

1 AN ACT relating to parental rights.

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

3 ➔Section 1. KRS 620.050 is amended to read as follows:

- 4 (1) Anyone acting upon reasonable cause in the making of a report or acting under  
5 KRS 620.030 to 620.050 in good faith shall have immunity from any liability, civil  
6 or criminal, that might otherwise be incurred or imposed. Any such participant shall  
7 have the same immunity with respect to participation in any judicial proceeding  
8 resulting from such report or action. However, any person who knowingly makes a  
9 false report and does so with malice shall be guilty of a Class A misdemeanor.
- 10 (2) Any employee or designated agent of a children's advocacy center shall be immune  
11 from any civil liability arising from performance within the scope of the person's  
12 duties as provided in KRS 620.030 to 620.050. Any such person shall have the  
13 same immunity with respect to participation in any judicial proceeding. Nothing in  
14 this subsection shall limit liability for negligence. Upon the request of an employee  
15 or designated agent of a children's advocacy center, the Attorney General shall  
16 provide for the defense of any civil action brought against the employee or  
17 designated agent as provided under KRS 12.211 to 12.215.
- 18 (3) Neither the husband-wife nor any professional-client/patient privilege, except the  
19 attorney-client and clergy-penitent privilege, shall be a ground for refusing to report  
20 under this section or for excluding evidence regarding a dependent, neglected, or  
21 abused child or the cause thereof, in any judicial proceedings resulting from a report  
22 pursuant to this section. This subsection shall also apply in any criminal proceeding  
23 in District or Circuit Court regarding a dependent, neglected, or abused child.
- 24 (4) Upon receipt of a report of an abused, neglected, or dependent child pursuant to this  
25 chapter, the cabinet as the designated agency or its delegated representative shall  
26 initiate a prompt investigation or assessment of family needs, take necessary action,  
27 and shall offer protective services toward safeguarding the welfare of the child. The

1 cabinet shall work toward preventing further dependency, neglect, or abuse of the  
2 child or any other child under the same care, and preserve and strengthen family  
3 life, where possible, by enhancing parental capacity for adequate child care.

4 (5) Except as provided in subsection (6) of this section, upon initial contact with the  
5 family, the cabinet or its delegated representative shall advise the parent, both  
6 orally or in writing, of his or her rights including:

7 (a) The parent is not required, unless ordered by a court, to permit the cabinet  
8 or its delegated representative to enter the residence;

9 (b) The parent who is the subject of the investigation is entitled to be informed  
10 of the allegations that the cabinet is investigating;

11 (c) The parent is not required, unless ordered by a court, to speak with the  
12 cabinet or its delegated representative, and any statement made by the  
13 parent or other family member may be used against the parent in a court  
14 proceeding;

15 (d) The parent is entitled to seek the advice of an attorney and to have an  
16 attorney present when the parent is questioned by the cabinet or its  
17 delegated representative;

18 (e) The parent is not required, unless ordered by a court, to allow the cabinet or  
19 its delegated representative to interview or examine a child; and

20 (f) The parent is not required, unless ordered by a court, to agree to any  
21 requests made by the cabinet or its delegated representative, including but  
22 not limited to requests to sign a release of information, to take a drug or  
23 alcohol test, or to submit to a mental health evaluation.

24 (6) If, upon initial contact, the cabinet or its delegated representative has reasonable  
25 cause to believe that exigent circumstances exist that present an imminent danger  
26 to the child's life or health and there is not time to seek a court order as required  
27 by subsection (5) of this section, the cabinet or its delegated representative shall

1        *take all lawful measures necessary to protect the child prior to disseminating*  
2        *information regarding the parent's rights set forth subsection (5) of this section.*

3        ~~(7)~~~~(5)~~ The report of suspected child abuse, neglect, or dependency and all  
4        information obtained by the cabinet or its delegated representative, as a result of an  
5        investigation or assessment made pursuant to this chapter, except for those records  
6        provided for in subsection ~~(8)~~~~(6)~~ of this section, shall not be divulged to anyone  
7        except:

