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**AGENCY PLAN FOR TITLE IV-E OF THE SOCIAL SECURITY ACT  
FOSTER CARE AND ADOPTION ASSISTANCE  
STATE/TRIBE OF KENTUCKY**

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
ADMINISTRATION FOR CHILDREN AND FAMILIES  
CHILDREN'S BUREAU  
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**PLAN FOR TITLE IV-E OF THE SOCIAL SECURITY ACT  
FEDERAL PAYMENTS FOR FOSTER CARE AND ADOPTION ASSISTANCE  
STATE/TRIBE OF KENTUCKY**

As a condition of the receipt of Federal funds under title IV-E of the Social Security Act (hereinafter, the Act), the  
The Cabinet for Health and Family Services, Department for Community Based Services, Division of Protection and Permanency  
(Name of State/Tribal Agency)

submits here a plan for the programs to provide, in appropriate cases, foster care and adoption assistance, and if the State/Tribal agency elects, guardianship assistance, under title IV-E of the Act and hereby agrees to administer the programs in accordance with the provisions of this plan, title IV-E of the Act, and all applicable Federal regulations and other official issuances of the Department.

The official text of laws, regulations and official issuances governs, and the State/Tribal agency acknowledges its responsibility to adhere to them regardless of the fact that, for purposes of simplicity, the specific provisions printed herein are sometimes paraphrases of, or excerpts and incomplete quotations from, the full text. Statutory citations refer to provisions in title IV-E of the Social Security Act. Regulatory citations refer to provisions in 45 CFR Parts 1355 and 1356.

The State/Tribal agency understands that if and when title IV-E is amended or regulations are revised, a new or amended plan for title IV-E that conforms to the revisions must be submitted.

Federal Regulatory/ Statutory References <sup>1</sup>	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<b>SECTION 1. ORGANIZATION</b>	
471(a)(2)	<p>A. DESIGNATION AND AUTHORITY OF STATE/TRIBAL AGENCY</p> <p>The State/Tribal agency has been designated to administer or supervise the administration of the programs under this plan. (See Attachment II.) It is also the agency that administers or supervises the administration of the Child Welfare Services Plan under subpart 1 of title IV-B of the Act.</p>	<p><a href="#">KRS 605.130 General duties of cabinet</a>  Sections (1) and (7)...[T]he cabinet, through its authorized representatives, shall have general supervision and management of all matters contained in KRS 620.150 and 620.170 and shall, wherever possible:  (1) Locate and plan for all children who are dependent, neglected, or abused; ... and  (7) Perform such other services as may be deemed necessary for the protection of children.</p> <p><a href="#">KRS 605.090 Alternative treatment for committed children -- Notice of inappropriate behavior of child -- Procedures for removal of child committed as dependent, neglected, or abused -- Reports -- Written transfer summary -- Placement of public offenders.</a></p> <p>(1) Unless precluded by law, any child committed to the Department of Juvenile Justice or the cabinet may by the decision of the Department of Juvenile Justice or the cabinet or its designee, at any time during the period of his or her commitment, be:  (a) Upon fourteen (14) days' prior written notice to the court, discharged from commitment. Written notice of discharge</p>

<sup>1</sup> Statutory references refer to the Social Security Act. Regulatory references refer to Title 45 of the Code of Federal Regulations (CFR).

Federal Regulatory/ Statutory References <sup>1</sup>	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>shall be given to the committing court and to any other parties as may be required by law;  (b) Placed in the home of the child's parents, in the home of a relative, a suitable foster home, or boarding home, upon such conditions as the Department of Juvenile Justice or the cabinet may prescribe and subject to visitation and supervision by a social service worker or juvenile probation and parole officer.</p> <p>(Effective until July 1, 2019)  Section (1) ...The secretary [of the Cabinet for Health and Family Services] shall promulgate, administer, and enforce those administrative regulations necessary to implement programs mandated by federal law, or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs.</p>
	<p>B. STATE/TRIBAL AGENCY STRUCTURE AND FUNCTION</p> <p>The State/Tribal agency has available upon request an organizational chart of the agency and a description of the functions of each of its organizational units as they relate to the administration or supervising the administration of the title IV-E foster care maintenance,</p>	<p>The state agency has an organizational chart and description of functions.</p> <p><b>The organizational chart can be found at</b>  <a href="https://chfsnet.ky.gov/dCBS/Documents/dCBSorgchart.pdf">https://chfsnet.ky.gov/dCBS/Documents/dCBSorgchart.pdf</a></p>

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	adoption assistance, and (at IV-E agency option) guardianship assistance programs.	
471(a)(3)	<p>C. STATE OR TRIBAL SERVICE AREA WIDE OPERATIONS</p> <p>The title IV-E plan for foster care, adoption assistance, and guardianship assistance if elected by the State/ Tribal agency, is in effect in all political subdivisions and Tribal service areas.</p> <p>(Tribes, see also section 7)</p>	<p><a href="#">KRS 605.120 Payments to home where children are placed—Reimbursement system for foster parents—Pilot projects—Relative caregiver and fictive kin services—Administrative regulations—Decisions regarding haircuts and hairstyles.</a></p> <p>Section (1): The cabinet is authorized to expend available funds to provide for the board, lodging, and care of children who would otherwise be placed in foster care or who are placed by the cabinet in a foster home or boarding home, or may arrange for payments or contributions by any local governmental unit, or public or private agency or organization, willing to make payments or contributions for such purpose. The cabinet may accept any gift, devise, or bequest made to it for its purposes.</p> <p>Section (2): The cabinet shall establish a reimbursement system, within existing appropriation amounts, for foster parents that comes as close as possible to meeting the actual cost of caring for foster children. The cabinet shall consider providing additional reimbursement for foster parents who obtain additional training, and foster parents who have served for an extended period of time.</p> <p>Protection &amp; Permanency Operating Manual:  <a href="#">Chapter 31.2 Standards of Practice Regarding Title IV-E, Medicaid and Other Applicable Benefits: Title IV-E Eligibility and Reimbursability:</a></p>



