

KRS § 199.010

199.010 Definitions--Repealed

KRS § 199.011

199.011 Definitions for chapter

As used in this chapter, unless the context otherwise requires:

(1) “Secretary” means the secretary for health and family services;

(2) “Cabinet” means the Cabinet for Health and Family Services;

(3) “Department” means the Department for Community Based Services;

(4) “Child” means any person who has not reached his eighteenth birthday;

(5) “Adult adopted person” means any adopted person who is twenty-one (21) years of age or older;

(6) “Child-caring facility” means any institution or group home, including institutions and group homes that are publicly operated, providing residential care on a twenty-four (24) hour basis to children, not related by blood, adoption, or marriage to the person maintaining the facility, other than an institution or group home certified by an appropriate agency as operated primarily for educational or medical purposes, or a residential program operated or contracted by the Department of Juvenile Justice that maintains accreditation, or obtains accreditation within two (2) years of opening from a nationally recognized accrediting organization;

(7) “Child-placing agency” means any agency licensed by the cabinet which supervises the placement of children in foster family homes or child-caring facilities, or which places children for adoption;

(8) “Adoption worker” means an employee of the cabinet so designated by the secretary for health and family services, a social worker employed by a county or city who has been approved by the cabinet to handle, under its supervision, adoption placement services to children, or a social worker employed by or under contract to a child-placing adoption agency;

(9) “Foster family home” means a private home in which children are placed for foster family care under supervision of the cabinet or of a licensed child-placing agency;

(10) “Group home” means a homelike facility, excluding Department of Juvenile Justice operated or contracted facilities, for not more than eight (8) foster children, not adjacent to or part of an institutional campus, operated by a sponsoring agency for children who may participate in community activities and use community resources;

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(11) "Institution" means a child-caring facility providing care or maintenance for nine (9) or more children;

(12) "Family rehabilitation home" means a child-caring facility for appropriate families and comprising not more than twelve (12) children and two (2) staff persons;

(13) "Placement services" means those social services customarily provided by a licensed child-placing or a public agency which are necessary for the arrangement and placement of children in foster family homes, child-placing facilities, or adoptive homes. Placement services are provided through a licensed child-placing or a public agency for children who cannot be cared for by their biological parents and who need and can benefit from new and permanent family ties established through legal adoption. Licensed child-placing agencies and public agencies have a responsibility to act in the best interests of children, biological parents, and adoptive parents by providing social services to all the parties involved in an adoption; and

(14) "Voluntary and informed consent" means that at the time of the execution of the consent the consenting person was fully informed of the legal effect of the consent, that the consenting person was not given or promised anything of value except those expenses allowable under KRS 199.590(6), that the consenting person was not coerced in any way to execute the consent, and that the consent was voluntarily and knowingly given. If at the time of the execution of the consent the consenting person was represented by independent legal counsel, there shall be a presumption that the consent was voluntary and informed. The consent shall be in writing, signed and sworn to by the consenting person and include the following:

(a) Date, time, and place of the execution of the consent;

(b) Name of the child, if any, to be adopted and the date and place of the child's birth;

(c) Consenting person's relationship to the child;

(d) Identity of the proposed adoptive parents or a statement that the consenting person does not desire to know the identification of the proposed adoptive parents;

(e) A statement that the consenting person understands that the consent will be final and irrevocable under this paragraph unless withdrawn under this paragraph.

1. If placement approval by the secretary is required, the voluntary and informed consent shall become final and irrevocable twenty (20) days after the later of the placement approval or the execution of the voluntary and informed consent. This consent may be withdrawn only by written notification sent to the proposed adoptive parent or the attorney for the proposed adoptive parent on or before the twentieth day by certified or registered mail and also by first class mail.

2. If placement approval by the secretary is not required, the voluntary and informed consent shall become final and irrevocable twenty (20) days after the execution of the voluntary and informed consent. This consent may be withdrawn only by written notification sent to the proposed adoptive parent or the attorney for the proposed adoptive parent on or before the twentieth day by certified or registered mail and also by first class mail;

(f) Disposition of the child if the adoption is not adjudged;

(g) A statement that the consenting person has received a completed and signed copy of the consent at the time of the execution of the consent;

(h) Name and address of the person who prepared the consent, name and address of the person who reviewed and explained the consent to the consenting person, and a verified statement from the consenting person that the consent has been reviewed with and fully explained to the consenting person; and

(i) Total amount of the consenting person's legal fees, if any, for any purpose related to the execution of the consent and the source of payment of the legal fees.

KRS § 199.013

199.013 "State building" defined

As used in KRS 199.013 to 199.019, unless the context otherwise requires, "state building" means any structure that houses government offices of the Commonwealth of Kentucky. The term does not include government offices of counties, municipalities, special districts, public corporations, public instrumentalities, or the Court of Justice.

KRS § 199.015

199.015 "Code Adam" safety protocol

Effective: June 26, 2007

The "Code Adam" safety protocol is hereby established and shall be implemented by all administrators in state buildings in the following manner:

(1) When a parent, tutor, or guardian notifies any employee of a state building that his or her child is lost or missing, the employee shall obtain from the parent, tutor, or guardian a detailed description of the minor, including but not limited to the name, age, color of eyes, height, weight, clothing, and the shoes the child was wearing at the time the child was last seen before becoming lost or missing;

(2) From the closest telephone available, the same employee shall alert the state building administrator or the person designated in the state building's "Code Adam" plan, who shall then notify the occupants of the state building through the loudspeaker system or through any other fast and effective means of communication that "Code Adam" has been activated;

(3) The employee shall escort the parent, tutor, or guardian to the main door of the state building to help in identifying the child;

(4) Persons designated by the administrator shall monitor all state building exits to ascertain that the minor does not leave the state building without the parent, tutor, or guardian. In addition, two (2) or more employees, as may be necessary, shall be assigned to search the parking areas of the state building. This process shall not entail the closing or locking of any door of the state building;

(5) Any child, or person with a child, leaving the state building shall be asked to go through the main exit

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previously designated by the administrator. If, once there, the child or person wishes to leave the state building, he or she shall be allowed to do so after it has been determined that the minor who is leaving is not the child being searched for and that the person with the minor is the parent, tutor, or guardian of the child, and the person presents a government-issued photo identification;

(6) After “Code Adam” has been announced through the state building’s loudspeaker system or through any other fast and effective means of communication, the employees shall search throughout the entire state building, and at least two (2) employees, or more as deemed necessary, shall be assigned to each floor to certify that the minor is not present. Employees who are directly serving a member of the public at that time and employees who have been previously excluded by the administrator shall not be compelled to participate in the search;

(7) If the minor is found unharmed and appears to have been simply lost or missing in the state building, the child shall be immediately taken to the parent, tutor, or guardian;

(8) If the minor is found in the company of any person other than the child’s parent, tutor, or guardian, any reasonable means shall be taken to delay the exit of the child and the person with whom the child was found from the state building until a peace officer arrives, the child and the person with whom the child is found both are properly identified, and the circumstances of the situation are determined;

(9) If the minor is not found within a ten (10) minute period, the state building administrator shall notify a state or local law enforcement agency that a child is lost or missing and provide the information then known about the lost or missing child. The law enforcement agency shall respond to the scene and shall take control of the incident. The law enforcement agency may request that the local search and rescue coordinator provide additional resources to search for the lost or missing child. The law enforcement agency and the local dispatch center shall take the actions required by KRS 17.450, 17.460, and 39F.180;

(10) Upon the location of the lost or missing child or the arrival of a peace officer from the law enforcement agency which was notified of the lost or missing child, whichever occurs earlier, the state building administrator shall cause an announcement of the ending of the “Code Adam” by the state building loudspeaker or other fast and effective means of communication; and

(11) Upon the ending of the “Code Adam,” the state building administrator shall prepare three (3) copies of a report of the incident, which shall:

(a) Be sent within three (3) working days to the secretary of the Finance and Administration Cabinet and the commissioner of the Department of Kentucky State Police; and

(b) Be kept in the administrative files of the state building for a period of three (3) years from the date of the incident.

KRS § 199.017

199.017 Finance and Administration Cabinet to implement “Code Adam” program; training; signs; drills; annual report

Effective: June 26, 2007

The secretary of the Finance and Administration Cabinet, in consultation with the Justice and Public Safety Cabinet

Current with emergency effective legislation through the 2014 Regular Session.