- 8        (a) Persons suspected of causing dependency, neglect, or abuse;
- 9        (b) The custodial parent or legal guardian of the child alleged to be dependent,  
10        neglected, or abused;
- 11        (c) Persons within the cabinet with a legitimate interest or responsibility related  
12        to the case;
- 13        (d) A licensed child-caring facility or child-placing agency evaluating placement  
14        for or serving a child who is believed to be the victim of an abuse, neglect, or  
15        dependency report;
- 16        (e) Other medical, psychological, educational, or social service agencies, child  
17        care administrators, corrections personnel, or law enforcement agencies,  
18        including the county attorney's office, the coroner, and the local child fatality  
19        response team, that have a legitimate interest in the case;
- 20        (f) A noncustodial parent when the dependency, neglect, or abuse is  
21        substantiated;
- 22        (g) Members of multidisciplinary teams as defined by KRS 620.020 and which  
23        operate pursuant to KRS 431.600;
- 24        (h) Employees or designated agents of a children's advocacy center;
- 25        (i) Those persons so authorized by court order; or
- 26        (j) The external child fatality and near fatality review panel established by KRS  
27        620.055.

- 1 ~~(8)(6)~~ (a) Files, reports, notes, photographs, records, electronic and other  
2 communications, and working papers used or developed by a children's  
3 advocacy center in providing services under this chapter are confidential and  
4 shall not be disclosed except to the following persons:
- 5 1. Staff employed by the cabinet, law enforcement officers, and  
6 Commonwealth's and county attorneys who are directly involved in the  
7 investigation or prosecution of the case, including a cabinet  
8 investigation or assessment of child abuse, neglect, and dependency in  
9 accordance with this chapter;
  - 10 2. Medical and mental health professionals listed by name in a release of  
11 information signed by the guardian of the child, provided that the  
12 information shared is limited to that necessary to promote the physical  
13 or psychological health of the child or to treat the child for abuse-related  
14 symptoms;
  - 15 3. The court and those persons so authorized by a court order;
  - 16 4. The external child fatality and near fatality review panel established by  
17 KRS 620.055; and
  - 18 5. The parties to an administrative hearing conducted by the cabinet or its  
19 designee in accordance with KRS Chapter 13B in an appeal of a cabinet-  
20 substantiated finding of abuse or neglect. The children's advocacy center  
21 may, in its sole discretion, provide testimony in lieu of files, reports,  
22 notes, photographs, records, electronic and other communications, and  
23 working papers used or developed by the center if the center determines  
24 that the release poses a threat to the safety or well-being of the child, or  
25 would be in the best interests of the child. Following the administrative  
26 hearing and any judicial review, the parties to the administrative hearing  
27 shall return all files, reports, notes, photographs, records, electronic and

1 other communications, and working papers used or developed by the  
2 children's advocacy center to the center.

3 (b) The provisions of this subsection shall not be construed as to contravene the  
4 Rules of Criminal Procedure relating to discovery.

5 ~~(9)~~~~(7)~~ Nothing in this section shall prohibit a parent or guardian from accessing  
6 records for his or her child providing that the parent or guardian is not currently  
7 under investigation by a law enforcement agency or the cabinet relating to the abuse  
8 or neglect of a child.

9 ~~(10)~~~~(8)~~ Nothing in this section shall prohibit employees or designated agents of a  
10 children's advocacy center from disclosing information during a multidisciplinary  
11 team review of a child sexual abuse case as set forth under KRS 620.040. Persons  
12 receiving this information shall sign a confidentiality statement consistent with  
13 statutory prohibitions on disclosure of this information.

14 ~~(11)~~~~(9)~~ Employees or designated agents of a children's advocacy center may confirm  
15 to another children's advocacy center that a child has been seen for services. If an  
16 information release has been signed by the guardian of the child, a children's  
17 advocacy center may disclose relevant information to another children's advocacy  
18 center.