Federal Regulatory/ Statutory References <sup>1</sup>	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		Title IV-E provides for federal payments to the states for foster care maintenance and adoption assistance payments made on behalf of eligible children...The Department for Community Based Services is responsible for: Determining eligibility; Determining reimbursability; Maintaining compliance with Medicaid regulations pursuant to KRS 205 §§ 510-630; Monitoring the case to ensure that IV-E foster care maintenance payments are being made correctly on the child's behalf.
471(a)(4)	<p>D. COORDINATION WITH TITLES IV-A AND IV-B PROGRAMS</p> <p>The title IV-E program is coordinated at the local level with the programs at the State/Tribal or local level assisted under titles IV-A, IV-B and XX of the Act and under all appropriate provisions of Federal law.</p>	There is no need for coordination of Title XX (SSBG) funds in that the Cabinet does not use Title XX funds as they are referenced on the IV-E Pre-Print and in 471(a)(4) of the Social Security Act. (Addendum added 5.21.2012)
471(a)(17)	<p>E. CHILD SUPPORT ENFORCEMENT FOR CERTAIN CHILDREN IN FOSTER CARE</p> <p>The State/Tribal agency takes all appropriate steps, including cooperative efforts with the State/Tribal agencies administering the plans approved under titles IV-A and -D, to secure an assignment to the State/ Tribe of any rights to support</p>	<p><a href="#">KRS 610.170 Court ordered child support...</a> [T]he parent or other person exercising custodial control or supervision of any child, or the estate of any child, who has been ... placed in a foster home or boarding home, or in the care of a public or private facility or agency, or the Department of Juvenile Justice or the cabinet, is able to contribute to the support of the child, the court shall enter an order requiring the parent or estate to pay a reasonable sum for the support, maintenance, or education of the child.</p>

Federal Regulatory/ Statutory References <sup>1</sup>	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	on behalf of each child receiving foster care maintenance payments under title IV-E.	
1356.67	<p>F. TRANSFER OF A CHILD TO A TRIBAL AGENCY</p> <p>(Not applicable to Tribes)</p> <p>The State agency has established and maintains procedures for the transfer of responsibility for the placement and care of a child under a State title IV-E plan to a Tribal title IV-E agency or an Indian Tribe with a title IV-E agreement. At a minimum, the State agency transfer procedures:</p> <ol style="list-style-type: none"> <li>1. Are established and maintained in consultation with Indian Tribes;</li> <li>2. Do not affect a child's eligibility, receipt of services, or payment under title IV-E or the medical assistance program operated under title XIX;</li> </ol>	<p>Protection and Permanency Operating Manual:  <a href="#">4.1 Consideration of Race and Ethnicity/Maintaining Cultural Connections;</a>  <a href="#">4.2 Indian Child Welfare Act;</a></p>

Federal Regulatory/ Statutory References <sup>1</sup>	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>3. Establish eligibility for title IV-E at the time of transfer, if an eligibility determination is not already completed; and</p> <p>4. Provide for essential documents and information necessary to continue a child's eligibility under title IV-E and Medicaid programs under title XIX to the Tribal title IV-E agency or an Indian Tribe with a title IV-E agreement, including but not limited to the following:</p> <ul style="list-style-type: none"> <li>a) All judicial determinations to the effect that continuation in the home from which the child was removed would be contrary to the welfare of the child and that reasonable efforts described in section 471(a)(15) of the Act have been made;</li> <li>b) Other documentation the State agency has that relates to the child's title IV-E eligibility under sections 472 and 473 of the Act;</li> </ul>	

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	<ul style="list-style-type: none"> <li>c) Information and documentation available to the agency regarding the child’s eligibility or potential eligibility for other Federal benefits;</li> <li>d) The case plan developed pursuant to section 475(1) and 475A of the Act, including health and education records of the child pursuant to section 475(1)(C) of the Act; and</li> <li>e) Information and documentation of the child’s placement settings, including a copy of the most recent provider’s license or approval.</li> </ul>	

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	<b>SECTION 2. FOSTER CARE MAINTENANCE PAYMENTS</b>	