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through the Department of Kentucky State Police, shall:

- (1) Be responsible for coordinating implementation of the “Code Adam” program throughout the Commonwealth;
- (2) Provide training to administrators of state buildings and employees designated by those administrators in the implementation of the “Code Adam” program;
- (3) Provide training in procedures for the search of state buildings and grounds for lost and missing children;
- (4) Print and distribute signs to each public agency for use in each state building relating to the “Code Adam” program and how to initiate a “Code Adam.” The signs shall be not less than twelve (12) inches square and have white letters and a purple background containing the information specified by the cabinet by administrative regulation;
- (5) Provide for annually conducting a “Code Adam” drill at each facility covered by the provisions of KRS 199.013 to 199.019;
- (6) Provide for the collection of statistics from each facility covered by the provisions of KRS 199.013 to 199.019 on each “Code Adam” within the state building;
- (7) Provide an annual report to the Governor, the Department of Kentucky State Police, the Legislative Research Commission, and the General Assembly on each “Code Adam” within the Commonwealth during the previous calendar year and the results of each “Code Adam” incident. The annual report shall be a public record and shall not include the name or other identifying information, other than gender and age, of the child; and
- (8) Promulgate administrative regulations necessary for the implementation of the “Code Adam” program as required by KRS 199.013 to 199.010.

KRS § 199.019

**199.019 Exemption from “Code Adam” program for agency or building not visited by children;
expiration of exemption**

Effective: June 26, 2007

The secretary of the Finance and Administration Cabinet, in consultation with the Justice and Public Safety Cabinet through the Department of Kentucky State Police, may exempt any agency or state building which, due to the nature of the services provided by that agency or state building, is not visited by children. The agency or state building shall immediately report to the secretary of the Finance and Administration Cabinet when the agency or state building is likely to be visited by children on a frequent or continuing basis. Upon receipt of the notification from the state building administrator or agency that the state building is being visited by children, the exemption from compliance with the provisions of KRS 199.013 to 199.019 shall expire.

KRS § 199.020

199.020 Jurisdiction of juvenile session of county court--Repealed

Current with emergency effective legislation through the 2014 Regular Session.

KRS § 199.030

199.030 Clerk and stenographer of juvenile session--Repealed

KRS § 199.031

199.031 Juvenile court in certain third-class cities; detention home--Repealed

KRS § 199.032

199.032 Police judge as presiding judge of juvenile court; clerk of court; probation officer--Repealed

KRS § 199.033

199.033 Applicability of laws to court established under KRS 199.031; expense of maintaining child in reform school--Repealed

KRS § 199.034

199.034 Tax for juvenile court and detention home--Repealed

KRS § 199.040

199.040 Child may have jury trial--Repealed

KRS § 199.050

199.050 Persons in charge of children; proceedings against--Repealed

KRS § 199.060

199.060 Service of process; summons; warrant; form of proceedings--Repealed

KRS § 199.070

199.070 Release of child pending hearing; detention school; compensation and qualification of superintendent and matron--Repealed

KRS § 199.080

199.080 Procedure when child is charged with a crime--Repealed

KRS § 199.090

199.090 Commitment of children convicted of crimes--Repealed

KRS § 199.100

199.100 Commitment of girls--Repealed

KRS § 199.110

199.110 Duration of commitment--Repealed

KRS § 199.120

199.120 Parole of children--Repealed

KRS § 199.130

199.130 Disposition of dependent or neglected child--Repealed

KRS § 199.131

199.131 Disposition of abandoned, or dependent or neglected children--Repealed

KRS § 199.135

**199.135 Appeal from judgment of juvenile court in proceeding involving dependent or neglected child;
effect of juvenile court judgment in habeas corpus proceeding--Repealed**

KRS § 199.140

199.140 Disposition of delinquent child--Repealed

KRS § 199.150

199.150 Child may be required to make restitution--Repealed

KRS § 199.160

199.160 Court to consider religion of child's parents--Repealed

KRS § 199.170

**199.170 Disposition of physically or mentally handicapped children; examination by physician--
Repealed**

KRS § 199.180

199.180 Girls to be accompanied by woman attendant--Repealed

KRS § 199.190

199.190 Order of court sufficient proof for custody--Repealed

KRS § 199.200

199.200 Parents to contribute to child's support when able--Repealed

KRS § 199.210

199.210 Report of county clerks to Governor--Repealed

KRS § 199.220

199.220 Report of custodian of committed child; action on report--Repealed

KRS § 199.230

199.230 Advisory board of juvenile session; duties--Repealed

KRS § 199.240

199.240 Probation officers; appointment; compensation--Repealed

KRS § 199.250

199.250 Duties of probation officers--Repealed

KRS § 199.260

199.260 Duties of chief probation officer--Repealed

KRS § 199.270

199.270 Termination of probation period--Repealed

KRS § 199.280

199.280 Information of probation officers confidential--Repealed

KRS § 199.290

199.290 Use of evidence in subsequent actions--Repealed

KRS § 199.300

199.300 Juvenile court quarters in certain counties--Repealed

KRS § 199.310

199.310 Tax to defray expenses--Repealed

KRS § 199.320

199.320 Contributing to delinquency of children prohibited--Repealed

KRS § 199.330

199.330 Children not to be willfully exposed or injured--Repealed

KRS § 199.335

199.335 Specified persons to report child abuse or neglect; report to law enforcement agency; search warrant; protective custody; immunity from liability--Repealed

KRS § 199.340

199.340 Employment or exhibition of child; when prohibited--Repealed

KRS § 199.341

199.341 Interstate Compact on Placement of Children--Repealed

KRS § 199.343

199.343 Definitions of terms in Interstate Compact--Repealed

KRS § 199.345

199.345 Financial responsibility for child placed and agreements under Interstate Compact--Repealed

KRS § 199.347

199.347 Court may place child in foreign state under compact--Repealed

KRS § 199.350

199.350 Importation of dependent children--Repealed

KRS § 199.360

199.360 Department of Welfare to enforce law--Repealed

KRS § 199.370

199.370 Exceptions to regulations on importation--Repealed

KRS § 199.375

199.375 Voluntary commitment of children to cabinet; support; care; release--Repealed

KRS § 199.380

199.380 Boarding and lodging homes for children under sixteen in counties containing city of second class; authority to operate; investigation; revocation of authority

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No person or persons shall board or lodge children under the age of sixteen (16) years, or in any manner conduct a boarding home or boarding house for children under the age of sixteen (16) years, unless authorized and empowered so to do, in writing, by the health officer of the county in which such boarding home or boarding house is conducted. Before authorizing or empowering any person or persons to board or lodge children under the age of sixteen (16) years, or in any manner to conduct a boarding house or boarding home for such children, the health officer to whom an application is made for such authority or power shall make or cause to be made, an investigation to determine whether such person or persons have made suitable, sanitary and satisfactory arrangements for the health of such children. When such authority and power have been granted by a health officer the same may be revoked at any time, in the discretion of said health officer, when he shall determine that arrangements for the health of the children boarded or lodged in such boarding home or boarding house are unsuitable and unsatisfactory, and in no event shall such authority and power be effective for a longer period than one (1) year following the granting of same. Whenever the health officer of any county shall be notified by the juvenile session of District Court of such county, or notified by the probation officer thereof, that the person or persons operating a boarding home or boarding house for children under the age of sixteen (16) years are not making suitable and satisfactory arrangements for the health of the children being boarded or lodged therein, he shall make or cause to be made an investigation to determine whether or not the power and authority of such person or persons to operate such home shall be revoked. Any person who boards or lodges a child under the age of sixteen (16) years without having the permit provided for herein shall be guilty of an offense and punished as provided in subsection (3) of KRS 199.990.

KRS § 199.390

199.390 Record book of boarding or lodging home

Every person who boards or lodges children under the age of sixteen (16) years or conducts a boarding house or boarding home for such children, shall keep a book, securely bound, in which shall be entered the name, sex and race of every child boarded or lodged in the house or home conducted by him or her, together with the names and post-office addresses of the parents of such child, the date such child was placed in such house or home, the date of such child's birth and the amount charged each week or month as compensation for boarding or lodging such child. Such facts shall be entered in said book at the time said child is placed in said house or home and shall be signed by the person or persons placing said child therein before leaving the premises upon which said house or home is conducted. Such book shall always be available for inspection by the health officer of the county in which said house or home is situated, or the judge of the juvenile session of District Court of said county, or any probation officer of said court. Failure to comply with the provisions of this section shall constitute an offense, punishable as provided in subsection (3) of KRS 199.990.

KRS § 199.400

199.400 Security for care and custody of nonresident child accepted for boarding or lodging in this state

Whenever the county judge/executive of any county, in his discretion, deems it necessary that a person accepting a nonresident child for boarding or lodging in this Commonwealth shall satisfy him that such a nonresident child shall never become a charge upon the Commonwealth or any subdivision thereof, he may require that the proper public authorities of the state or county in which the nonresident child resides, furnish security, to his satisfaction, that they will assume the care and custody of such child in the event such child becomes a charge upon this Commonwealth or any subdivision thereof. Whenever any county judge/executive shall enter an order that such security shall be furnished for all nonresident children boarded or lodged in his county, no child shall thereafter be accepted for boarding or lodging in said county until such security is furnished. Any person who accepts a nonresident child under the age of sixteen (16) years for boarding or lodging, in any county, without the furnishing of the security provided for herein, after the county judge/executive of the county has provided by order for the furnishing of such security, shall be guilty of an offense and punished as provided in subsection (3) of KRS 199.990.