19 ~~(12)~~~~(10)~~ (a) An interview of a child recorded at a children's advocacy center shall  
20 not be duplicated, except that the Commonwealth's or county attorney  
21 prosecuting the case may:

- 22 1. Make and retain one (1) copy of the interview; and
- 23 2. Make one (1) copy for the defendant's or respondent's counsel that the  
24 defendant's or respondent's counsel shall not duplicate.

25 (b) The defendant's or respondent's counsel shall file the copy with the court clerk  
26 at the close of the case.

27 (c) Unless objected to by the victim or victims, the court, on its own motion, or

1 on motion of the attorney for the Commonwealth shall order all recorded  
 2 interviews that are introduced into evidence or are in the possession of the  
 3 children's advocacy center, law enforcement, the prosecution, or the court to  
 4 be sealed.

5 (d) The provisions of this subsection shall not be construed as to contravene the  
 6 Rules of Criminal Procedure relating to discovery.

7 ~~(13)~~~~(11)~~ Identifying information concerning the individual initiating the report under  
 8 KRS 620.030 shall not be disclosed except:

- 9 (a) To law enforcement officials that have a legitimate interest in the case;
- 10 (b) To the agency designated by the cabinet to investigate or assess the report;
- 11 (c) To members of multidisciplinary teams as defined by KRS 620.020 that  
 12 operated under KRS 431.600
- 13 (d) Under a court order, after the court has conducted an in camera review of the  
 14 record of the state related to the report and has found reasonable cause to  
 15 believe that the reporter knowingly made a false report; or
- 16 (e) The external child fatality and near fatality review panel established by KRS  
 17 620.055.

18 ~~(14)~~~~(12)~~ (a) Information may be publicly disclosed by the cabinet in a case where  
 19 child abuse or neglect has resulted in a child fatality or near fatality.

20 (b) The cabinet shall conduct an internal review of any case where child abuse or  
 21 neglect has resulted in a child fatality or near fatality and the cabinet had prior  
 22 involvement with the child or family. The cabinet shall prepare a summary  
 23 that includes an account of:

- 24 1. The cabinet's actions and any policy or personnel changes taken or to be  
 25 taken, including the results of appeals, as a result of the findings from  
 26 the internal review; and
- 27 2. Any cooperation, assistance, or information from any agency of the state

1 or any other agency, institution, or facility providing services to the  
2 child or family that were requested and received by the cabinet during  
3 the investigation of a child fatality or near fatality.

4 (c) The cabinet shall submit a report by September 1 of each year containing an  
5 analysis of all summaries of internal reviews occurring during the previous  
6 year and an analysis of historical trends to the Governor, the General  
7 Assembly, and the state child fatality review team created under KRS  
8 211.684.

9 ~~(15)~~~~(13)~~ When an adult who is the subject of information made confidential by  
10 subsection ~~(7)~~~~(5)~~ of this section publicly reveals or causes to be revealed any  
11 significant part of the confidential matter or information, the confidentiality  
12 afforded by subsection ~~(7)~~~~(5)~~ of this section is presumed voluntarily waived, and  
13 confidential information and records about the person making or causing the public  
14 disclosure, not already disclosed but related to the information made public, may be  
15 disclosed if disclosure is in the best interest of the child or is necessary for the  
16 administration of the cabinet's duties under this chapter.

17 ~~(16)~~~~(14)~~ As a result of any report of suspected child abuse or neglect, photographs and  
18 X-rays or other appropriate medical diagnostic procedures may be taken or caused  
19 to be taken, without the consent of the parent or other person exercising custodial  
20 control or supervision of the child, ***if authorized by court order and*** as a part of the  
21 medical evaluation or investigation of these reports. These photographs and X-rays  
22 or results of other medical diagnostic procedures may be introduced into evidence  
23 in any subsequent judicial proceedings or an administrative hearing conducted by  
24 the cabinet or its designee in accordance with KRS Chapter 13B in an appeal of a  
25 cabinet-substantiated finding of child abuse or neglect. The person performing the  
26 diagnostic procedures or taking photographs or X-rays shall be immune from  
27 criminal or civil liability for having performed the act. Nothing herein shall limit

1 liability for negligence.