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>appropriate home evaluation and background checks, based on the below from the ruling:</p> <p>“The Cabinet must provide maintenance payments only if “the child has been placed in a foster family home or child-care institution.” 42 U.S.C. § 672(a)(2)(C). The Act defines “foster family home” to mean a “home for children which is licensed by the State in which it is situated or <u>has been approved, by the agency of such State having responsibility for licensing homes of this type, as meeting the standards established for such licensing.</u>” Id. § 672(c) (underlining added for emphasis)...</p> <p>...The second category consists of approved foster homes, which typically care for a relative child. Reflecting Congress’s preference that children live with family members, id. § 671(a)(19), the Act allows states to place children with unlicensed relatives. To obtain approval, the home must “meet[] the standards established for such licensing.” Id. § 672(c). Each state may waive non-safety standards on a case-by-case basis for children in relative foster family homes. Id. § 671(a)(10)(D). Furthermore, the Act requires states to give preference to adult relative caregivers only when the relative caregiver meets the relevant safety standards. Id. § 671(a)(19)...</p> <p>...The family argues that the Cabinet approved R.O. to be a foster parent. Prior to placement, the Cabinet verified that R.O. met relevant non-safety standards by conducting a home evaluation and a background check. After determining that her home was safe, the family court moved the children from another foster provider to her care. R.O.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>therefore argues that the Cabinet “approved” her as a foster parent for the children...</p> <p>...the Cabinet must remit maintenance payments to foster parents...</p> <p>Accordingly, because the Cabinet “conducted a standard home evaluation and criminal background check on R.O.” prior to delivering the children to her care, <u>she is an approved foster care provider.</u>” (Underlining added for emphasis)...</p> <p>...Upon remand, the district court shall determine whether the Cabinet maintains responsibility for the children's “placement and care.” If the Kentucky court discharged the children from the Cabinet's custody, then the district court should dismiss the case. If not, then the district court shall award foster care maintenance payments...</p> <p>D.O. v. Glisson, 847 F.3d 374 (6th Cir.), cert. denied, 138 S. Ct. 316, 199 L. Ed. 2d 233 (2017).</p>
472(a)(1)&(2)	a. who meets the requirements of section 406(a) of the Act (as in effect 7/16/96), is removed from the home of a relative specified in section 406(a), and is placed in foster care if:	<p><a href="#">KRS 620.170 Voluntary commitments</a>: Section (2): As a condition of any voluntary commitment, the cabinet may enter into an agreement with the parent, guardian, or other person having legal custody of the child consenting to the commitment to pay an agreed sum for the care and treatment of the child.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<ul style="list-style-type: none"> <li>i. the removal and foster care placement met, and continues to meet the requirements of paragraph (2) in section 472(a) of the Act; and</li> <li>ii. the child, while in the home, would have met the Aid to Families with Dependent Children (AFDC) program eligibility requirement of paragraph (3) in section 472(a) of the Act;</li> </ul>	<p><a href="#">KRS 620.140 Dispositional alternatives</a></p> <p>Section (1): In determining the disposition of all cases brought on behalf of dependent, neglected, or abused children, the juvenile session of the District Court, in the best interest of the child, shall have, but shall not be limited to, the following dispositional alternatives: ... (c) Removal of the child to the custody of an adult relative, fictive kin, other person, or child-caring facility or child-placing agency, taking into consideration the wishes of the parent or other person exercising custodial control or supervision. Before any child is committed to the cabinet or placed out of his home under the supervision of the cabinet, the court shall determine that reasonable efforts have been made by the court or the cabinet to prevent or eliminate the need for removal and that continuation in the home would be contrary to the welfare of the child.</p> <p>Protection &amp; Permanency Operating Manual:  <a href="#">Chapter 31 Section 2 Title IV-E Eligibility and Reimbursability:</a>  AFDC RELATEDNESS TEST  To be eligible for title IV-E (per Section 472 (a)), a child is required to have been removed from the home of a specified relative and to have met technical and financial AFDC eligibility that was in effect on July 16, 1996. For the purposes of IV-E eligibility, a specified relative as defined by Title IV-E, Section 406 (a) of the Social Security Act as:</p> <ul style="list-style-type: none"> <li>• A child’s natural or adoptive parent;</li> <li>• A blood relative of the child including a relative of the half-blood;</li> <li>• Legally adopted or natural children of the adoptive parent and other relatives of such parents;</li> </ul>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ul style="list-style-type: none"> <li>• The alleged parent or a relative of the alleged parent may be determined a blood relative through the administrative establishment of paternity; or</li> <li>• A relative by marriage of any persons listed in bullet points 2-4 above even if the marriage has ended. This is true as long as the marriage ended after the child's birth.</li> </ul> <p>The eligibility month is the month during which the child meets the IV-E AFDC-relatedness test. That is:</p> <ul style="list-style-type: none"> <li>• The month during which a voluntary commitment agreement was signed by the parent(s); or</li> <li>• The month during which the petition that led to the child's removal from the home was signed by an agency official.</li> </ul> <p>During the month in which a voluntary commitment agreement or juvenile petition granted custody/commitment of the child to the agency...A child meets AFDC relatedness when one of the following two tests is met:</p> <ul style="list-style-type: none"> <li>• The child was eligible for AFDC, as in effect on July 16, 1996, in the removal home in which the child lived during the removal month; or</li> <li>• The child did not live with a specified relative in the removal month, but did live with such a relative in any of the preceding six (6) months, and the child would have been eligible for AFDC as in effect on July 16, 1996, in that relative's home during that month had an application been made.</li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
472(a)(2)(A) 1356.21(c)	<p>b. whose removal and foster care placement are in accordance with:</p> <ul style="list-style-type: none"> <li>i. a voluntary placement agreement entered into by the child's parent or legal guardian, who is the relative referred to in paragraph (1) of section 472(a) of the Act; or</li> <li>ii. a judicial determination to the effect that continuation of residence in the home from which removed would be contrary to the welfare, or that the placement would be in the best interest, of the child and that reasonable efforts of the type described in section 471(a)(15) for a child were made. The contrary to the welfare determination will be made in the first court ruling that sanctions (even temporarily) the removal of a child from home. If the determination regarding contrary to the welfare is not made in the first court ruling pertaining to removal</li> </ul>	<p><a href="#">KRS 620.170 Voluntary commitments</a>: Section (2): As a condition of any voluntary commitment, the cabinet may enter into an agreement with the parent, guardian, or other person having legal custody of the child consenting to the commitment to pay an agreed sum for the care and treatment of the child.</p> <p><a href="#">KRS 620.140 Dispositional alternatives</a> Section (1): In determining the disposition of all cases brought on behalf of dependent, neglected, or abused children, the juvenile session of the District Court, in the best interest of the child, shall have, but shall not be limited to, the following dispositional alternatives: ... (c) Removal of the child to the custody of an adult relative, fictive kin, other person, or child-caring facility or child-placing agency, taking into consideration the wishes of the parent or other person exercising custodial control or supervision. Before any child is committed to the cabinet or placed out of his home under the supervision of the cabinet, the court shall determine that reasonable efforts have been made by the court or the cabinet to prevent or eliminate the need for removal and that continuation in the home would be contrary to the welfare of the child.