KRS § 199.410

199.410 Exceptions from KRS 199.380 to 199.400; application only to counties containing city of second class

(1) The provisions of KRS 199.380 to 199.400 shall not affect or apply to boarding homes in which children under the care, custody or control of the cabinet, or receiving aid from the cabinet, are being boarded, and which have been approved by the cabinet as meeting the standards of the cabinet for placement, nor shall the provisions of KRS 199.380 to 199.400 affect persons caring for and providing for children related to them by blood or marriage.

(2) KRS 199.380 to 199.400 shall apply only to counties containing a city of the second class.

KRS § 199.420

199.420 Administrative functions of secretary; personnel; compensation and other benefits; administrative costs

(1) The secretary may promulgate administrative regulations authorized by statute for the proper administration of the functions of the cabinet, including qualification for the receipt of federal funds and for cooperation with other state and federal agencies.

(2) In the administration of KRS 199.420 to 199.670, the secretary shall cooperate to the fullest extent possible with any agency of this state or any other state of the United States.

(3) The secretary is authorized, subject to the provisions of KRS Chapters 12, 18A, 42, 45, and 64, to appoint, fix the compensation, and prescribe the duties and powers of any officers and employees as are necessary in the performance of the secretary's duties under KRS 199.420 to 199.670. All positions shall be filled by persons selected and appointed on a nonpartisan merit basis, in accordance with merit standards established by law. The secretary shall not employ or pay any person who is an officer or committee member of any political party organization. The secretary may delegate to any person so appointed that power and authority as the secretary deems reasonable and proper for the effective administration of KRS 199.420 to 199.670.

(4) The secretary shall have the power and authority to elect coverage for the workers in the cabinet, under the provisions of KRS Chapter 341, and may elect coverage for these workers under the workers' compensation law of this state. In the event the coverage is elected the payment of contributions under KRS Chapter 341 and premiums under the workers' compensation law shall be deemed a proper cost of administration.

(5) The salaries and expenses of the secretary and the secretary's staff shall be considered a proper cost of administration and charged to the funds allocated to the Cabinet for Health and Family Services.

KRS § 199.430

199.430 Witnesses and evidence; confidential treatment of information and records

(1) In the discharge of the duties imposed by KRS 199.410 to 199.670 the secretary or his duly authorized representative may administer oaths and affirmations, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of books, papers, correspondence, memoranda and other records considered necessary and relevant as evidence in connection with the administration of the cabinet. Such subpoena shall be served in the same manner as a subpoena issued out of a circuit court. Witnesses subpoenaed shall be allowed mileage allowance according to KRS 421.015 for each day their attendance is actually required at a hearing.

(2) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda or other records in response to such subpoena on the grounds that the evidence required of him may tend to incriminate him or subject him to a penalty for forfeiture. No person shall be prosecuted or subjected to any suit, penalty, or forfeiture on account of any transaction, matter, or thing concerning which he or his agent or worker is compelled, after having claimed privilege against self-incrimination, to give evidence, except that such witness so testifying shall not be exempt from punishment for perjury.

(3) All letters, reports, communications, and other matters, written or oral, to the cabinet or any of its agents, representatives, or employees, or to any board or official functioning under KRS 199.410 to 199.670, which have been written, sent, or made in connection with the requirements and administration of the cabinet shall be absolutely privileged and shall not be the subject matter or basis for any suit for slander or libel in any court, but no person testifying before the secretary or his duly authorized representative shall be exempt from punishment for perjury. Information obtained shall not be published or be open for public inspection, except to public employees in the performance of their duties, but any interested party at a hearing before the secretary or his duly authorized representative shall be supplied with information from such records to the extent necessary for the proper presentation of his case.

KRS § 199.440

199.440 Destruction of records

The secretary may authorize the destruction of any original reports and records that have been properly recorded or summarized in the permanent records of the cabinet or are no longer considered necessary to the proper administration of the cabinet. The destruction or disposition shall be made only by order of the secretary. Any money received from the disposition of the records shall be deposited and credited to the use of the Cabinet for Health and Family Services.

KRS § 199.450

199.450 Advisory councils for child welfare--Repealed

KRS § 199.460

199.460 Duties of cabinet concerning child welfare--Repealed

KRS § 199.461

199.461 Monthly statewide caseload average for social service workers; requirement of report if average in excess of specified quantity

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- (1) As used in this section, “social service worker” means a social worker employed by the Cabinet for Health and Family Services, Department for Community Based Services, to provide direct casework services in foster care, child protection, juvenile services, or adult protection.
- (2) As used in this section, “active case” includes the total number of cases for which the family service worker has responsibility.
- (3) The monthly statewide caseload average for social service workers in the area of foster care, child protection, juvenile services, or adult protection shall not exceed twenty-five (25) active cases.
- (4) Nothing in this section shall prevent the department or a social service worker from handling emergencies to carry out statutory mandates. If the monthly statewide caseload average for social service workers exceeds twenty-five (25) active cases for ninety (90) consecutive days, the department shall report the fact to the Governor and to the Legislative Research Commission together with a description of the factors contributing thereto and shall make recommendations related thereto. The report shall include, by county and district, social service worker caseload averages; the number of established social service worker positions; and the number of vacant social service worker positions.

KRS § 199.462

199.462 Criminal background investigation of applicant to provide foster care, relative caregiver services, or adoptive home, and of applicant’s adult household members; request for conviction information; form and fee for request; background investigation at annual reevaluation authorized; administrative regulation

Effective: June 26, 2007

- (1) Before an applicant is approved to provide foster care or relative caregiver services to a child, or approved to receive a child for adoption, the Cabinet for Health and Family Services shall:
 - (a) Require a criminal background investigation of the applicant and any of the applicant’s adult household members by means of a fingerprint check by the Department of Kentucky State Police and the Federal Bureau of Investigation; or
 - (b) Request from the Justice and Public Safety Cabinet records of all conviction information for the applicant and any of the applicant’s adult household members. The Justice and Public Safety Cabinet shall furnish the information to the Cabinet for Health and Family Services and shall also send a copy of the information to the applicant.
- (2) The request for records shall be on a form approved by the Justice and Public Safety Cabinet, and the Justice and Public Safety Cabinet may charge a fee to be paid by the applicant for the actual cost of processing the request.
- (3) During a certified adoptive or foster home’s annual reevaluation, the Cabinet for Health and Family Services may require a background investigation for each adult household member of the certified adoptive or foster home

under subsections (1) and (2) of this section.

(4) The Cabinet for Health and Family Services shall promulgate an administrative regulation to implement this section.

KRS § 199.463

199.463 Mandatory examinations for foster children--Repealed

KRS § 199.464

199.464 Course for foster parents on prevention and recognition of pediatric abusive head trauma

Effective: July 15, 2010

(1) A foster parent who receives a child younger than the age of five (5) years for placement shall undergo a one and one-half (1.5) hour continuing education session one (1) time every five (5) years covering the prevention and recognition of pediatric abusive head trauma as defined in KRS 620.020. A current qualifying foster parent shall demonstrate completion of this educational session by December 31, 2013.

(2) The educational session required in this section shall address risk factors related to pediatric abusive head trauma, and the methods to reduce the risk of pediatric abusive head trauma in the foster or adoptive home. Training in recognizing pediatric abusive head trauma may be designed in collaboration with organizations and agencies that specialize in the prevention and recognition of pediatric abusive head trauma approved by the secretary of the Cabinet for Health and Family Services.

(3) The Cabinet for Health and Family Services may promulgate an administrative regulation to implement this section.

KRS § 199.465

199.465 Review of children placed in foster homes--Repealed

KRS § 199.467

199.467 Adoption of goals by secretary as to maximum number of children in foster care each fiscal year

Pursuant to the requirements of the Adoption Assistance and Child Welfare Act of 1980, Pub. L. 96-272¹, the secretary for health and family services shall adopt by regulation specific goals for each fiscal year for the cabinet as to the maximum number of children, (either in absolute numbers or as a percentage of all children in foster care with respect to whom assistance is provided in that year) who, at any time during such fiscal year, will remain in foster care after having been in such care for a period in excess of twenty-four (24) months, together with a description of the steps to be taken by the state to achieve such goals.

KRS § 199.640

199.640 Licensing of child-caring and child-placing agencies or facilities; license fees; standards;

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recordkeeping and reporting; use of corporal punishment; prohibition against hiring convicted sex offender; confidentiality of records

(1) Any facility or agency seeking to conduct, operate, or maintain any child-caring facility or child-placing agency shall first obtain a license to conduct, operate, or maintain the facility or agency from the cabinet.