2 ~~(17)~~~~(15)~~ In accordance with 42 U.S.C. sec. 671, the cabinet shall share information  
3 about a child in the custody of the cabinet with a relative or a parent of the child's  
4 sibling for the purposes of:

- 5 (a) Evaluating or arranging a placement for the child;
- 6 (b) Arranging appropriate treatment services for the child; or
- 7 (c) Establishing visitation between the child and a relative, including a sibling of  
8 the child.

9 ~~(18)~~~~(16)~~ In accordance with 42 U.S.C. sec. 671, the cabinet shall, in the case of  
10 siblings removed from their home who are not jointly placed, provide for frequent  
11 visitation or other ongoing interaction between the siblings, unless the cabinet  
12 determines that frequent visitation or other ongoing interaction would be contrary to  
13 the safety or well-being of any of the siblings.

14 ➔Section 2. KRS 620.055 is amended to read as follows:

15 (1) An external child fatality and near fatality review panel is hereby created and  
16 established for the purpose of conducting comprehensive reviews of child fatalities  
17 and near fatalities, reported to the Cabinet for Health and Family Services,  
18 suspected to be a result of abuse or neglect. The panel shall be attached to the  
19 Justice and Public Safety Cabinet for staff and administrative purposes.

20 (2) The external child fatality and near fatality review panel shall be composed of the  
21 following five (5) ex officio nonvoting members and seventeen (17) voting  
22 members:

- 23 (a) Two (2) members of the Kentucky General Assembly, one (1) appointed by  
24 the President of the Senate and one (1) appointed by the Speaker of the House  
25 of Representatives, who shall be ex officio nonvoting members;
- 26 (b) The commissioner of the Department for Community Based Services, who  
27 shall be an ex officio nonvoting member;



- 1 (c) The commissioner of the Department for Public Health, who shall be an ex  
2 officio nonvoting member;
- 3 (d) A family court judge selected by the Chief Justice of the Kentucky Supreme  
4 Court, who shall be an ex officio nonvoting members;
- 5 (e) A pediatrician from the University of Kentucky's Department of Pediatrics  
6 who is licensed and experienced in forensic medicine relating to child abuse  
7 and neglect to be selected by the Attorney General from a list of three (3)  
8 names provided by the dean of the University of Kentucky School of  
9 Medicine;
- 10 (f) A pediatrician from the University of Louisville's Department of Pediatrics  
11 who is licensed and experienced in forensic medicine relating to child abuse  
12 and neglect to be selected by the Attorney General from a list of three (3)  
13 names provided by the dean of the University of Louisville School of  
14 Medicine;
- 15 (g) The state medical examiner or designee;
- 16 (h) A court-appointed special advocate (CASA) program director to be selected  
17 by the Attorney General from a list of three (3) names provided by the  
18 Kentucky CASA Association;
- 19 (i) A peace officer with experience investigating child abuse and neglect  
20 fatalities and near fatalities to be selected by the Attorney General from a list  
21 of three (3) names provided by the commissioner of the Kentucky State  
22 Police;
- 23 (j) A representative from Prevent Child Abuse Kentucky, Inc. to be selected by  
24 the Attorney General from a list of three (3) names provided by the president  
25 of the Prevent Child Abuse Kentucky, Inc. board of directors;
- 26 (k) A practicing local prosecutor to be selected by the Attorney General;
- 27 (l) The executive director of the Kentucky Domestic Violence Association or the

