

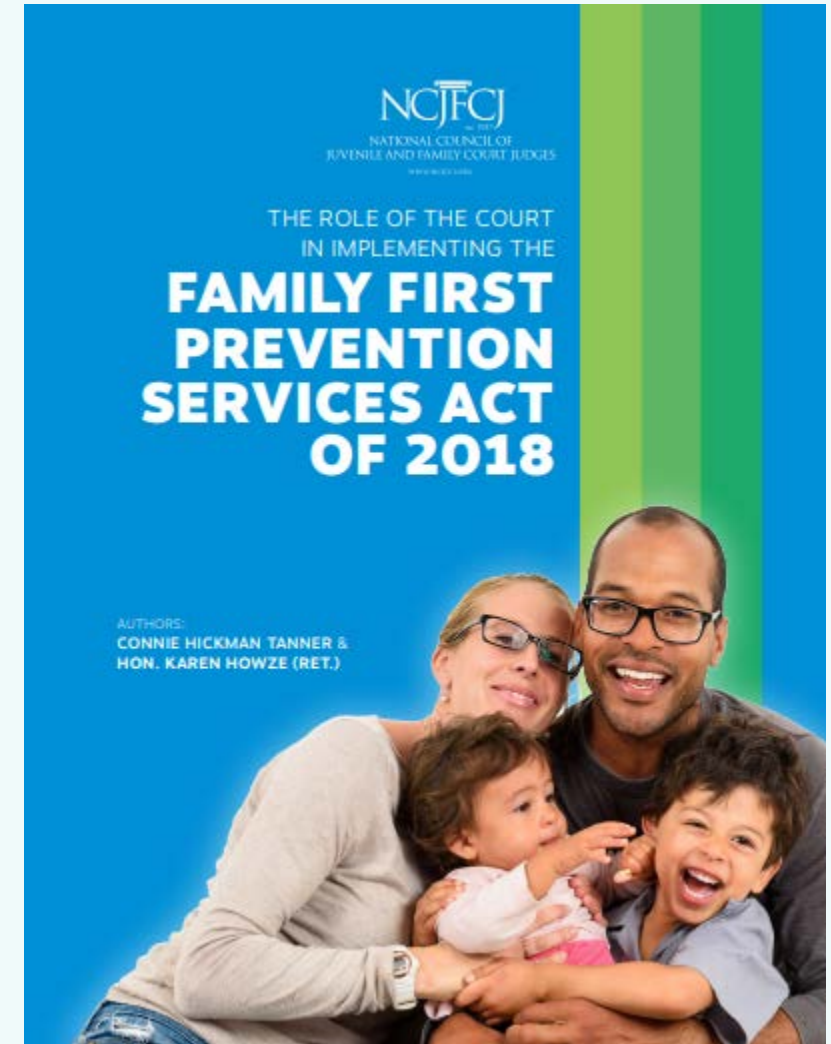


# Family First Prevention Services Act and the Courts



# Family First Prevention Services Act and the Courts

- Courts ensure reasonable efforts are made to prevent removal
- Courts will determine the appropriateness of placements in Qualified Residential Treatment Programs (QRTPs)
- Courts are key community leaders and conveners for shifting philosophy to prevention
- Court findings impact financial reimbursement for the state
- Court personnel receive training on Federal child welfare policies and payment limitations



# FFPSA Judicial Workgroup

## Supreme Court of Kentucky

IN RE:  
ORDER AMENDING  
THE FAMILY COURT RULES OF PROCEDURE AND PRACTICE (FCRPP)

2020-01

This order is effective February 1, 2020 and replaces the current Family Court Rules of Procedure and Practice (FCRPP) with the following:

### I. GENERAL PROVISIONS

#### FCRPP 1 Title, Purpose, and Scope

(1) Kentucky's Family Court represents an institutional change intended to improve the delivery of court services to families and children. The Family Court Rules of Procedure and Practice supplement the statutes, rules and procedures governing Family Law cases with rules and procedures which further assist the court, counsel, and parties in achieving the Court's objective while preserving the rule of law. See generally *Kupron v. Fitzgerald*, 888 S.W.2d 679 (Ky. 1994).

(2) These rules constitute a separate section of the Kentucky Rules of Civil Procedure and shall be known as the Kentucky Family Court Rules of Procedure and Practice. They may be cited as such, or by the abbreviation "FCRPP," KRS 403.130(1).

(3) These Rules shall apply to the procedure and practice in all family law actions including dissolution of marriage; custody and child support; parenting time, time-sharing, and visitation; property division; maintenance; domestic violence; paternity; dependency; neglect or abuse; termination of parental rights; and adoption, or any and all other causes of action exclusively within the jurisdiction of Family Court. Procedural rules for special statutory proceedings shall prevail over any inconsistent FCRPP. CR 1.

(4) Self represented litigants shall be held to knowledge of these rules.

(5) The Kentucky Rules of Civil Procedure, Rules of Criminal Procedure, and Rules of Evidence shall apply to family law cases to the extent that they are not inconsistent with these rules.

