

1 AN ACT relating to neglect and abuse.

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

3 ➔Section 1. KRS 620.080 is amended to read as follows:

4 (1) Unless waived by the child and his or her parent or other person exercising
5 custodial control or supervision, a temporary removal hearing shall be held:

6 (a) Within seventy-two (72) hours, excluding weekends and holidays, of the time
7 when an emergency custody order is issued or when a child is taken into
8 custody without the consent of his or her parent or other person exercising
9 custodial control or supervision; and

10 (b) In cases commenced by the filing of a petition, within ten (10) days of the
11 date of filing.

12 (2) At a temporary removal hearing, the court shall determine whether there are
13 reasonable grounds to believe that the child would be dependent, neglected, or
14 abused if returned to or left in the custody of his or her parent or other person
15 exercising custodial control or supervision even though it is not proved
16 conclusively who has perpetrated the dependency, neglect, or abuse. ~~For good~~
17 ~~cause, the court may allow hearsay evidence.~~ The Commonwealth shall bear the
18 burden of proof by clear and convincing ~~a preponderance of the~~ evidence and if
19 the Commonwealth should fail to establish same, the child shall be released to or
20 retained in the custody of his or her parent or other person exercising custodial
21 control or supervision.

22 ➔Section 2. KRS 620.090 is amended to read as follows:

23 (1) If, after completion of the temporary removal hearing, the court finds there are
24 reasonable grounds to believe the child is dependent, neglected, or abused, the court
25 may ~~shall~~:

26 (a) Issue an order for temporary removal and shall grant temporary custody to the
27 cabinet or other appropriate person or agency. Preference shall be given to

1 available and qualified relatives of the child considering the wishes of the
2 parent or other person exercising custodial control or supervision, if known.
3 The order shall state the specific reasons for removal and show that alternative
4 less restrictive placements and services have been considered. The court may
5 recommend a placement for the child;

6 (b) Inquire as to an existing child support order; and

7 (c) If there is no existing order, or if the order is to be amended, the court shall:

8 1. Make specific findings, either written or on the record, as to:

9 a. The child support obligation in the best interest of the child;

10 b. The action to be taken by the payee, payor, or any other party by
11 making an application for services to the child support office who
12 shall take all appropriate action; or

13 c. Setting a hearing as soon as practicable; and

14 2. Require proper service before establishing a new child support order.

15 (2) In placing a child under an order of temporary custody, the cabinet or its designee
16 shall use the least restrictive appropriate placement available. Preference shall be
17 given to available and qualified relatives of the child considering the wishes of the
18 parent or other person exercising custodial control or supervision, if known. The
19 child may also be placed in a facility or program operated or approved by the
20 cabinet, including a foster home, or any other appropriate available placement.
21 However, under no circumstance shall the child be placed in a home, facility, or
22 other shelter with a child who has been committed to the Department of Juvenile
23 Justice for commission of a sex crime as that term is defined in KRS 17.500, unless
24 the child committed for the commission of a sex crime is kept segregated from
25 other children in the home, facility, or other shelter that have not been committed
26 for the commission of a sex crime.

27 (3) If the court finds there are not reasonable grounds to believe the child is dependent,

1 neglected, or abused, or if no action is taken within seventy-two (72) hours, the
2 emergency custody order shall be dissolved automatically and the cabinet or its
3 designee shall return the child to the parent or other person exercising custodial
4 control or supervision. A request for a continuance of the hearing by the parent or
5 other person exercising custodial control or supervision shall constitute action
6 precluding automatic dissolution of the emergency custody order.

7 (4) When the court issues a temporary order for the custody of a child, the court may
8 order that, within two (2) weeks, arrangements be made for the child to receive a
9 thorough medical, visual, and dental examination by a professional authorized by
10 the Kentucky Revised Statutes to conduct such examinations. The costs of the
11 examination shall be paid by the cabinet.

12 (5) The child shall remain in temporary custody with the cabinet for a period of time
13 not to exceed forty-five (45) days from the date of the removal from his or her
14 home. The court shall conduct the adjudicatory hearing and shall make a final
15 disposition within forty-five (45) days of the removal of the child. The court may
16 extend such time after making written findings establishing the need for the
17 extension and after finding that the extension is in the child's best interest.

18 (6) If custody is granted to a grandparent of the child pursuant to this section, the court
19 shall consider granting reasonable visitation rights to any other grandparent of the
20 child if the court determines the grandparent has a significant and viable
21 relationship with the child as established in KRS 405.021(1)(c).