</p> <p>Protection &amp; Permanency Operating Manual: <a href="#">Chapter 31 Section 2 Title IV-E Eligibility and Reimbursability</a>: AFDC RELATEDNESS TEST To be eligible for title IV-E (per Section 472 (a)), a child is required to have been removed from the home of a specified relative and to have met technical and financial AFDC eligibility that was in effect on July 16,</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>from the home, the child will not be eligible for title IV-E foster care maintenance payments for the duration of that stay in foster care;</p>	<p>1996. For the purposes of IV-E eligibility, a specified relative as defined by Title IV-E, Section 406 (a) of the Social Security Act as:</p> <ul style="list-style-type: none"> <li>• A child’s natural or adoptive parent;</li> <li>• A blood relative of the child including a relative of the half-blood;</li> <li>• Legally adopted or natural children of the adoptive parent and other relatives of such parents;</li> <li>• The alleged parent or a relative of the alleged parent may be determined a blood relative through the administrative establishment of paternity; or</li> <li>• A relative by marriage of any persons listed in bullet points 2-4 above even if the marriage has ended. This is true as long as the marriage ended after the child’s birth.</li> </ul> <p>The eligibility month is the month during which the child meets the IV-E AFDC-relatedness test. That is:</p> <ul style="list-style-type: none"> <li>• The month during which a voluntary commitment agreement was signed by the parent(s); or</li> <li>• The month during which the petition that led to the child’s removal from the home was signed by an agency official.</li> </ul> <p>During the month in which a voluntary commitment agreement or juvenile petition granted custody/commitment of the child to the agency...A child meets AFDC relatedness when one of the following two tests is met:</p> <ul style="list-style-type: none"> <li>• The child was eligible for AFDC, as in effect on July 16, 1996, in the removal home in which the child lived during the removal month; or</li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ul style="list-style-type: none"> <li>The child did not live with a specified relative in the removal month, but did live with such a relative in any of the preceding six (6) months, and the child would have been eligible for AFDC as in effect on July 16, 1996, in that relative's home during that month had an application been made.</li> </ul>
472(a)(2)(B)&(C)  472(a)(2)(B)(i) 472(a)(2)(B)(ii)	<p>c. whose placement and care in a foster family home, with a parent residing in a licensed residential family-based treatment facility for substance abuse, but only to the extent permitted under 472(j), or in a child care institution (as defined in section 472(c) of the Act) , but only to the extent permitted under 472(k), is the responsibility of either:</p> <ul style="list-style-type: none"> <li>i. the State agency administering the approved title IV-E plan;</li> <li>ii. any other public agency with whom the State/Tribal agency administering or supervising the administration of the approved title IV-E plan has made an agreement which is still in effect; or</li> </ul>	<p><del>Not required until 10/1/18</del></p> <p>The department has made edits to the agency's standards of practice (SOP) as outlined below to address the federal language as outlined in PI 18-07 stating that states <i>may</i> claim foster care maintenance and administration under title IV-E. However, at this time, the department continues to take this optional provision into consideration and will submit additional preprint addendums in the future, as necessary.</p> <p><a href="#">SOP 31.2 Title IV-E Eligibility and Reimbursability</a></p> <p>Practice Guidance:</p> <ul style="list-style-type: none"> <li>Agencies may claim title IV-E foster care maintenance payments (FCMPs) for a child placed with a parent in a licensed residential family-based treatment facility for substance abuse for up to twelve (12) months in accordance with requirements in section 472(j) and 472(a)(2)(C) of the Act. Agencies may also claim administrative costs during the twelve (12) month period consistent with 45 CFR 1356.60(c) for the administration of the title IV-E program, which includes such things as case management. A licensed residential family-based treatment facility for substance abuse is not a child cares institution (CCI) as</li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>iii. a Tribe that has a plan approved under section 471 in accordance with 479B; and</p>	<p>defined in section 472(c) of the Act. While the facility must be licensed, there is no requirement that it meet the title IV-E licensing and background check requirements for a CCI.</p> <ul style="list-style-type: none"> <li>• The agency may claim FCMPs in accordance with the definition in section 475(4)(A) of the Act, which includes such things as the cost of providing food, clothing, shelter, and daily supervision. However, because a licensed residential family-based treatment facility for substance abuse is not a CCI, the title IV-E agency may not include the costs of administration and operation of the facility in the child's title IV-E FCMP. Also see section 472(k)(1)(A) of the Act.</li> </ul> <p>AFDC RELATEDNESS TEST To be eligible for title IV-E (per section 472(a)), a child is required to have been removed from the home of a specified relative and to have met technical and financial AFDC eligibility that was in effect on July 16, 1996. However, if a child is placed with a parent who is residing in a licensed residential family-based substance abuse treatment facility, it is not required that a child meet the AFDC eligibility requirements if the child would otherwise be eligible for title IV-E foster care maintenance payments. (472 (j)(1) of the Social Security Act)</p> <p><a href="#">SOP 31.4 Reimbursability and Annual Redetermination Under Title IV-E Foster Care</a> Practice Guidance</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ul style="list-style-type: none"> <li>• The agency may claim title IV-E foster care maintenance payments (FCMPs) for a child placed with a parent in a licensed residential family-based treatment facility for substance abuse for up to 12 months in accordance with requirements in sections 472(j) and 472(a)(2)(C) of the Act. The agency may also claim administrative costs during the 12 month period consistent with 45 CFR 1356.60(c) for the administration of the title IV-E program, which includes such things as case management. A licensed residential family-based treatment facility for substance abuse is not a child care institution (CCI) as defined in section 472(c) of the Act. While the facility must be licensed, there is no requirement that it meet the title IV-E licensing and background check requirements for a CCI.</li> <li>• The agency may claim FCMPs in accordance with the definition in section 475(4)(A) of the Act, which includes such things as the cost of providing food, clothing, shelter, and daily supervision. However, because a licensed residential family-based treatment facility for substance abuse is not a CCI, the agency may not include the costs of administration and operation of the facility in the child's title IV-E FCMP.</li> </ul> <p><a href="#">SOP 31.8 IV-E Maintenance Payments and Expenditures</a> Procedure:</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>The CBW authorizes foster care maintenance payments to be made on behalf of an eligible child when the child is:</p> <p>4. Placed with a parent in a licensed residential family-based treatment facility for substance abuse for up to twelve (12) months in accordance with requirements in sections 472(j) and 472(a)(2)(C) of the Social Security Act. Agencies may also claim administrative costs during the 12 month period consistent with 45 CFR 1356.60(c) for the administration of the title IV-E program, which includes such things as case management. A licensed residential family-based treatment facility for substance abuse is not a child care institution (CCI) as defined in section 472(c) of the Act. While the facility must be licensed, there is no requirement that it meet the title IV-E licensing and background check requirements for a CCI.</p> <p>Contingencies and Clarifications:</p> <p>4. Agencies may also claim administrative costs during the twelve (12) month period consistent with 45 CFR 1356.60(c) for the administration of the title IV-E program, which includes such things as case management. A licensed residential family-based treatment facility for substance abuse is not a child care institution (CCI) as defined in section 472(c) of the Act. While the facility must be licensed, there is no requirement that it meet the title IV-E licensing and background check requirements for a CCI</p> <p><a href="#">KRS 605.130 General duties of cabinet</a></p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>In addition to the other duties, functions, and responsibilities imposed by law, the cabinet, through its authorized representatives, shall have general supervision and management of all matters contained in KRS 620.150 and 620.170 and shall, wherever possible:</p> <p>(1) Locate and plan for all children who are dependent, neglected, or abused; and</p> <p>(7) Perform such other services as may be deemed necessary for the protection of children.</p> <p><a href="#"><u>KRS 605.090 Alternative treatment for committed children -- Notice of inappropriate behavior of child -- Procedures for removal of child committed as dependent, neglected, or abused -- Reports -- Written transfer summary -- Placement of public offenders.