(2) The cabinet shall:

(a) Develop standards, as provided in subsection (5) of this section, which must be met by any facility or agency seeking to be licensed to conduct, operate, or maintain a child-caring facility or child-placing agency;

(b) Issue licenses to any facility or agency found to meet established standards and revoke or suspend a license after a hearing in any case that a facility or agency holding a license is determined to have substantially failed to conform to the requirements of the standards;

(c) Establish and follow procedures designed to insure that any facility or agency licensed to conduct, operate, or maintain a child-caring facility or child-placing agency complies with the requirements of the standards on an ongoing basis.

(3) Licenses shall be issued for a period of one (1) year from date of issue unless revoked by the cabinet. Each licensed facility or agency shall be visited and inspected at least one (1) time each year by a person authorized by the cabinet and meeting specific qualifications established by the secretary of the cabinet in an administrative regulation. A complete report of the visit and inspection shall be filed with the cabinet.

(4) Each license issued shall specify the type of care or service the licensee is authorized to perform. Each initial application for a license shall be accompanied by a fee of one hundred dollars (\$100) and shall, except for provisional licenses, be renewable annually upon expiration and reapplication when accompanied by a fee of fifty dollars (\$50). The fees collected by the secretary shall be deposited in the State Treasury and credited to a revolving fund account for the purpose of carrying out the provisions of this section. The balance of said account shall lapse to the general fund at the end of each biennium.

(5) (a) The secretary shall promulgate administrative regulations establishing basic standards of care and service for child-caring facilities and child-placing agencies relating to the health and safety of all children in the care of the facility or agency, the basic components for a quality program, as referenced below, and any other factors as may be necessary to promote the welfare of children cared for or placed by the agencies and facilities. Standards established may vary depending on the capacity of the agency or facility seeking licensure. These administrative regulations shall establish standards that insure that:

1. The treatment program offered by the facility or agency is directed toward child safety, improved child functioning, improved family functioning, and continuity and permanence for the child;

2. The facility or agency has on staff, or has contracted with, individuals who are qualified to meet the treatment needs of the children being served, including their psychological and psychiatric needs;

3. The facility or agency has procedures in place to insure that its staff receives ongoing training and that all staff members who are required to do so meet all regional and national standards;

4. The facility or agency develops an integrated, outcomes-based treatment plan that meets the health, mental

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health, education, safety, and security needs of each child in its care;

5. The facility or agency has procedures in place to include parents, family, and other caregivers in a child's treatment program;

6. The facility or agency has procedures in place whereby it evaluates its programs on a quarterly basis and documents changes in the program if the results of the review indicate a change is needed;

7. The facility or agency makes available quality programs for substance abuse prevention and treatment with providers licensed under KRS Chapter 222 as part of its treatment services;

8. The facility or agency initiates discharge planning at admission and provides sufficient aftercare; and

9. The facility or agency has procedures in place that outline the structure and objectives of cooperative relationships with the community within which it is located and the local school district.

(b) The secretary shall promulgate regulations establishing recordkeeping and reporting requirements and standards for licensed agencies and facilities that recognize the electronic storage and retrieval of information for those facilities that possess the necessary technology and that include, at a minimum, the following information relating to children in the care of the agency or facility:

1. The name, age, social security number, county of origin, and all former residences of the child;

2. The names, residences, and occupations, if available, of the child's parents;

3. The date on which the child was received by the agency or facility; the date on which the child was placed in a foster home or made available for adoption; and the name, occupation, and residence of any person with whom a child is placed; and

4. A brief and continuing written narrative history of each child covering the period during which the child is in the care of the agency or facility.

(c) The secretary may promulgate administrative regulations creating separate licensure standards for different types of facilities.

(d) The secretary shall promulgate administrative regulations to establish practices and procedures for the inspection of child-caring facilities and child-placing agencies. These administrative regulations shall establish a uniform reporting mechanism that includes guidelines for enforcement.

(6) Any administrative regulations promulgated pursuant to KRS Chapter 13A to govern services provided by church-related privately operated child-caring agencies or facilities shall not prohibit the use of reasonable corporal physical discipline which complies with the provisions of KRS 503.110(1), including the use of spanking or paddling, as a means of punishment, discipline, or behavior modification and shall prohibit the employment of persons convicted of any sexual offense with any child-caring facility or child-placing agency.

(7) All records regarding children or facts learned about children and their parents and relatives by any licensed agency or facility shall be deemed confidential in the same manner and subject to the same provisions as similar records of the cabinet. The information thus obtained shall not be published or be open for public inspection except to authorized employees of the cabinet or of such licensed agency or facility in performance of their duties.

KRS § 199.641

199.641 Definitions; payments to nonprofit child-caring facility

(1) As used in this section, unless the context otherwise requires:

(a) “Allowable costs report” means a report from each child-caring facility that contracts with the department for services and includes all allowable costs as defined by the Federal Office of Management and Budget circular A-122, “cost principles for nonprofit organizations,” and other information the department may require, utilizing cost data from each child-caring facility’s most recent yearly audited financial statement;

(b) “Child-caring facility” means any institution or group home other than a state facility, or one certified by an appropriate agency as operated primarily for educational or medical purposes providing residential care on a twenty-four (24) hour basis to children, not related by blood, adoption, or marriage to the person maintaining the facility;

(c) “Department” means the Department for Community Based Services of the Cabinet for Health and Family Services;

(d) “Model program cost analysis” means a report based on a time study, the allowable costs report, and other information required by the department from each child-caring facility that contracts with the department for services that determines a statewide median cost for each licensed program category of service provided by child-caring facilities; and

(e) “Time study” means the process of reporting the work performed by employees of child-caring facilities in specified time periods.

(2) Subject to the limitations set forth in subsection (4) of this section, when the department chooses to contract with a nonprofit child-caring facility for services to a child committed to the department, the department shall make payments to that facility based on the rate setting methodology developed from the model program cost analysis. The department shall also assure that the methodology:

(a) Provides payment incentives for moving children as quickly as possible to a permanent, continuous, stable environment;

(b) Provides children who require out-of-home care or alternative treatment with placements that are as close as possible to their home geographic area; and

(c) Provides appropriate placement and treatment services that effectively and efficiently meet the needs of the child and the child’s family as close as possible to the child’s home geographic area.

(3) The department shall use the model program cost analysis as a basis for cost estimates for the development of the department’s biennial budget request.

(4) The secretary shall, to the extent funds are appropriated, establish and implement the rate setting methodology

and rate of payment by promulgation of administrative regulations in accordance with KRS Chapter 13A that are consistent with the level and quality of service provided by child-caring facilities. The administrative regulations shall also include the forms and formats for the model program cost analysis.

KRS § 199.645

**199.645 Administrative regulations for facilities and agencies caring for children before adjudication
under KRS Chapter 630**

The Cabinet for Health and Family Services shall issue and enforce administrative regulations specifically addressing the unique situation of child-caring facilities and child-placing agencies which provide nonsecure care for children during the preadjudication phase of proceedings under KRS Chapter 630. These facilities and agencies shall include those operated privately and those operated by units of local government. These administrative regulations shall include standards relating to the following:

- (1) Administration;
- (2) Personnel;
- (3) Training and staff development;
- (4) Recordkeeping;
- (5) Physical plant;
- (6) Security and control;
- (7) Safety and emergency procedures;
- (8) Sanitation and hygiene;
- (9) Medical services;
- (10) Food services;
- (11) Intake and classification;
- (12) Programs and services;
- (13) Resident rights;

- (14) Rules and discipline;
- (15) Admission procedures;
- (16) Communication, including mail, visitation and telephone;
- (17) Release preparation and transfer programs; and
- (18) Volunteer involvement.

KRS § 199.650

199.650 Authorized activities of child-caring facilities or child-placing agencies

Any licensed child-caring facility or child-placing agency may contract to provide care, maintenance, and services for a child in accordance with the terms of its license. Any licensed child-caring facility or child-placing agency may receive children committed to its custody and provide care and services for the child until the child is discharged from custody pursuant to law.

KRS § 199.660

199.660 Authorized activities of child-placing agencies

A licensed child-placing agency may place children in any licensed child-caring facility including institutions and group homes, or in foster family homes under its direct supervision, in a facility certified by an appropriate agency as operated primarily for educational or medical purposes, or may place children for adoption if specifically authorized by its license to do so. The child-placing agency shall provide careful supervision of all children under its care and of children placed by it in child-caring facilities or foster family homes, and its agents shall visit such facilities or foster family homes as often as may be necessary to promote the welfare of the children.

KRS § 199.670

199.670 Denial, suspension, or revocation of license of child-caring facilities or child-placing agencies

- (1) The cabinet may revoke or suspend a license issued under KRS 199.640 for any deficiency or condition which would have caused a denial of the license in the first instance. The cabinet may refuse to issue a license in any case where the applicant is not found to meet the standards established by the secretary in an administrative regulation promulgated in accordance with the provisions of KRS 199.640.
- (2) If the cabinet proposes to revoke or suspend, or to refuse to issue a license, written notice shall be given to the licensee or applicant, stating the proposed action and grounds therefor, and notifying the licensee or applicant that the license will be revoked, suspended, or refused unless the applicant or licensee makes a written request to engage in informal dispute resolution, in accordance with the provisions of subsection (4) of this section, or the applicant or licensee makes a written request for a hearing before the secretary within thirty (30) days of notice.