(6) Child parenting time, time-sharing, and visitation are synonymous for the purpose of these rules unless, under the facts of the case, the law requires otherwise.

(7) No local rules, practices, procedures, orders, or other policies of any district or circuit may conflict with or controvert these rules; further, in the event that any such local

- Created & chaired by Justice Debra Hembree Lambert
- Initial meeting held March 8, 2019
- Comprised of judicial representatives from across the state
- The workgroup determined the best way to ensure that judges are adequately trained and prepared for the Q RTP review process
- The workgroup joined the Standing Committee on the Family Court Rules of Procedure and Practice to discuss changes



## Reasonable Efforts

“The exercise of ordinary diligence and care by the department to utilize all preventive and reunification services available to the community in accordance with the state plan for Public Law 96-272 which are necessary to enable the child to safely live at home.”

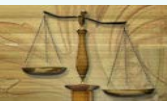
*KRS 620.020(11)*



# Ensuring Reasonable Efforts



- The court must consider at every court appearance whether reasonable efforts were made to prevent a child's removal from the home.
- Court personnel should thoroughly understand family's needs and how to connect parents to appropriate services to change behavior in order for the child(ren) to be safely returned to the home.
- Court personnel must familiarize themselves with new service opportunities to support and preserve families.



# Ensuring Appropriate QRTP Placements

Following placement in a Qualified Residential Treatment Program:

Assessment by a “qualified individual” (as defined) within 30 days.

- Must assess the child’s strengths and needs using age-appropriate, evidence-based, validated functional assessment tool.
- Must be conducted with family involvement and permanency team.

**Court review and approval within 60 days.**

- Based on whether the placement is the most effective and appropriate level of care in the least restrictive environment consistent with the short- and long-term goals for the child.



# Ensuring Collaboration

- Reviewing placements, service options, and local practice requires collaboration between the Courts and DCBS at every level
- Court should meet with local DCBS staff to discuss:
  - Expectations
  - Updates
  - Process barriers
  - Local service array
  - Local prevention efforts
  - How to improve outcomes



# The Spirit of Family First: Supporting Court Initiatives

## **Legal Training for Dependency, Neglect and Abuse Cases:**

- Improving quality legal representation for Guardians Ad Litem and Court Appointed Counsel
- Required by Family Court Rules of Procedure and Practice
- For more information, visit: <https://kycourts.gov/courtprograms/Pages/dna.aspx>



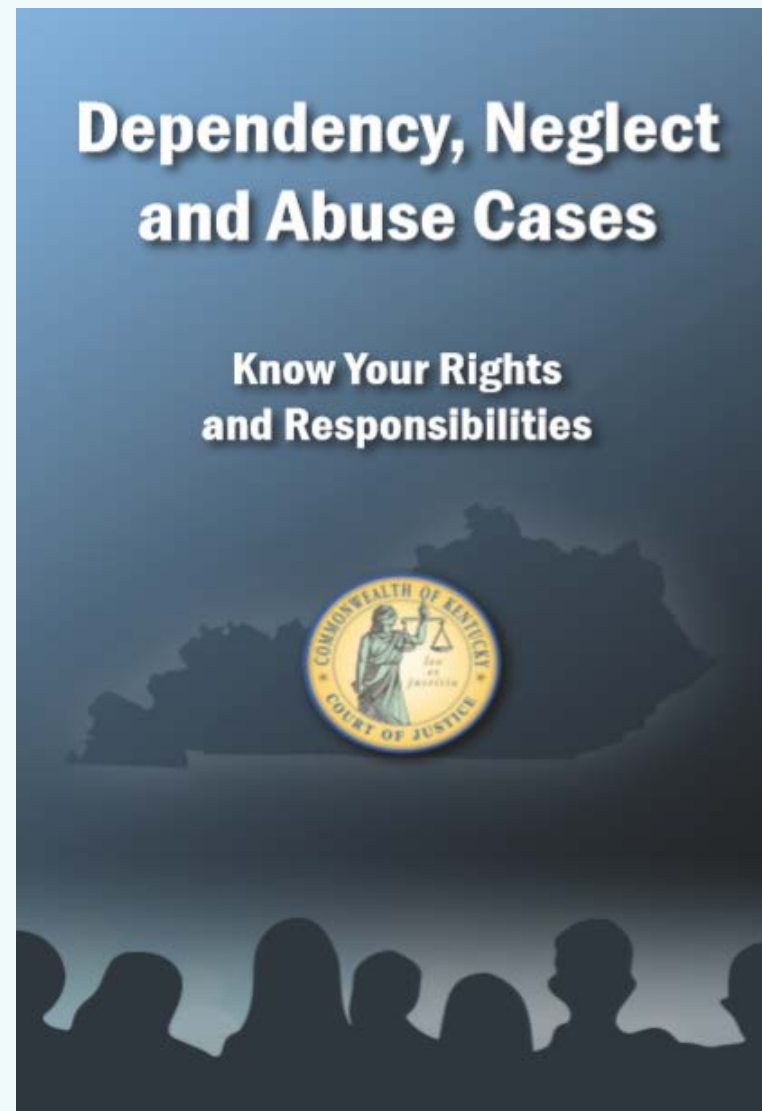


# The Spirit of Family First: Supporting Court Initiatives

## *Dependency, Neglect and Abuse Cases: Know Your Rights and Responsibilities*

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- Improving Family and Parent Voice by developing a guide to aid parents and other interested parties in navigating the court process and related systems
- To view the guide, visit:  
<https://kycourts.gov/resources/publicationsresources/Publications/dnaguide.pdf>