</u></a></p> <p>(1) Unless precluded by law, any child committed to the Department of Juvenile Justice or the cabinet may by the decision of the Department of Juvenile Justice or the cabinet or its designee, at any time during the period of his or her commitment, be:</p> <p>(a) Upon fourteen (14) days' prior written notice to the court, discharged from commitment. Written notice of discharge shall be given to the committing court and to any other parties as may be required by law;</p> <p>(b) Placed in the home of the child's parents, in the home of a relative, a suitable foster home, or boarding home, upon such conditions as the Department of Juvenile Justice or the cabinet may prescribe and subject to visitation and supervision by a social service worker or juvenile probation and parole officer.</p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p><a href="#">KRS 199.645 Administrative regulations for facilities and agencies caring for children before adjudication under KRS Chapter 630:</a> 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 non-secure care for children during the pre-adjudication phase of proceedings under KRS Chapter 630. These facilities and agencies shall include those operated privately and those operated by units of local government.</p> <p><a href="#">Memorandum of Understanding Between Justice and Public Safety Cabinet, Department of Juvenile Justice and Cabinet for Health and Family Services</a></p>
<p>472(a)(3)(A)(i)</p> <p>472(a)(3)(A)(ii) (I)</p> <p>472(a)(3)(A)(ii) (II)</p>	<p>d. who:</p> <p>i. Either:</p> <p>A. received AFDC, in the home referred to in section 472(a)(1), under the State plan approved under section 402 of the Act (as in effect 7/16/96) in or for the month in which either a voluntary placement agreement was entered into or court proceedings leading to the judicial determination,</p>	<p>Protection &amp; Permanency Operating Manual: <a href="#">Chapter 31 Section 2: Title IV-E Eligibility and Reimbursability:</a> AFDC RELATEDNESS TEST</p> <p>A. During the month in which a voluntary commitment agreement or juvenile petition granted custody/commitment of the child to the agency...A child meets AFDC relatedness when one of the following two tests is met: The child was eligible for AFDC, as in effect on July 16, 1996, in the removal home in which the child lived during the removal month; or</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
<p>472(a)(3)(B)</p> <p>472(j)(1)</p>	<p>referred to in section 472(a)(2)(A) of the Act, were initiated;</p> <p>B. would have received AFDC, in the home, in or for such month referred to in the above clause if application for such aid had been made; or</p> <p>C. had been living with a relative specified in section 406(a) of the Act (as in effect 7/16/96) within six months prior to the month in which a voluntary placement agreement was entered into or court proceedings leading to the judicial determination, referred to in section 472(a)(2)(A) of the Act, were initiated, and would have received AFDC in or for such month if the child had been living in the home with such relative and an application had been made for AFDC under title IV-A of the Act; and</p> <p>ii. had resources (determined under section 402(a)(7)(B) of the Act as in effect 7/16/96) that had a combined</p>	<p>B. The child did not live with a specified relative in the removal month, but did live with such a relative in any of the preceding six (6) months, and the child would have been eligible for AFDC as in effect on July 16, 1996, in that relative's home during that month had an application been made.</p> <p>C. The child did not live with a specified relative in the removal month, but did live with such a relative in any of the preceding six (6) months, and the child would have been eligible for AFDC as in effect on July 16, 1996, in that relative's home during that month had an application been made.</p> <p>ii. The child is required to have a financial "need" in AFDC terms to maintain reimbursability. "Need" has two elements: When a child's resources exceed \$10,000 in any month, the child is not reimbursable,</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>value of not more than \$10,000 consistent with section 472(a)(3)(B) of the Act; or</p> <p>iii. Is not required to meet the AFDC requirements in 472(a)(3) of the Act because the child is placed with a parent residing in a licensed residential family-based substance abuse treatment facility (Tribes, see section 7 for related requirements in section 479B(c)(1)(C)(ii)(II) of the Act.)</p>	<p>until the balance is spent down below \$10,000. The income available to the child is required to be less than the costs of the monthly maintenance in foster care. In any month where the child's income after deductions exceeds this amount, the child is not reimbursable. In a "Need" determination for continuing reimbursability, it is only the child's income and resources that are considered. In the test of "Need" in a reimbursability determination, the income and resources of the child's parents are not considered unless the parents are contributing funds to the Cabinet for the care of the child. When the parents are contributing toward the care of the child (child support), the contribution is considered unearned income of the child to be counted in the determination. Survivor's benefits and other resources may accumulate in the child's trust fund.</p> <p>The department has made edits to the agency's standards of practice (SOP) as outlined below to address the federal language as outlined in PI 18-07 stating that states <i>may</i> claim foster care maintenance and administration under title IV-E. However, at this time, the department continues to take this optional provision into consideration and will submit additional preprint addendums in the future, as necessary.</p> <p>iii. <a href="#">SOP 31.2 Title IV-E Eligibility and Reimbursability</a></p> <p>Practice Guidance:</p> <ul style="list-style-type: none"> <li>Agencies may claim title IV-E foster care maintenance payments (FCMPs) for a child placed with a parent in a licensed residential</li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>family-based treatment facility for substance abuse for up to twelve (12) months in accordance with requirements in section 472(j) and 472(a)(2)(C) of the Act. Agencies may also claim administrative costs during the twelve (12) month period consistent with 45 CFR 1356.60(c) for the administration of the title IV-E program, which includes such things as case management. A licensed residential family-based treatment facility for substance abuse is not a child cares institution (CCI) as defined in section 472(c) of the Act. While the facility must be licensed, there is no requirement that it meet the title IV-E licensing and background check requirements for a CCI.</p> <ul style="list-style-type: none"> <li>• The agency may claim FCMPs in accordance with the definition in section 475(4)(A) of the Act, which includes such things as the cost of providing food, clothing, shelter, and daily supervision. However, because a licensed residential family-based treatment facility for substance abuse is not a CCI, the title IV-E agency may not include the costs of administration and operation of the facility in the child's title IV-E FCMP. Also see section 472(k)(1)(A) of the Act.</li> </ul> <p><b>AFDC RELATEDNESS TEST</b> To be eligible for title IV-E (per section 472(a)), a child is required to have been removed from the home of a specified relative and to have met technical and financial AFDC eligibility that was in effect on July 16, 1996. However, if a child is placed with a parent who is residing in a licensed</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>residential family-based substance abuse treatment facility, it is not required that a child meet the AFDC eligibility requirements if the child would otherwise be eligible for title IV-E foster care maintenance payments. (472 (j)(1) of the Social Security Act)</p> <p><a href="#">SOP 31.4 Reimbursability and Annual Redetermination Under Title IV-E Foster Care</a></p> <p>Practice Guidance:</p> <ul style="list-style-type: none"> <li>• The agency may claim title IV-E foster care maintenance payments (FCMPs) for a child placed with a parent in a licensed residential family-based treatment facility for substance abuse for up to 12 months in accordance with requirements in sections 472(j) and 472(a)(2)(C) of the Act. The agency may also claim administrative costs during the 12 month period consistent with 45 CFR 1356.60(c) for the administration of the title IV-E program, which includes such things as case management. A licensed residential family-based treatment facility for substance abuse is not a child care institution (CCI) as defined in section 472(c) of the Act. While the facility must be licensed, there is no requirement that it meet the title IV-E licensing and background check requirements for a CCI.</li> <li>• The agency may claim FCMPs in accordance with the definition in section 475(4)(A) of the Act, which includes such things as the cost of providing food, clothing, shelter, and daily supervision. However, because a licensed residential family-based treatment facility for substance abuse is not a CCI, the agency may not</li> </ul>