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Notice shall be complete and effective upon mailing. If the cabinet proposes to deny the issuance or renewal of a license, notice of the proposed action shall be provided to the licensee or applicant no later than thirty (30) days after the application for licensure or renewal is received by the cabinet.

(3) If a request for a hearing is made, the hearing shall be conducted in accordance with KRS Chapter 13B. If the cabinet has probable cause to believe that an immediate threat to the public health, safety, or welfare exists, the cabinet may take emergency action pursuant to KRS 13B.125.

(4) (a) Upon receipt of a statement of deficiency from the cabinet, the applicant or licensee may request one (1) informal opportunity per survey to dispute any deficiencies with which it disagrees. The applicant or licensee shall make a written request to the cabinet for informal dispute resolution, which must be received by the cabinet within ten (10) days of the receipt of the statement of deficiency by the applicant or licensee. The request shall:

1. Specify the deficiencies in dispute;
2. Provide a detailed explanation of the basis for the dispute;
3. Include any supporting documentation, including any information that was not available at the time of the survey; and
4. If desired, request a face-to-face meeting with the regional program manager, or the manager's designee, and a surveyor who did not participate in the original survey or the decision to issue the disputed deficiency.

(b) Upon receipt of a request for informal dispute resolution, the regional program manager, or the manager's designee, and a child-caring surveyor who did not participate in the original survey or the decision to issue the disputed deficiency shall, within thirty (30) days of receipt of the request, review the specific deficiencies in dispute and notify the applicant or licensee in writing of the results of the review. If a face-to-face meeting was requested by the applicant or licensee, the meeting shall be held, and no decision shall be made regarding the disputed deficiencies until after the face-to-face meeting has occurred.

1. If materials submitted by the applicant or licensee by mail or at the face-to-face meeting demonstrate that specific deficiencies should not have been cited, those deficiencies will be removed from the statement of deficiencies and any enforcement actions imposed solely as a result of those cited deficiencies will be rescinded.
2. If, after review of the disputed deficiencies, the regional office staff affirms the deficiencies, the licensee or applicant may accept the findings of the regional office staff and make any corrections required by the cabinet, or may, within thirty (30) days of receipt of the notice, request in writing a meeting with the secretary or the secretary's designee. The secretary may designate an individual who holds the position of director or above to serve as the designee.
3. The secretary or the secretary's designee shall meet in person with the licensee or applicant and review the documentation available within fifteen (15) days of receipt of the request.
4. If the information provided demonstrates that specific deficiencies should not have been cited, those deficiencies will be removed from the statement of deficiencies and any enforcement actions imposed solely as a result of those cited deficiencies will be rescinded.
5. If the secretary or the secretary's designee affirms the deficiencies, the secretary or the secretary's designee shall, within fifteen (15) days issue a final written order stating the cabinet's final position regarding the deficiencies in dispute. The decision of the secretary or the secretary's designee shall be a final order for purposes of subsection (5) of this section.

(c) A request for informal dispute resolution shall not delay the required submission of a plan of correction for any deficiency not in dispute. Any corrective plan of action or similar submission required by the cabinet relating to any deficiency in dispute shall be suspended until a decision is rendered and a corrective plan of action is agreed to within the informal dispute resolution process or the secretary or the secretary's designee issues a final order.

(5) Any final order may be reviewed in the Circuit Court of the county in which the child-caring facility or child-placing agency is located in accordance with KRS Chapter 13B.

KRS § 199.680

199.680 Nonreimbursement of out-of-state providers of residential care for children; exception; administrative regulations

(1) The Department for Community Based Services and the Department for Medicaid Services shall not reimburse an out-of-state provider of residential care for children whose care is paid by state general funds or state administered federal funds unless the Department for Medicaid Services or the Department for Community Based Services or a designated agent thereof has determined that there is no provider within the Commonwealth that is capable and willing to provide comparable services at a comparable cost per child to those that would be delivered by the out-of-state provider. An exception may be made if:

(a) The identified in-state resource is farther away from the child's parent or guardian than a similar out-of-state resource; or

(b) The services offered by the out-of-state resource is deemed by either department or a designated agent thereof to be more appropriate for the individual child than the services offered by the in-state provider.

(2) Prior to promulgating administrative regulations governing the determination of the availability of providers of residential care within the Commonwealth, the Department for Medicaid Services and the Department for Community Based Services shall establish uniform conditions, requirements, and exceptions for the determination of the availability of providers of residential care within the Commonwealth.

(3) Each department shall promulgate an administrative regulation in accordance with KRS Chapter 13A that contains the uniform conditions, requirements, and exceptions for the determination of the availability of providers of residential care within the Commonwealth established under subsection (2) of this section.

KRS § 199.892

199.892 Declaration of legislative intent

In enacting legislation relating to the regulation of day-care centers, it is the intention of the General Assembly to enable the Cabinet for Health and Family Services to qualify to receive federal funds under provisions of the Federal Social Security Act and to provide for effective regulation of day-care centers.

KRS § 199.894

199.894 Definitions for KRS 199.892 to 199.896

As used in KRS 199.892 to 199.896, unless the context otherwise requires:

(1) “Cabinet” means the Cabinet for Health and Family Services;

(2) “Secretary” means secretary for health and family services;

(3) “Child-care center” means any child-care center which provides full or part-time care, day or night, to at least seven (7) children who are not the children, grandchildren, nieces, nephews, or children in legal custody of the operator. “Child-care center” shall not include any child-care facility operated by a religious organization while religious services are being conducted, or a youth development agency. For the purposes of this section, “youth development agency” means a program with tax-exempt status under 26 U.S.C. sec. 501(c)(3), which operates continuously throughout the year as an outside-school-hours center for youth who are six (6) years of age or older, and for which there are no fee or scheduled-care arrangements with the parent or guardian of the youth served;

(4) “Department” means the Department for Community Based Services; and

(5) “Family child-care home” means a private home that provides full or part-time care day or night for six (6) or fewer children who are not the children, siblings, stepchildren, grandchildren, nieces, nephews, or children in legal custody of the provider.

KRS § 199.8941

199.8941 Monetary incentives for child-care facilities; professional development

Effective: June 25, 2013

(1) The Early Childhood Advisory Council shall, by administrative regulation promulgated in accordance with KRS Chapter 13A, establish a program of monetary incentives including but not limited to an increased child-care subsidy and a one-time merit achievement award for child-care centers and certified family child-care homes that are tied to a quality rating system for child care as established under KRS 199.8943.

(2) The monetary incentive program shall be reviewed annually by the council for the purpose of determining future opportunities to provide incentives.

(3) Participation in the program of monetary incentives and in the quality rating system by child-care centers and certified family child-care homes is voluntary.

(4) The Cabinet for Health and Family Services shall encourage the professional development of persons who are employed or provide training in a child-care or early childhood setting by facilitating their participation in the scholarship program for obtaining a child development associate credential, postsecondary certificate, diploma, degree, or specialty credential as established under KRS 164.518.

KRS § 199.8943

199.8943 Quality based child-care rating system; administrative regulations

Effective: June 25, 2013

(1) The Early Childhood Advisory Council shall, in consultation with child-care providers, the Cabinet for Health and Family Services, and others, including but not limited to child-care resource and referral agencies and family resource centers, develop a voluntary quality-based graduated child-care rating system for licensed child-care and certified family child-care homes based on, but not limited to:

- (a) Child to caregiver ratios;
- (b) Child-care staff training;
- (c) Program curriculum; and
- (d) Program regulatory compliance.

(2) The Cabinet for Health and Family Services shall in consultation with the Early Childhood Advisory Council, promulgate administrative regulations in accordance with KRS Chapter 13A to implement:

- (a) The voluntary quality-based graduated child-care rating system for child-care and certified family child-care homes developed under subsection (1) of this section;
- (b) Agency time frames of reviews for rating;
- (c) An appellate process under KRS Chapter 13B; and
- (d) The ability of providers to request reevaluation for rating.

KRS § 199.8945

199.8945 Healthy Start in Child Care Program; technical assistance for child-care providers

(1) The secretary of the Cabinet for Health and Family Services shall work to achieve the goals of the Healthy Start in Child Care Program as follows:

- (a) To train and educate child-care providers in health and safety;
- (b) Provide nutrition consultation to parents;

(c) Increase awareness of methods for the prevention of communicable diseases in child-care settings; and

(d) Provide information to parents of children who attend child care.