- 1 executive director's designee;
- 2 (m) The chairperson of the State Child Fatality Review Team established in  
3 accordance with KRS 211.684 or the chairperson's designee;
- 4 (n) A practicing social work clinician to be selected by the Attorney General from  
5 a list of three (3) names provided by the Board of Social Work;
- 6 (o) A practicing addiction counselor to be selected by the Attorney General from  
7 a list of three (3) names provided by the Kentucky Association of Addiction  
8 Professionals;
- 9 (p) A representative from the family resource and youth service centers to be  
10 selected by the Attorney General from a list of three (3) names submitted by  
11 the Cabinet for Health and Family Services;
- 12 (q) A representative of a community mental health center to be selected by the  
13 Attorney General from a list of three (3) names provided by the Kentucky  
14 Association of Regional Mental Health and Mental Retardation Programs,  
15 Inc.;
- 16 (r) A member of a citizen foster care review board selected by the Chief Justice  
17 of the Kentucky Supreme Court;
- 18 (s) An at-large representative who shall serve as chairperson to be selected by the  
19 Secretary of State;
- 20 (t) The president of the Kentucky Coroners Association; and
- 21 (u) A practicing medication-assisted treatment provider to be selected by the  
22 Attorney General from a list of three (3) names provided by the Kentucky  
23 Board of Medical Licensure.
- 24 (3) (a) By August 1, 2013, the appointing authority or the appointing authorities, as  
25 the case may be, shall have appointed panel members. Initial terms of  
26 members, other than those serving ex officio, shall be staggered to provide  
27 continuity. Initial appointments shall be: five (5) members for terms of one (1)

- 1 year, five (5) members for terms of two (2) years, and five (5) members for  
2 terms of three (3) years, these terms to expire, in each instance, on June 30  
3 and thereafter until a successor is appointed and accepts appointment.
- 4 (b) Upon the expiration of these initial staggered terms, successors shall be  
5 appointed by the respective appointing authorities, for terms of two (2) years,  
6 and until successors are appointed and accept their appointments. Members  
7 shall be eligible for reappointment. Vacancies in the membership of the panel  
8 shall be filled in the same manner as the original appointments.
- 9 (c) At any time, a panel member shall recuse himself or herself from the review  
10 of a case if the panel member believes he or she has a personal or private  
11 conflict of interest.
- 12 (d) If a voting panel member is absent from two (2) or more consecutive,  
13 regularly scheduled meetings, the member shall be considered to have  
14 resigned and shall be replaced with a new member in the same manner as the  
15 original appointment.
- 16 (e) If a voting panel member is proven to have violated subsection (13) of this  
17 section, the member shall be removed from the panel, and the member shall  
18 be replaced with a new member in the same manner as the original  
19 appointment.
- 20 (4) The panel shall meet at least quarterly and may meet upon the call of the  
21 chairperson of the panel.
- 22 (5) Members of the panel shall receive no compensation for their duties related to the  
23 panel, but may be reimbursed for expenses incurred in accordance with state  
24 guidelines and administrative regulations.
- 25 (6) Each panel member shall be provided copies of all information set out in this  
26 subsection, including but not limited to records and information, upon request, to be  
27 gathered, unredacted, and submitted to the panel within thirty (30) days by the

1 Cabinet for Health and Family Services from the Department for Community Based  
2 Services or any agency, organization, or entity involved with a child subject to a  
3 fatality or near fatality:

4 (a) Cabinet for Health and Family Services records and documentation regarding  
5 the deceased or injured child and his or her caregivers, residents of the home,  
6 and persons supervising the child at the time of the incident that include all  
7 records and documentation set out in this paragraph:

- 8 1. All prior and ongoing investigations, services, or contacts;
- 9 2. Any and all records of services to the family provided by agencies or  
10 individuals contracted by the Cabinet for Health and Family Services;  
11 and
- 12 3. All documentation of actions taken as a result of child fatality internal  
13 reviews conducted pursuant to KRS 620.050(~~14~~)(~~12~~)(b);

14 (b) Licensing reports from the Cabinet for Health and Family Services, Office of  
15 Inspector General, if an incident occurred in a licensed facility;

16 (c) All available records regarding protective services provided out of state;

17 (d) All records of services provided by the Department for Juvenile Justice  
18 regarding the deceased or injured child and his or her caregivers, residents of  
19 the home, and persons involved with the child at the time of the incident;

