, which means less time to get children to permanency.

Establishes Timely Case Conferences for Children in Family Foster Homes

What does that mean?

House Bill 1 changes the periodic review of the status of children placed in foster family homes to within 10 days (instead of 5 days) of the Temporary Removal Hearing (TRH). This review would include a case conference for establishing a specific treatment plan, including prevention and reunification.

Why is it good for Kentucky's kids?

This is another provision that ensures more timely and feasible processes that help get kids to a safe, permanent home.

Ensures More Frequent Reviews of Children's CHFS Cases

What does that mean?

House Bill 1 outlines what is required for children in foster family homes, including an initial case review at 6 months and follow-up reviews every 3 months. It also outlines requirements that a petition seeking Termination of Parental Rights (TPR) occurs immediately after a child has been committed to CHFS for a total of 15 cumulative months within a 48-month period.

Why is it good for Kentucky's kids?

It helps to ensure that a child's case is being reviewed more frequently and progress is being made to help keep children from lingering in care.

Sets More Detailed Guidelines for Citizen's Foster Care Review Boards

What does it do?

House Bill 1 provides more detailed guidelines for the local Child Foster Care Review Boards (CFCRB), which review the cases of every child placed in the custody of CHFS every 6 months until

the child is no longer in the custody of the state. Specifically, the bill sets forth the local CFCRB procedures for notifying biological parents, the guardian ad litem, the foster parents, and prospective adoptive parents when the 6-month review will take place so they may attend and participate. It also recommends procedural updates for when CFCRB determines that current placements or permanency plans are inappropriate, as well as for electing a chair and vice chair for the statewide CFCRB.

Why is it good for Kentucky's kids?

These changes make it easier for all interested parties within the child's life to have a say in their placement and permanency plans. By setting forth these procedural changes, the court is ensuring that parents, guardian ad litem, foster parents, and prospective adoptive parents are brought into the conversation around what is best for the child.

Establishes a Putative Father Registry

What does it do?

House Bill 1 will create a putative father registry, which requires unmarried fathers that are not identified on birth certificates by the mother to register as a putative father. This registry can then be checked by mothers, children, attorneys, and the courts prior to the start of the adoption process to see if a known father for the child exists. It also requires that putative fathers be notified of a pending adoption so they may exercise their custodial rights to the child.

Why is it good for Kentucky's kids?

The putative father registry reduces the risk of a drawn-out adoption process because fathers that are not registered as a putative father within 30 days after the child's birth may not interrupt the adoption process by coming forward to claim the child.

Allows Access to Records for Administrative Hearings

What does that mean?

House Bill 1 will grant CHFS access to records from Children's Advocacy Centers for administrative appeals. These files will be returned to the Children's Advocacy Centers at the close of the administrative hearing. HB 1 allows for Children's Advocacy Centers to have discretion in how they respond to requests for information and records in administrative hearings based on the best interest of the child.

Why is it good for Kentucky's kids?

Allowing CHFS to access Children's Advocacy Center files helps keep kids safe by ensuring that when an appeal of a CHFS-substantiated finding of abuse or neglect occurs, the most accurate information about a child's experience is heard.

Establishes Study Group for Privatization of all Foster Care Services

What does that mean?

House Bill 1 will establish a study group to look at the potential of privatizing foster care services in Kentucky and submit a report of that study by December 2018 with implementation by July 2019. It also outlines the members of the group to include CHFS members, members of the Administrative Office of the Courts, a foster parent, a former foster youth, and private foster care and placing agencies.

Why is it good for Kentucky's kids?

Studying the privatization for foster care services in Kentucky will ensure that CHFS can make an informed decision on ways they can potentially reduce caseloads and improve services to children and families. Kentucky currently contracts with private agencies to provide some foster care services. Several other states privatize foster care services as it allows for the state agency's workforce to focus their attention on intake, investigations, and preserving families while contracting with agencies who would be responsible for the care of the child, if foster care or other out-of-home placements were necessary. If the study group determined that privatization of foster care services was the best decision for kids in the system, then the most important facets of that would be monitoring and performance-based contracting.

Requires Notification of Custody Change to Appropriate School Personnel

What does that mean?

House Bill 1 includes an amendment to ensure that the appropriate people within public schools are notified of a change of custody for a child when it occurs.

Why is it good for Kentucky's kids?

This provision can help to ensure children's education is prioritized and the appropriate supports are put in place as they transition to a different home. It also helps keep the child safe by ensuring school personnel know by whom a child is allowed to be picked up.

Establishes Possible Court Appointed Legal Representation for a De Facto Custodian in Child Custody Cases

What does that mean?

House Bill 1 will establish the possibility of de facto custodians to get legal representation, meaning a person who has been shown by clear and convincing evidence to have been the primary caregiver for, and financial supporter of, a child who has resided with the person for a period of six (6) months or more if the child is under three (3) years of age and for a period of one (1) year or more if the child is three (3) years of age or older or has been placed by the Department for Community Based Services.

Why is it good for Kentucky's kids?

This provision is good for Kentucky's kids because legal representation can be cost prohibitive and grandparents and other relatives and fictive kin need access to legal representation to navigate the courts and better understand the rights and responsibilities they have for caring for a child. More easily navigating the court systems means a greater likelihood that kids will get to permanency faster in a way that doesn't create a large financial burden on the caregiver who stepped up to take care of them.