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		<p>include the costs of administration and operation of the facility in the child's title IV-E FCMP.</p> <ul style="list-style-type: none"> <li>• <b>For every qualified residential treatment program (QRTP) where a child is placed for more than twelve (12) consecutive months or eighteen (18) nonconsecutive months (or, in the case of a child who has not attained age thirteen (13), for more than six (6) consecutive or nonconsecutive months), the title IV-E agency must maintain the following documentation in the child's case plan:</b> <ul style="list-style-type: none"> <li>○ The most recent versions of the evidence and documentation specified in section 475A(c)(4) of the Act submitted at each status review and permanency hearing, (e.g., demonstrating that the assessments of the child support a continued QRTP, documenting treatment or service needs, and preparation for return home or other placement);</li> <li>○ The signed approval of the DCBS commissioner or designee for the continued placement of the child in that setting (section 475A(c)(5) of the Act);</li> <li>○ The agency must document in the child's case plan that the commissioner or designee approved the child's continued placement in the QRTP to claim title IV-E FCMPs after the first twelve (12) consecutive months or eighteen (18) nonconsecutive months of the placement (or, in the case of a child who has not attained age</li> </ul> </li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p><b>thirteen (13), the first six (6) consecutive or nonconsecutive months) (section 472(k)(1)(B) of the Act).</b></p> <p><a href="#"><u>SOP 31.8 IV-E Maintenance Payments and Expenditures</u></a></p> <p>Procedure:</p> <p>The CBW authorizes foster care maintenance payments to be made on behalf of an eligible child when the child is:</p> <p>4. Placed with a parent in a licensed residential family-based treatment facility for substance abuse for up to twelve (12) months in accordance with requirements in sections 472(j) and 472(a)(2)(C) of the Social Security Act. Agencies may also claim administrative costs during the 12 month period consistent with 45 CFR 1356.60(c) for the administration of the title IV-E program, which includes such things as case management. A licensed residential family-based treatment facility for substance abuse is not a child care institution (CCI) as defined in section 472(c) of the Act. While the facility must be licensed, there is no requirement that it meet the title IV-E licensing and background check requirements for a CCI.</p> <p>Contingencies and Clarifications:</p> <p>4. Agencies may also claim administrative costs during the twelve (12) month period consistent with 45 CFR 1356.60(c) for the administration of the title IV-E program, which includes such things as case management. A licensed residential family-based treatment facility for</p>