20 (e) Autopsy reports;

21 (f) Emergency medical service, fire department, law enforcement, coroner, and  
22 other first responder reports, including but not limited to photos and  
23 interviews with family members and witnesses;

24 (g) Medical records regarding the deceased or injured child, including but not  
25 limited to all records and documentation set out in this paragraph:

- 26 1. Primary care records, including progress notes; developmental  
27 milestones; growth charts that include head circumference; all

1 laboratory and X-ray requests and results; and birth record that includes  
2 record of delivery type, complications, and initial physical exam of  
3 baby;

4 2. In-home provider care notes about observations of the family, bonding,  
5 others in home, and concerns;

6 3. Hospitalization and emergency department records;

7 4. Dental records;

8 5. Specialist records; and

9 6. All photographs of injuries of the child that are available;

10 (h) Educational records of the deceased or injured child, or other children residing  
11 in the home where the incident occurred, including but not limited to the  
12 records and documents set out in this paragraph:

13 1. Attendance records;

14 2. Special education services;

15 3. School-based health records; and

16 4. Documentation of any interaction and services provided to the children  
17 and family.

18 The release of educational records shall be in compliance with the Family  
19 Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g and its  
20 implementing regulations;

21 (i) Head Start records or records from any other child care or early child care  
22 provider;

23 (j) Records of any Family, Circuit, or District Court involvement with the  
24 deceased or injured child and his or her caregivers, residents of the home and  
25 persons involved with the child at the time of the incident that include but are  
26 not limited to the juvenile and family court records and orders set out in this  
27 paragraph, pursuant to KRS Chapters 199, 403, 405, 406, and 600 to 645:

- 1           1.    Petitions;
- 2           2.    Court reports by the Department for Community Based Services,
- 3                 guardian ad litem, court-appointed special advocate, and the Citizen
- 4                 Foster Care Review Board;
- 5           3.    All orders of the court, including temporary, dispositional, or
- 6                 adjudicatory; and
- 7           4.    Documentation of annual or any other review by the court;
- 8           (k)  Home visit records from the Department for Public Health or other services;
- 9           (l)  All information on prior allegations of abuse or neglect and deaths of children
- 10                 of adults residing in the household;
- 11           (m) All law enforcement records and documentation regarding the deceased or
- 12                 injured child and his or her caregivers, residents of the home, and persons
- 13                 involved with the child at the time of the incident; and
- 14           (n)  Mental health records regarding the deceased or injured child and his or her
- 15                 caregivers, residents of the home, and persons involved with the child at the
- 16                 time of the incident.
- 17           (7)  The panel may seek the advice of experts, such as persons specializing in the fields
- 18                 of psychiatric and forensic medicine, nursing, psychology, social work, education,
- 19                 law enforcement, family law, or other related fields, if the facts of a case warrant
- 20                 additional expertise.
- 21           (8)  The panel shall post updates after each meeting to the website of the Justice and
- 22                 Public Safety Cabinet regarding case reviews, findings, and recommendations.
- 23           (9)  The panel chairperson, or other requested persons, shall report a summary of the
- 24                 panel's discussions and proposed or actual recommendations to the Interim Joint
- 25                 Committee on Families and Children of the Kentucky General Assembly monthly
- 26                 or at the request of a committee co-chair. The goal of the committee shall be to
- 27                 ensure impartiality regarding the operations of the panel during its review process.