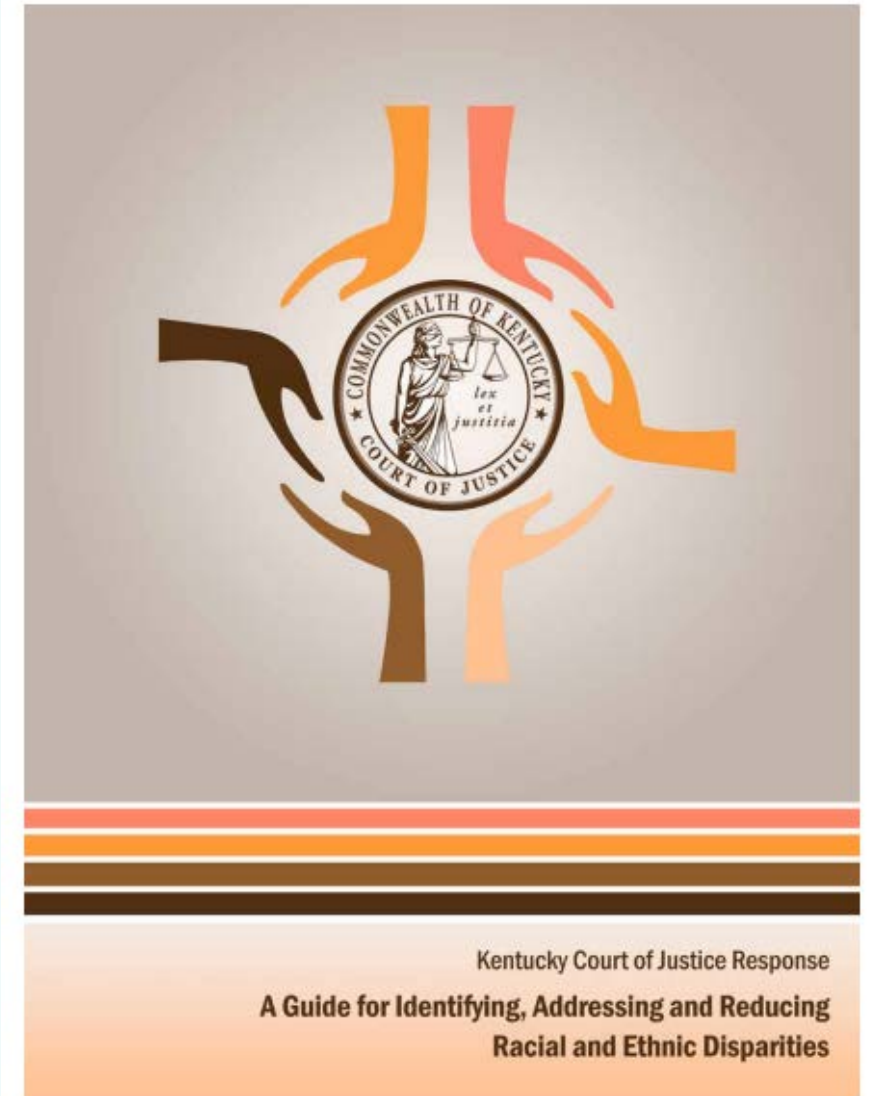


# The Spirit of Family First: Supporting Court Initiatives

## ***Kentucky Court of Justice Response: A Guide for Identifying, Addressing and Reducing Racial and Ethnic Disparities***

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- Improving outcomes for families and children of color by developing an agency model to reduce racial and ethnic disparities
- To view the guide, visit:  
<https://kycourts.gov/resources/publications/resources/Publications/REDguide.pdf>



# The Spirit of Family First: Supporting Court Initiatives



Kentucky Citizen Foster Care Review Boards

## *Citizen Foster Care Review Board Community Forums*

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- Regional forums held twice a year for the public to discuss improving outcomes for Kentucky children and families involved in the foster care system
- For more information, visit:  
<https://kycourts.gov/courtprograms/cfcrb>

# Supporting and Preserving Families

- Courts must continue to be leaders in shifting child welfare practice to prevention.
- Courts must continue to support and oversee implementation of the Family First Act.
- Courts must participate in educational opportunities to both understand and address issues facing our families.
- Courts must continue to work collaboratively with child welfare stakeholders.





Questions?

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