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		substance abuse is not a child care institution (CCI) as defined in section 472(c) of the Act. While the facility must be licensed, there is no requirement that it meet the title IV-E licensing and background check requirements for a CCI.
1356.21(k)	<p>2. Removal.</p> <p>a. For the purposes of meeting the requirements of section 472(a)(2)(A)(1) of the Act, a removal from the home must occur pursuant to:</p> <ul style="list-style-type: none"> <li>i. a voluntary placement agreement entered into by a parent or relative which leads to a physical or constructive removal (i.e., a non-physical or paper removal of custody) of the child from the home; or</li> <li>ii. a judicial order for a physical or constructive removal of the child from a parent or specified relative.</li> </ul>	<p><a href="#">KRS 620.170 Voluntary commitments:</a></p> <p>(1) The cabinet may accept custody of a child who is voluntarily committed to the cabinet by the child's parent, guardian, or other person having legal custody.</p> <p>(2) As a condition of any voluntary commitment, the cabinet may enter into an agreement with the parent, guardian, or other person having legal custody of the child consenting to the commitment to pay an agreed sum for the care and treatment of the child.</p> <p><a href="#">KRS 620.090 Temporary custody orders:</a></p> <p>Section (1): If, after completion of the temporary removal hearing, the court finds there are reasonable grounds to believe the child is dependent, neglected or abused, the court shall issue an order for temporary removal and shall grant temporary custody to the cabinet or other appropriate person or agency.</p> <p>Protection &amp; Permanency Operating Manual:  <a href="#">Chapter 31 Section 2 Title IV-E Eligibility and Reimbursability:</a>          Title IV-E provides for federal payments to the states for foster care maintenance and adoption assistance payments made on behalf of eligible children...The SSW [social service worker]: 1) Notifies the CBW</p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		[children's benefits worker] on the day that the agency assumes legal responsibility for the supervision and care of a child...
1356.21(k)	b. A removal has not occurred in situations where legal custody is removed from the parent or relative and the child remains with the same relative in that home under supervision by the State/Tribal agency.	Protection & Permanency Operating Manual: <a href="#">Chapter 31 Section 2 Title IV-E Eligibility and Reimbursability</a> : Title IV-E provides for federal payments to the states for foster care maintenance and adoption assistance payments made on behalf of eligible children...The [social service worker] SSW: 4) Ensures that...the judicial determination for IV-E eligibility requires that the results in the child's removal coincide with (i.e. occur at the same time as) the Cabinet's action to physically or constructively remove the child, unless the court order specifies an alternative timeframe for removal. If a court makes a judicial determination that it is contrary to the child's welfare to remain at home (without specifying an alternative timeframe) and the child does, in fact, remain at home and no removal occurs, the requirement for removal is not met and the child is ineligible for title IV-E.
1356.21(k)	c. A child is considered constructively removed on the date of the first judicial order removing custody, even temporarily, from the appropriate specified relative or the date that the voluntary placement agreement is signed by all relevant parties.	Protection & Permanency Operating Manual: <a href="#">Chapter 31 Section 2 Title IV-E Eligibility and Reimbursability</a> <b>AFDC Relatedness Test</b> To be eligible for title IV-E, a child is required to have... met technical and financial AFDC eligibility that was in effect on July 16, 1996 The eligibility month is the month during which the child meets the IV-E AFDC-relatedness test. That is: <ul style="list-style-type: none"> <li>• The month during which a voluntary commitment agreement was signed by the parent(s); or</li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ul style="list-style-type: none"> <li>• The month during which the petition that led to the child's removal from the home was signed by an agency official</li> </ul> <p>The date that the child entered care does not necessarily define the time for which the child meets the AFDC relatedness test. Rather, it is the petition that directly led to the custody or supervision that defines the petition date for purposes of determining whether the child meets the AFDC relatedness test. A temporary custody petition may lead to temporary placement, which is then followed by a petition for continued placement. Assuming the child remained in a placement supervised by the department during the time between the temporary custody placement and the date of the court order granting continued placement, it is the temporary custody petition that determines the eligibility month.</p>
1356.21(l)	3. Living with a specified relative. For purposes of meeting the requirements for living with a specified relative prior to removal from the home under section 472(a)(2)(A) of the Act and all of the conditions under section 472(a)(3)(A), one of the two following situations will apply:	<p><a href="#">Chapter 31-Standards of Practice Regarding Title IV-E, Medicaid and Other Applicable Benefits; Section: 31.2 Title IV-E Eligibility:</a></p> <p>For the purposes of IV-E eligibility, a specified relative as defined by title IV-E, section 406(a) of the Social Security Act as:</p> <ul style="list-style-type: none"> <li>• A child's natural or adoptive parent;</li> <li>• A blood relative of the child including a relative of the half-blood;</li> <li>• Legally adopted or natural children of the adoptive parent and other relatives of such parents;</li> <li>• The alleged parent or a relative of the alleged parent may be determined a blood relative through the administrative establishment of paternity; or</li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ul style="list-style-type: none"> <li>A relative by marriage of any persons listed in bullet points 2-4 above even if the marriage has ended. This is true as long as the marriage ended after the child's birth.</li> </ul>
1356.21(l)	a. the child was living with the parent or specified relative, and was AFDC eligible in that home in the month of the voluntary placement agreement or initiation of court proceedings; or	<a href="#">Chapter 31 Section 2 Title IV-E Eligibility and Reimbursability:</a> The child meets AFDC relatedness when one of the following two tests is met: The child was eligible for AFDC, as in effect on July 16, 1996, in the removal home in which the child lived during the removal month.
1356.21(l)	b. the child had been living with the parent or specified relative within six months of the month of the voluntary placement agreement or the initiation of court proceedings, and the child would have been AFDC eligible in that month if s/he had still been living in that home.	Protection & Permanency Operating Manual: <a href="#">Chapter 31 Section 2 Title IV-E Eligibility and Reimbursability:</a> A child meets AFDC relatedness when one of the following two tests is met... The child did not live with a specified relative in the removal month, but did live with such a relative in any of the preceding six (6) months, and the child would have been eligible for AFDC as in effect on July 16, 1996, in that relative's home during that month had an application been made.
472(f)	B. VOLUNTARY PLACEMENT AGREEMENTS (To be completed if the agency uses VPAs with parents or with youth over age 18)  1. Foster care maintenance payments are made in the voluntary placement of a child out of the home by or with the	<a href="#">KRS 620.170 Voluntary commitments</a> (1) The cabinet may accept custody of a child who is voluntarily committed to the cabinet by the child's parent, guardian, or other person having legal custody. (2) As a condition of any voluntary commitment, the cabinet may enter into an agreement with the parent, guardian, or other person having legal custody of the child consenting to the commitment to pay an agreed sum for the care and treatment of the child.