- 1 (10) (a) The panel shall publish an annual report by February 1 of each year consisting  
2 of case reviews, findings, and recommendations for system and process  
3 improvements to help prevent child fatalities and near fatalities that are due to  
4 abuse and neglect. The report shall be submitted to the Governor, the  
5 secretary of the Cabinet for Health and Family Services, the Chief Justice of  
6 the Supreme Court, the Attorney General, the State Child Abuse and Neglect  
7 Prevention Board established pursuant to KRS 15.905, and the director of the  
8 Legislative Research Commission for distribution to the Interim Joint  
9 Committee on Families and Children, and the Interim Joint Committee on  
10 Judiciary.
- 11 (b) The panel shall determine which agency is responsible for implementing each  
12 recommendation, and shall forward each recommendation in writing to the  
13 appropriate agency.
- 14 (c) Any agency that receives a recommendation from the panel shall, within  
15 ninety (90) days of receipt:
- 16 1. Respond to the panel with a written notice of intent to implement the  
17 recommendation, an explanation of how the recommendation will be  
18 implemented, and an approximate time frame of implementation; or
  - 19 2. Respond to the panel with a written notice that the agency does not  
20 intend to implement the recommendation, and a detailed explanation of  
21 why the recommendation cannot be implemented.
- 22 (11) Information and record copies that are confidential under state or federal law and  
23 are provided to the external child fatality and near fatality review panel by the  
24 Cabinet for Health and Family Services, the Department for Community Based  
25 Services, or any agency, organization, or entity for review shall not become the  
26 information and records of the panel and shall not lose their confidentiality by  
27 virtue of the panel's access to the information and records. The original information

1 and records used to generate information and record copies provided to the panel in  
2 accordance with subsection (6) of this section shall be maintained by the  
3 appropriate agency in accordance with state and federal law and shall be subject to  
4 the Kentucky Open Records Act, KRS 61.870 to 61.884. All open records requests  
5 shall be made to the appropriate agency, not to the external child fatality and near  
6 fatality review panel or any of the panel members. Information and record copies  
7 provided to the panel for review shall be exempt from the Kentucky Open Records  
8 Act, KRS 61.870 to 61.884. At the conclusion of the panel's examination, all copies  
9 of information and records provided to the panel involving an individual case shall  
10 be destroyed by the Justice and Public Safety Cabinet.

11 (12) Notwithstanding any provision of law to the contrary, the portions of the external  
12 child fatality and near fatality review panel meetings during which an individual  
13 child fatality or near fatality case is reviewed or discussed by panel members may  
14 be a closed session and subject to the provisions of KRS 61.815(1) and shall only  
15 occur following the conclusion of an open session. At the conclusion of the closed  
16 session, the panel shall immediately convene an open session and give a summary  
17 of what occurred during the closed session.

18 (13) Each member of the external child fatality and near fatality review panel, any  
19 person attending a closed panel session, and any person presenting information or  
20 records on an individual child fatality or near fatality shall not release information  
21 or records not available under the Kentucky Open Records Act, KRS 61.870 to  
22 61.884 to the public.

23 (14) A member of the external child fatality and near fatality review panel shall not be  
24 prohibited from making a good faith report to any state or federal agency of any  
25 information or issue that the panel member believes should be reported or disclosed  
26 in an effort to facilitate effectiveness and transparency in Kentucky's child  
27 protective services.



- 1 (15) A member of the external child fatality and near fatality review panel shall not be  
2 held liable for any civil damages or criminal penalties pursuant to KRS 620.990 as  
3 a result of any action taken or omitted in the performance of the member's duties  
4 pursuant to this section and KRS 620.050, except for violations of subsection (11),  
5 (12), or (13) of this section.
- 6 (16) The proceedings, records, opinions, and deliberations of the external child fatality  
7 and near fatality review panel shall be privileged and shall not be subject to  
8 discovery, subpoena, or introduction into evidence in any civil or criminal actions  
9 in any manner that would directly or indirectly identify specific persons or cases  
10 reviewed by the panel. Nothing in this subsection shall be construed to restrict or  
11 limit the right to discover or use in any civil action any evidence that is  
12 discoverable independent of the proceedings of the panel.
- 13 (17) The Legislative Oversight and Investigations Committee of the Kentucky General  
14 Assembly shall conduct an annual evaluation of the external child fatality and near  
15 fatality review panel established pursuant to this section to monitor the operations,  
16 procedures, and recommendations of the panel and shall report its findings to the  
17 General Assembly.