

1 AN ACT relating to family preservation services.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 200.575 is amended to read as follows:

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

5 (a) "Department" means the Department for Community Based Services; and

6 (b) "Family preservation services" means programs that:

7 1. Follow intensive, home-based service models with demonstrated
8 effectiveness in reducing or avoiding the need for out-of-home
9 placement;

10 2. Provide such services that result in lower costs than would out-of-home
11 placement; and

12 3. Employ specially trained caseworkers who shall:

13 a. Provide at least half of their services in the family's home or other
14 natural community setting;

15 b. Provide direct therapeutic services available twenty-four (24)
16 hours per day for a family;

17 c. Aid in the solution of practical problems that contribute to family
18 stress so as to effect improved parental performance and enhanced
19 functioning of the family unit;

20 d. Arrange for additional assistance, including but not limited to
21 housing, child care, education, and job training, emergency cash
22 grants, state and federally funded public assistance, and other basic
23 support needs; and

24 e. Supervise any paraprofessionals or "family aides" made available
25 to provide specialized services or skills to manage everyday
26 problems and better provide and care for children.

27 (2) The department shall be the lead administrative agency for family preservation

1 services and may receive funding for the implementation of these services. The
2 department shall:

3 (a) Provide the coordination of and planning for the implementation of family
4 preservation services;

5 (b) Provide standards for family preservation services programs;

6 (c) Monitor these services to ensure they meet measurable standards of
7 performance as set forth in state law and as developed by the department;{
8 ~~and~~}

9 (d) Provide the initial training and approve any ongoing training required by
10 providers of family preservation services; and

11 (e) Provide coordination and planning to ensure that all qualified families
12 apply for housing choice vouchers that are part of the Family Unification
13 Program operated by the United States Department of Housing and Urban
14 Development. The department shall assist approved families in the
15 implementation of any approved voucher.

16 (3) The department may provide family preservation services directly or may contract
17 to provide these services. In the event the department provides family preservation
18 services with state caseworkers, those caseworkers and cases shall be excluded for
19 the overall caseworker or case averages provided on a quarterly basis to the
20 Legislative Research Commission and the Governor's office under KRS 199.461.
21 Family preservation services caseworkers and cases shall be included in the report
22 as a separate category.

23 (4) If the department contracts to provide family preservation services, the contract
24 shall include:

25 (a) Requirements for acceptance of any client referred by the department for
26 family preservation services;

27 (b) Caseload standards per caseworker;

- 1 (c) Provision of twenty-four (24) hour crisis intervention services to families
2 served by the program;
- 3 (d) Minimum initial and ongoing training standards for family preservation
4 services staff; and
- 5 (e) Internal programmatic evaluation and cooperation with external evaluation as
6 directed by the department.
- 7 (5) Family preservation services shall be provided only to those children who are at
8 actual, imminent risk of out-of-home placement:
- 9 (a) Who are at risk of commitment as dependent, abused, or neglected;
- 10 (b) Who are emotionally disturbed; and
- 11 (c) Whose families are in conflict such that they are unable to exercise reasonable
12 control of the child.
- 13 (6) Families in which children are at risk of recurring sexual abuse perpetrated by a
14 member of their immediate household who remains in close physical proximity to
15 the victim or whose continued safety from recurring abuse cannot be reasonably
16 ensured, shall not be eligible for family preservation services.
- 17 (7) The implementation of family preservation services shall be limited to those
18 situations where protection can be ensured for children, families, and the
19 community.
- 20 (8) The provision of family preservation services to a family shall constitute a
21 reasonable effort by the Cabinet for Health and Family Services to prevent the
22 removal of a child from the child's home under KRS 620.140, provided that the
23 family has received timely access to other services from the Cabinet for Health and
24 Family Services for which the family is eligible.
- 25 (9) Acceptance of family preservation services shall not be considered an admission to
26 any allegation that initiated the investigation of the family, nor shall refusal of
27 family preservation services be considered as evidence in any proceeding except

1 where the issue is whether the Cabinet for Health and Family Services has made
2 reasonable efforts to prevent removal of a child.

3 (10) No family preservation services program shall compel any family member to
4 engage in any activity or refrain from any activity, which is not reasonably related to
5 remedying any condition that gave rise, or which could reasonably give rise, to any
6 finding of child abuse, neglect, or dependency.

7 (11) The commissioner of the department shall conduct and submit to the Child Welfare
8 Oversight and Advisory Committee established in KRS 6.943, an annual evaluation
9 of the family preservation services, which shall include the following:

10 (a) The number of families receiving family preservation services, the number of
11 children in those families, and the number of children in those families who
12 would have been placed in out-of-home care if the family preservation
13 services had not be available;

14 (b) Among those families receiving family preservation services, the number of
15 children placed outside the home;

16 (c) The average cost per family of providing family preservation services;

17 (d) The number of children who remain reunified with their families six (6)
18 months and one (1) year after completion of the family preservation services;
19 and

20 (e) An overall evaluation of the progress of family preservation services programs
21 during the preceding year, recommendations for improvements in the delivery
22 of this service, and a plan for the continued development of family
23 preservation services to ensure progress towards statewide availability.

24 (12) Nothing in this section shall prohibit the department from developing other in-home
25 services in accordance with its statutory authority to promulgate administrative
26 regulations in accordance with KRS Chapter 13A or to enter into contractual
27 arrangements in accordance with KRS Chapter 45.