(2) The Cabinet for Health and Family Services shall establish technical assistance positions dedicated to child care within the Kentucky child-care resource and referral agencies in order to offer technical assistance to child-care providers to upgrade quality in early child-care and education facilities.

KRS § 199.895

199.895 Evacuation plan required for child-care centers and family child-care homes; annual updating of plan; provision of plan to local emergency management officials and parents

Effective: July 12, 2012

(1) A child-care center licensed under KRS 199.896 and a family child-care home certified under KRS 199.8982 shall have a written plan for evacuation in the event of fire, natural disaster, or other threatening situation that may pose a health or safety hazard to the children in the center or home. The plan shall include but not be limited to:

(a) A designated relocation site and evacuation route;

(b) Procedures for notifying parents of the relocation and ensuring family reunification;

(c) Procedures to address the needs of individual children including children with special needs;

(d) Instructions relating to the training of staff or the reassignment of staff duties, as appropriate;

(e) Coordination with local emergency management officials; and

(f) A program to ensure that appropriate staff are familiar with the plan's components.

(2) A child-care center and a family child-care home shall update the evacuation plan by December 31 each year.

(3) A child-care center and a family child-care home shall retain an updated copy of the plan for evacuation, provide an updated copy to appropriate local emergency management officials, and provide a copy to each parent, custodian, or guardian of the child at the time of the child's enrollment in the program and whenever the plan is updated.

KRS § 199.896

199.896 License requirement; application; fee; emergency action; use of information; hearing; disposition of receipts; advertisement; unannounced inspections; orientation and training

requirements; prohibition against use of corporal physical discipline

Effective: July 15, 2010

(1) No person, association, or organization shall conduct, operate, maintain, or advertise any child-care center without obtaining a license as provided in KRS 199.892 to 199.896.

(2) The secretary may promulgate administrative regulations pursuant to KRS Chapter 13A relating to license fees and may establish standards of care and service for a child-care center, criteria for the denial of a license if criminal records indicate convictions that may impact the safety and security of children in care, and procedures for enforcement of penalties.

(3) Each initial application for a license shall be made to the cabinet and shall be accompanied by a fee of not more than fifty dollars (\$50) and shall be renewable annually upon expiration and reapplication when accompanied by a fee of twenty-five dollars (\$25). Regular licenses and renewals thereof shall expire one (1) year from their effective date.

(4) No child-care center shall be refused a license or have its license revoked for failure to meet standards set by the secretary until after the expiration of a period not to exceed six (6) months from the date of the first official notice that the standards have not been met. If, however, the cabinet has probable cause to believe that an immediate threat to the public health, safety, or welfare exists, the cabinet may take emergency action pursuant to KRS 13B.125. All administrative hearings conducted under authority of KRS 199.892 to 199.896 shall be conducted in accordance with KRS Chapter 13B.

(5) If, upon inspection or investigation, the inspector general finds that a child-care center licensed under this section has violated the administrative regulations, standards, or requirements of the cabinet, the inspector general shall issue a statement of deficiency to the center containing:

(a) A statement of fact;

(b) A statement of how an administrative regulation, standard, or requirement of the cabinet was violated; and

(c) The timeframe, negotiated with the child-care center, within which a violation is to be corrected, except that a violation that poses an immediate threat to the health, safety, or welfare of children in the center shall be corrected in no event later than five (5) working days from the date of the statement of deficiency.

(6) The Cabinet for Health and Family Services, in consultation with the Office of the Inspector General, shall establish by administrative regulations promulgated in accordance with KRS Chapter 13A an informal dispute resolution process containing at least two (2) separate levels of review through which a child-care provider may dispute licensure deficiencies that have an adverse effect on the child-care provider's license.

(7) A child-care center shall have the right to appeal to the Cabinet for Health and Family Services under KRS Chapter 13B any action adverse to its license or the assessment of a civil penalty issued by the inspector general as the result of a violation contained in a statement of deficiency within twenty (20) days of the issuance of the action or assessment of the civil penalty. An appeal shall not act to stay the correction of a violation.

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(8) In assessing the civil penalty to be levied against a child-care center for a violation contained in a statement of deficiency issued under this section, the inspector general or the inspector general's designee shall take into consideration the following factors:

- (a) The gravity of the threat to the health, safety, or welfare of children posed by the violation;
- (b) The number and type of previous violations of the child-care center;
- (c) The reasonable diligence exercised by the child-care center and efforts to correct the violation; and
- (d) The amount of assessment necessary to assure immediate and continued compliance.

(9) Upon a child-care center's failure to take action to correct a violation of the administrative regulations, standards, or requirements of the cabinet contained in a statement of deficiency, or at any time when the operation of a child-care center poses an immediate threat to the health, safety, or welfare of children in the center, and the child-care center continues to operate after the cabinet has taken emergency action to deny, suspend, or revoke its license, the cabinet or the cabinet's designee shall take at least one (1) of the following actions against the center:

- (a) Institute proceedings to obtain an order compelling compliance with the administrative regulations, standards, and requirements of the cabinet;
- (b) Institute injunctive proceedings in Circuit Court to terminate the operation of the center;
- (c) Institute action to discontinue payment of child-care subsidies; or
- (d) Suspend or revoke the license or impose other penalties provided by law.

(10) Upon request of any person, the cabinet shall provide information regarding the denial, revocation, suspension, or violation of any type of child-care center license of the operator. Identifying information regarding children and their families shall remain confidential.

(11) The cabinet shall provide, upon request, public information regarding the inspections of and the plans of correction for the child-care center within the past year. All information distributed by the cabinet under this subsection shall include a statement indicating that the reports as provided under this subsection from the past five (5) years are available from the child-care center upon the parent's, custodian's, guardian's, or other interested person's request.

(12) All fees collected under the provisions of KRS 199.892 to 199.896 for license and certification applications shall be paid into the State Treasury and credited to a special fund for the purpose of administering KRS 199.892 to 199.896 including the payment of expenses of and to the participants in child-care workshops. The funds collected are hereby appropriated for the use of the cabinet. The balance of the special fund shall lapse to the general fund at the end of each biennium.

(13) Any advertisement for child-care services shall include the address of where the service is being provided.

(14) All inspections of licensed and unlicensed child-care centers by the Cabinet for Health and Family Services shall be unannounced.

(15) All employees and owners of a child-care center who provide care to children shall demonstrate within the first three (3) months of employment completion of at least a total of six (6) hours of orientation in the following areas:

- (a) Basic health, safety, and sanitation;
- (b) Recognizing and reporting child abuse; and
- (c) Developmentally appropriate child-care practice.

(16) All employees and owners of a child-care center who provide care to children shall annually demonstrate to the department completion of at least six (6) hours of training in child development. These hours shall include but are not limited to one and one-half (1.5) hours one (1) time every five (5) years of continuing education in the recognition and prevention of pediatric abusive head trauma, as defined in KRS 620.020. Training in recognizing pediatric abusive head trauma may be designed in collaboration with organizations and agencies that specialize in the prevention and recognition of pediatric head trauma approved by the secretary of the Cabinet for Health and Family Services. The one and one-half (1.5) hours required under this section shall be included in the current number of required continuing education hours.

(17) The Cabinet for Health and Family Services shall make available either through the development or approval of a model training curriculum and training materials, including video instructional materials, to cover the areas specified in subsection (15) of this section. The cabinet shall develop or approve the model training curriculum and training materials to cover the areas specified in subsection (15) of this section.

(18) Child-care centers licensed pursuant to this section and family child-care homes certified pursuant to KRS 199.8982 shall not use corporal physical discipline, including the use of spanking, shaking, or paddling, as a means of punishment, discipline, behavior modification, or for any other reason. For the purposes of this section, "corporal physical discipline" means the deliberate infliction of physical pain and does not include spontaneous physical contact which is intended to protect a child from immediate danger.

(19) Directors and employees of child-care centers in a position that involves supervisory or disciplinary power over a minor, or direct contact with a minor, shall submit to a criminal record check in accordance with KRS 17.165. The application shall be denied if the applicant has been found by the Cabinet for Health and Family Services or a court to have abused or neglected a child or has been convicted of a violent crime or sex crime as defined in KRS 17.165.

(20) A director or employee of a child-care center may be employed on a probationary status pending receipt of the criminal background check. Application for the criminal record of a probationary employee shall be made no later than the date probationary employment begins.

KRS § 199.897

199.897 Notification concerning Kentucky Consumer Product Safety Program

Effective: June 25, 2009

(1) The Cabinet for Health and Family Services shall notify licensed child-care centers and certified family child-care homes on an ongoing basis, including during the license or certification application process and any monitoring visits, of the Kentucky Consumer Product Safety Program and the program's Web site. Licensed child-care centers shall post in a prominent location a notice of the existence of the Consumer Product Safety Program and the program's Web site.

(2) The Cabinet for Health and Family Services may promulgate administrative regulations to carry out this section.

(3) This section may be cited as The Child Safety Act of 2009.

KRS § 199.898

199.898 Rights for children in child-care programs and their parents, custodians, or guardians; posting and distribution requirements

(1) All children receiving child-care services in a day-care center licensed pursuant to KRS 199.896, a family child-care home certified pursuant to KRS 199.8982, or from a provider or program receiving public funds shall have the following rights:

- (a) The right to be free from physical or mental abuse;
- (b) The right not to be subjected to abusive language or abusive punishment; and
- (c) The right to be in the care of adults who shall meet their health, safety, and developmental needs.

(2) Parents, custodians, or guardians of children specified in subsection (1) of this section shall have the following rights:

- (a) The right to have access to their children at all times the child is in care and access to the provider caring for their children during normal hours of provider operation and whenever the children are in the care of the provider;
- (b) The right to be provided with information about child-care regulatory standards, if applicable; where to direct questions about regulatory standards; and how to file a complaint;
- (c) The right to file a complaint against a child-care provider without any retribution against the parent, custodian, guardian, or child;
- (d) The right to obtain information from the cabinet regarding any type of licensure denial, suspension, or revocation of an operator, and cabinet reports that have found abuse or neglect by any child-care provider or

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any employee of a child care provider. Identifying information regarding children and their families shall remain confidential;

(e) The right to obtain information from the cabinet regarding the inspections and plans of correction of the day-care center, the family child-care home, or the provider or program receiving public funds within the past year; and

(f) The right to review and discuss with the provider any state reports and deficiencies revealed by such reports.

(3) The child-care provider who is licensed pursuant to KRS 199.896 or certified pursuant to KRS 199.8982 shall post these rights in a prominent place and shall provide a copy of these rights to the parent, custodian, or guardian of the child at the time of the child's enrollment in the program.

KRS § 199.8982

199.8982 Family child-care home certification program; when required; requirements for certification; unannounced inspection; use of information; authority to promulgate administrative regulations; hearing; emergency action; training

Effective: July 15, 2010

(1) (a) The cabinet shall establish a family child-care home certification program which shall be administered by the department. A family child-care provider shall apply for certification of the provider's home if the provider is caring for four (4) to six (6) children unrelated to the provider. A family child-care provider caring for three (3) or fewer children may apply for certification of the provider's home at the discretion of the provider. Applicants for certification shall not have been found by the cabinet or a court to have abused or neglected a child, and shall meet the following minimum requirements:

1. Submit two (2) written character references;
2. Provide a written statement from a physician or advanced practice registered nurse that the applicant is in good health;
3. Submit to a criminal record check in accordance with KRS 17.165. The application shall be denied if the applicant has been convicted of a violent crime or sex crime as defined in KRS 17.165;
4. Provide smoke detectors, a telephone, an adequate water supply, sufficient lighting and space, and a safe environment in the residence in which care is provided;
5. Provide a copy of the results of a tuberculosis risk assessment and the results of any appropriate follow-up with skin testing or chest X-ray for applicants who are determined to be at risk for developing tuberculosis in accordance with the recommendations of the Centers for Disease Control and Prevention within thirty (30) days of the date of application for certification; and
6. Demonstrate completion of a total of at least six (6) hours of training in the following areas within three

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(3) months of application for certification:

- a. Basic health, safety, and sanitation;
- b. Recognizing and reporting child abuse; and
- c. Developmentally appropriate child-care practice.

(b) Initial applications for certification shall be made to the department and shall be accompanied by a ten dollar (\$10) certification fee. The department shall issue a certificate of operation upon inspecting the family child-care home and determining the provider's compliance with the provisions of this section. The inspection shall be unannounced. A certificate of operation issued pursuant to this section shall not be transferable and shall be renewed every two (2) years for a fee of ten dollars (\$10).

(c) A certified family child-care provider shall display the certificate of operation in a prominent place within the residence in which care is provided. The cabinet shall provide the certified family child-care provider with written information explaining the requirements for a family day-care provider and instructions on the method of reporting violations of the requirements which the provider shall distribute to parents.

(d) Upon request of any person, the cabinet shall provide information regarding the denial, revocation, suspension, or violation of any type of day-care license of the family child-care provider. Identifying information regarding children and their families shall remain confidential.

(e) The cabinet shall provide, upon request, public information regarding the inspections of and the plans of correction for the family child-care home within the past year. All information distributed by the cabinet under this paragraph shall include a statement indicating that the reports as provided under this paragraph from the past five (5) years are available from the family child-care home upon the parent's, custodian's, guardian's, or other interested person's request.

(f) The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A which establish standards for the issuance, monitoring, release of information under this section and KRS 199.896 and 199.898, renewal, denial, revocation, and suspension of a certificate of operation for a family child-care home and establish criteria for the denial of certification if criminal records indicate convictions that may impact the safety and security of children in care. A denial, suspension, or revocation of a certificate may be appealed, and upon appeal an administrative hearing shall be conducted in accordance with KRS Chapter 13B. If the cabinet has probable cause to believe that there is an immediate threat to the public health, safety, or welfare, the cabinet may take emergency action to suspend a certificate pursuant to KRS 13B.125. The cabinet shall promulgate administrative regulations to impose minimum staff-to-child ratios. The cabinet may promulgate administrative regulations relating to other requirements necessary to ensure minimum safety in family child-care homes. The cabinet shall develop and provide an "easy-to-read" guide containing the following information to a family child-care provider seeking certification of his home:

1. Certification requirements and procedures;

2. Information about available child-care training; and

3. Child-care food sponsoring organizations.

(2) Family child-care providers shall annually demonstrate to the department completion of at least six (6) hours of training in child development. These hours shall include but are not limited to one and one-half (1.5) hours one (1) time every five (5) years of continuing education in the recognition and prevention of pediatric abusive head trauma, as defined in KRS 620.020. Training in recognizing pediatric abusive head trauma may be designed in collaboration with organizations and agencies that specialize in the prevention and recognition of pediatric abusive head trauma approved by the secretary of the Cabinet for Health and Family Services. The one and one-half (1.5) hours of continuing education required under this section shall be included in the current number of required continuing education hours.

(3) The cabinet shall, either through the development of or approval of, make available a model training curriculum and training materials, including video instructional materials, to cover the areas specified in subsection (1)(a)6. of this section. The cabinet shall develop or approve the model training curriculum and training materials to cover the areas specified in subsection (1)(a)6. of this section.

KRS § 199.8984

199.8984 Child-Care Policy Council--Repealed

KRS § 199.899

199.899 Market-rate survey to determine rates for child-care services receiving public funds

(1) The Cabinet for Health and Family Services shall conduct a market-rate survey at least biennially to set the minimum rates paid by the cabinet for child-care services receiving public funds in the Commonwealth. The market-rate survey shall:

(a) Survey all child-care programs in the Commonwealth licensed pursuant to KRS 199.896 or certified pursuant to KRS 199.8982;

(b) Determine market rates; and

(c) Make public its findings.

(2) In counties containing no more than two (2) child-care programs of the same type regulated by the cabinet, the cabinet shall pay the rate charged by the program up to the maximum allowable market rate, set in accordance with federal regulations, paid to a program of the same type in that area development district.

(3) The Cabinet for Health and Family Services shall evaluate, at least annually, the adequacy of the child-care subsidy to enable low income families in need of child-care services to obtain child care.

KRS § 199.8992

199.8992 Development of statewide network of community-based child-care resource and referral services; awarding of contracts

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(1) To the extent possible with available funds, the Cabinet for Health and Family Services shall develop through a system of contracts, a statewide network of community-based child-care resource and referral services. The network shall include one (1) resource and referral agency per area development district as designated by the cabinet. To avoid duplication of services, priority for receiving designation by the cabinet shall be given to existing child-care resource and referral organizations which are public or private, nonprofit, community-based agencies. Each resource and referral agency shall:

(a) Maintain a uniform database in a format developed by the cabinet of all child-care providers licensed pursuant to KRS 199.896 or certified pursuant to KRS 199.8982 in the service area, including information on the availability of care;

(b) Provide consumer education to families seeking child-care services;

(c) Provide timely referrals of available child-care providers to families seeking child-care services;

(d) Recruit child-care providers in areas where there is an identified need as identified pursuant to paragraph (f) of this subsection;

(e) Coordinate, with the cabinet, training for child-care providers and provide technical assistance to employers, current and potential child-care providers, and the community at large;

(f) Collect and analyze data on the supply of, and demand for, child-care in the community;

(g) Stimulate employer involvement in improving the affordability, availability, safety, and quality of child care for their employees and for the community;

(h) Provide written educational materials to parents and child-care providers;

(i) Not operate a child-care center on behalf of an employer or on their own unless no existing provider is willing or able to provide the service at the current market rate. This paragraph shall not apply to child care provided by a resource and referral agency to an employer prior to July 14, 1992; and

(j) Form community early childhood councils in cooperation with family resource centers and other local organizations or agencies.

(2) To the extent possible with available funds, the cabinet shall award contracts in accordance with KRS Chapter 45A to:

(a) Coordinate existing resource and referral services;

(b) Expand resource and referral services to unserved areas; and

(c) Improve services provided by the designated resources and referral agency.

(3) When awarding the contracts provided for in subsection (2) of this section, priority shall be given to agencies which demonstrate the ability to provide local matching funds in an amount equal to twenty-five percent (25%) of the total amount of the contract. Contracts shall be awarded for a minimum period of up to one (1) year. Start-up contracts may be awarded in up to four (4) area development districts per year until each area development district has one (1) designated child-care resource and referral agency. The awarding of a contract pursuant to this section shall not create a continuing obligation for the cabinet to fund a resource and referral agency. The cabinet shall require applicants to submit a plan for providing the services required by subsection (1) of this section.

KRS § 199.8994

199.8994 Uniform administration of child-care funds; dedicated child-care licensing surveyors

(1) All child-day-care funds administered by the cabinet, including Title XX of the Social Security Act, shall be administered by the Cabinet for Health and Family Services to the extent allowable under federal law or regulation and in a manner which is in the best interest of the clients to be served. To the extent permitted by federal law or regulations, requirements relating to application, eligibility, provider agreements, and payment for child-care services shall be the same regardless of the source of public funding.

(2) The cabinet shall, to the extent allowable under federal law or regulation and in a manner which is in the best interest of the clients to be served, develop a system which provides a single intake point in each county through which parents seeking public subsidies for child-care services can make application.

(3) The cabinet shall, subject to the extent funds are available, cooperate with the Cabinet for Health and Family Services to fund and establish dedicated child-care licensing surveyor positions within the Division of Licensed Child Care to conduct all the cabinet's child-care licensing activities. The cabinet shall have the authority to request the transfer of funds to establish these positions. Where possible, dedicated child-care surveyors shall have expertise or experience in child-care or early childhood education.

(4) The targeted ratio of dedicated child-care licensing surveyor positions shall be one (1) surveyor for each fifty (50) child-care facilities in order to allow for the provision of an expedient, constructive, and thorough licensing visit.

(5) The cabinet shall, in cooperation with the Division of Licensed Child Care, Cabinet for Health and Family Services, provide appropriate specialized training for child-care surveyors.

(6) (a) The cabinet shall evaluate ways to improve the monitoring of unregulated child-care providers that receive a public subsidy for child care, and promulgate administrative regulations in accordance with KRS Chapter 13A that establish minimum health and safety standards, limitations on the maximum number of children in care, training requirements for a child-care provider that receives a child-care subsidy administered by the cabinet, and criteria for the denial of subsidies if criminal records indicate convictions that impact the safety and security of children in care.

(b) If the cabinet has probable cause to believe that there is an immediate threat to the public health, safety, or welfare, it may take emergency action to deny a public subsidy for child-care services under KRS 13B.125.

KRS § 199.8996

199.8996 Reports on child-care program activity

Effective: June 25, 2013

(1) The Cabinet for Health and Family Services shall prepare the following reports to the General Assembly on child-care programs, and shall make them available to the public:

(a) A quarterly report detailing the number of children and amounts of child-care subsidies provided in each area development district;

(b) A quarterly report on administrative expenses incurred in the operation of child-care subsidy programs;

(c) A quarterly report on disbursements of federal child-care block grant funds for training, resource and referral, and similar activities; and

(d) Beginning July 15, 1993, an annual report summarizing the average child-care subsidy activities per month in all Kentucky counties.

(2) The cabinet shall file an annual report on its evaluation of the adequacy of the child-care subsidy to enable low-income families in need of child-care services to obtain child care with the Early Childhood Advisory Council and the Legislative Research Commission.

(3) The cabinet shall file an annual report on the number of dedicated child-care licensing surveyor positions and the ratio of surveyors to child-care facilities with the Early Childhood Advisory Council and the Legislative Research Commission.

KRS § 199.900

199.900 Training programs authorized; research assignment; classification; compensation; contract

(1) The secretary for health and family services in coordination with the Personnel Cabinet is authorized to establish formal training programs within the Cabinet for Health and Family Services or within any of the divisions or sections of the cabinet for the training of necessary personnel for the administration of the programs of the cabinet. When courses of study, applicable to the program processes of the cabinet, are not available through cabinet instruction, arrangements may be made for the training of employees in any public or private school or institution having available facilities for that purpose, and such training shall be deemed to be a part of the cabinet training program. Training of employees in public or private schools or institutions for this purpose shall be deemed a part of research assignments to be completed during the period of study, and these assignments are to relate directly to the work assignment of the employee. After consulting with the Personnel Cabinet, position classifications in the research series shall be established for employees on such work study assignments, and funds of the cabinet may be used to pay salaries commensurate with the appropriate classification while the employee is receiving training.

(2) Any employee who is paid a salary while receiving such training shall be required to enter into a contract, prior to receiving the training, that he will complete a specified work assignment, and that unless he continues in the employ of the cabinet for at least a period equivalent to the training period, immediately following the completion of training, the state will hold a claim against him for the amount of salary paid during the training period, and he will repay to the cabinet the sum paid to him by the cabinet during the period of his training.

KRS § 199.990

199.990 Penalties

(1) Any person violating any of the provisions of KRS 199.380 to 199.400 shall be guilty of an offense, and upon conviction thereof, shall be fined not more than five hundred dollars (\$500) or imprisoned for not more than twelve (12) months, or be both fined and imprisoned, in the discretion of the court.

(2) Any person who violates any of the provisions of KRS 199.430, 199.470, 199.473, 199.570, 199.572, and 199.590 except subsection (2), or 199.640 to 199.670, or any rule or regulation under such sections the violation of which is made unlawful shall be fined not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000) or imprisoned for not more than six (6) months, or both. Each day such violation continues shall constitute a separate offense.

(3) Any person who willfully violates any other of the provisions of KRS 199.420 to 199.670 or any rule or regulation thereunder, the violation of which is made unlawful under the terms of those sections, and for which no other penalty is prescribed in those sections or in subsection (1) of this section, or in any other applicable statute, shall be fined not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or imprisoned for not more than thirty (30) days, or both.

(4) Any violation of the regulations, standards, or requirements of the cabinet under the provisions of KRS 199.896 that poses an immediate threat to the health, safety, or welfare of any child served by the child-care center shall be subject to a civil penalty of no more than one thousand dollars (\$1,000) for each occurrence. Treble penalties shall be assessed for two (2) or more violations within twelve (12) months. All money collected as a result of civil penalties assessed under the provisions of KRS 199.896 shall be paid into the State Treasury and credited to a special fund for the purpose of the Early Childhood Scholarship Program created in accordance with KRS 164.518. The balance of the fund shall not lapse to the general fund at the end of each biennium.

(5) A person who commits a violation of the regulations, standards, or requirements of the cabinet under the provisions of KRS 199.896 shall be fined not less than one thousand dollars (\$1,000) or imprisoned for not more than twelve (12) months, or be fined and imprisoned, at the discretion of the court.

(6) Any person who violates any of the provisions of KRS 199.590(2) shall be guilty of a Class D felony.

KRS T. XVII, Ch. 199, Refs & Annos

Editors' Notes

Publisher's Note: The 1986 General Assembly, by the enactment of the Kentucky Unified Juvenile Code, created KRS Chapters 600 to 645 and repealed or amended numerous sections of KRS Chapters 199 and 208.

The following Table--prepared by the Publisher's Editorial Staff, with the cooperation of Lynn T. Mitchell, formerly

Current with emergency effective legislation through the 2014 Regular Session.

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of the Office of the General Counsel, Cabinet for Human Resources--shows the disposition of former sections from KRS Chapter 199 to analogous sections of the Kentucky Unified Juvenile Code, effective July 1, 1987, and as subsequently amended.

<u>Former Section</u>	<u>Juvenile Code Section</u>
199.011(5)	600.020(11)
199.011(6)	600.020(1)
199.011(10)	600.020(17)
199.335(1) to (4)	620.030, 620.040
199.335(6)	620.050(1)
199.335(7)	620.050(2)
199.335(8)	620.050(3)
199.335(9)	620.050(4)
199.335(10)	620.050(5)
199.341	615.030
199.343	615.040(1)
199.345	615.040(2)
199.347	615.040(3)
199.350	615.040(4), (5)
199.370	615.040(6), (7)
199.375	620.170

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199.460	605.130
199.463	605.110(2)
199.465	605.150, 620.180(2)
199.601	625.040, 625.080
199.601(3) [first sentence]	625.020
199.603	625.080, 625.090
199.605	none
199.607(1)	625.065
199.607(2)	625.070(1)
199.607(3)	625.070(3)
199.609	625.050
199.611	625.100(1)
199.613	625.100(2), (3)
199.615	625.100(4)
199.617	625.110(1)