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	participation of the State/Tribal agency only if:	
1356.22(a) 472(d)	a. the State/Tribe has fulfilled all of the requirements of section 472 of the Act; sections 422(b)(8) and 475(5) of the Act; and 45 CFR 1356.21(e),(f),(g),(h) and (i) of the Act; and	<a href="#">KRS 620.170 Voluntary commitments</a> (1) The cabinet may accept custody of a child who is voluntarily committed to the cabinet by the child's parent, guardian, or other person having legal custody. (2) As a condition of any voluntary commitment, the cabinet may enter into an agreement with the parent, guardian, or other person having legal custody of the child consenting to the commitment to pay an agreed sum for the care and treatment of the child.
472(f)(1)	b. the assistance of the State/Tribal agency has been requested by the child's parent(s) or legal guardian(s); and	<a href="#">KRS 620.170 Voluntary commitments</a> Section (1): The cabinet may accept custody of a child who is voluntarily committed to the cabinet by the child's parent, guardian, or other person having legal custody.
472(f)(2)	c. there is a written voluntary placement agreement, binding on all parties to the agreement, which specifies at a minimum the legal status of the child and the rights and obligations of the parents or guardians, the child and the State/Tribal agency while the child is in placement.	<a href="#">Consent to Voluntary commitment (DPP-167)</a> Rights and obligations of parents for all children in OOHC are noted as part of the <a href="#">DPP-1281 Family Case Plan</a> .
1356.22(b) 472(e)	2. Federal financial participation is claimed only for voluntary foster care maintenance expenditures made within the first 180 days of the child's placement in foster care	Protection and Permanency Operating Manual: <a href="#">Chapter 31-Standards of Practice Regarding Title IV-E, Medicaid and Other Applicable Benefits; Section: 31.7 Best Interest Determination for a</a>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	unless there has been a judicial determination by a court of competent jurisdiction, within the first 180 days of the date of such placement, to the effect that the continued voluntary placement is in the best interests of the child.	<p><a href="#">Voluntary Commitment Agreement</a>: The CBW [children’s benefits worker]:</p> <ol style="list-style-type: none"> <li>1) Obtains a court order from the SSW containing the required IV-E judicial determination language within one-hundred, eighty (180) days, or the child is not IV-E eligible or reimbursable for the duration of the out of home placement episode;</li> <li>2) Establishes the date by which the required judicial determination must be obtained for each voluntary commitment;</li> <li>3) Notifies the SSW within one-hundred, twenty (120) days of the date when the judicial determination has not been obtained;</li> <li>4) Discontinues the child’s IV-E eligibility after one-hundred, eighty (180) days of placement upon notification from the SSW that the required judicial finding has not been obtained.</li> </ol>
1356.22(c) 472(g)(1)&(2)	3. The State/Tribal agency has established a uniform procedure or system, consistent with State/Tribal law, for revocation by the parent(s) of a voluntary placement agreement and return of the child.	<p><a href="#">KRS 620.170 Voluntary commitments</a>:</p> <p>Section (4): Any person who has consented to a child's voluntary commitment may request the release of the child in writing addressed to the cabinet. The cabinet shall within ten (10) days release the child, or, if in the opinion of the cabinet it would be in the best interest of the child to remain in the custody of the cabinet, a petition shall be filed in the court of the county of residence of the child as provided in KRS 620.030 to 620.050.</p>
1355.20(a) 475(4)(A)	<p>C. PAYMENTS</p> <ol style="list-style-type: none"> <li>1. Foster care maintenance payments for a child in foster care may cover the cost of (and the cost of providing) food, clothing,</li> </ol>	<p><a href="#">KRS 605.120 Payments to home where children are placed—Reimbursement system for foster parents—Pilot projects—Kinship care program—Administrative regulations—Decisions regarding haircuts and hairstyles</a>:</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to the child, and reasonable travel to the child's home for visitation with family, or other caretakers and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement. Local travel associated with providing the items listed above is also an allowable expense. In the case of child care institutions, such term must include the reasonable costs of administration and operation of such institutions as are necessarily required to provide the items described in the preceding sentences.</p>	<p>Section (1): The cabinet is authorized to expend available funds to provide for the board, lodging, and care of children who would otherwise be placed in foster care or who are placed by the cabinet in a foster home or boarding home, or may arrange for payments or contributions by any local governmental unit, or public or private agency or organization, willing to make payments or contributions for such purpose. The cabinet may accept any gift, devise, or bequest made to it for its purposes.</p> <p><a href="#">922 KAR 1:350 Requirements for public child welfare agency foster parents, adoptive parents, and respite care providers</a> states in Section 103 (1)(j): Upon placement of a child by the cabinet, a per diem reimbursement shall:</p> <ol style="list-style-type: none"> <li>1. Be specified in a contract between an approved resource foster home and the cabinet; and</li> <li>2. Provide for the care of a child placed by the cabinet, to include: <ol style="list-style-type: none"> <li>a. Housing expenses;</li> <li>b. Food-related expenses;</li> <li>c. Nonmedical transportation;</li> <li>d. Clothing;</li> <li>e. Allowance;</li> <li>f. Incidentals;</li> <li>g. Babysitting, excluding childcare authorized in subsection (4)(b) of this section;</li> <li>h. Sports, recreation and school activities;</li> <li>i. One (1) day of respite care per child per month; and</li> </ol> </li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>j. School expenses.</p> <p><a href="#">922 KAR 1:360 Private child care placement, level of care, and payment</a> states in Section 10 (1) A child-caring facility or child-placing agency shall:</p> <p>a. Demonstrate its ability to provide services, either directly or by contract, appropriate to the assigned level for each child, including:</p> <ol style="list-style-type: none"> <li>1. Room, board, and other activity contributing to housing, food, clothing, school supplies, or personal incidentals;</li> </ol>
<p>472(b)(1)&amp;(2)</p> <p>472(k)</p>	<p>2. Foster care maintenance payments are made only on behalf of an eligible child who is:</p> <p>a. in the foster family home of an individual <b>or family</b>, whether the payments are made to such individual or to a public or private child placement or child care agency; or</p> <p>b. in a child care institution, whether the payments are made to such institution or to a public or private child placement or child-care agency. Such payments <b>are limited to</b> include only those items that are included in the term "foster care maintenance payments" (defined in section</p>	<p>Protection and Permanency Operating Manual: <a href="#">Chapter and Section 31.8 IV-E Maintenance Payments and Expenditures</a> Foster care maintenance reimbursements include (section 475(4)(A)):</p> <ul style="list-style-type: none"> <li>• Food;</li> <li>• Clothing;</li> <li>• Shelter;</li> <li>• Daily supervision;</li> <li>• School supplies;</li> <li>• A child's personal incidentals;</li> <li>• Liability insurance with respect to the child;</li> <li>• Reasonable travel to the child's home for visitation; and</li> <li>• Reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement.</li> </ul> <p>The CBW authorizes foster care maintenance payments to be made on behalf of an eligible child when the child is:</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>475(4) of the Act). Title IV-E agencies may claim for title IV-E foster care maintenance payments paid on behalf of an eligible child placed in a child care institution for up to two weeks. Title IV-E agencies may continue to claim administrative costs for the duration of the period in the CCI regardless of whether the CCI meets the restrictions in section 472(k) of the Act. After two weeks, title IV-E FCMP for a child placed in a CCI are only available if that CCI is a:</p> <p>i. “qualified residential treatment program” (QRTP), as defined in section 472(k)(4) of the Act and subject to additional requirements described below;</p> <p>iii. a setting specializing in providing prenatal, post-partum, or parenting supports for youth;</p> <p>iv. in the case of a youth who has attained 18 years of age, a supervised setting in which the youth is living independently;</p>	<ol style="list-style-type: none"> <li>1. In the approved foster home of an individual, whether the payments are made to the individual or to a public or private child placement or child care agency;</li> <li>2. In a licensed child care institution, whether the payments are made to the institution or to a public or private child placement or child-caring agency (section 472(b)(1)&amp;(2));</li> </ol> <p><del>(This will be effective on 10/1/19)</del></p> <p>5. Title IV-E claiming refers to Foster Care Maintenance Payments for Title IV-E eligible children. DCBS administrative costs are claimable for eligible children regardless of the specialized setting.</p> <p>If a placement specializes in one of the following settings a title IV-E claim shall be submitted for eligible children:</p> <ol style="list-style-type: none"> <li>1. Prenatal, post-partum, or parenting supports for youth</li> <li>2. Supervised independent living for youth age or older</li> <li>3. High-quality residential care and support services for children who are, or are at risk of becoming, victims of sex trafficking</li> </ol> <p>DAFM will submit a Title IV-E claim for all eligible children in a residential setting regardless of whether the placement is a Qualified Residential Treatment Program (QRTP), for the first 14 days of placement.</p> <ul style="list-style-type: none"> <li>• <u>KRS 605.120 Payments to home where children are placed-reimbursement system for foster parents-Pilot projects-Kinship</u></li> </ul>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>v. a setting providing high-quality residential care and supportive services to children and youth who have been found to be, or are at risk of becoming, sex trafficking victims; or</p> <p>vi. a licensed residential family-based treatment facility for substance abuse (subject to additional requirements per section 472(j) of the Act).</p>	<p><u>care program-Administrative regulations-Decisions regarding haircuts and hairstyles</u></p> <ul style="list-style-type: none"> <li>• <u>922 KAR 1:520 High-risk supplement for resource home</u></li> </ul> <p><u>SOP 4.6 Parenting Youth in Foster Care</u></p> <p>Procedure :</p> <p>The SSW:</p> <ol style="list-style-type: none"> <li>1) Ensures that the parenting youth and their child, covered under the parenting youth supplement, remain together in placement. The SSW will explain to the placement that the parenting youth has retained custody of their own child and will sign all future parental forms and/or applications;</li> <li>2) Completes the <u>DPP - 116 Parenting Youth Supplement Contract</u> within seventy two (72) hours of placement, and will distribute copies to the following: <ol style="list-style-type: none"> <li>a) Original to the regional billing clerk;</li> <li>b) Copy to private child care (PCC) facility or DCBS foster home (if applicable);</li> <li>c) Copy to recruitment and certification (R&amp;C) worker;</li> <li>d) Copy to children's benefit worker (CBW);</li> <li>e) Copy for case record; and</li> <li>f) Copy to foster parent and/or caregiver.</li> </ol> </li> <li>3) Assists the parenting youth in applying for child care assistance and other services, for their dependent child through DFS at: <u><a href="https://benefind.ky.gov/">https://benefind.ky.gov/</a></u>;</li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>4) Assists the parenting youth in applying for WIC services;</p> <p>5) Assists the parenting youth in obtaining a birth certificate and/or Social Security card for their child;</p> <p>6) Facilitates the <u>Parenting Together Plan (PTP)</u> within the first thirty (30) days of placement. SSW will invite parties that are relevant to the parenting youth, such as the independent living coordinator, case managers, foster parent(s), therapist, etc. A PTP will be updated by the ongoing worker every six (6) months thereafter, or if circumstances change.</p> <p>a) The PTP will discuss the rights and responsibilities of the parenting youth, including but not limited to:</p> <p>i) Creating a schedule for the parenting youth and provider (who is responsible and daily routines/expectations) and expected parenting skills of child;</p> <p>ii) Linking the parenting youth with a local parenting program (i.e. HANDS if applicable or other local program);</p> <p>iii) Creating a plan if there is a disagreement with a parenting decision; and</p> <p>iv) Implementing interventions (if necessary).</p> <p>7) Makes a report to centralized intake (CI) if there are any concerns about abuse, neglect, or dependency regarding the parenting youth and their child;</p> <p>8) Will consult with the FSOS, to ensure that safety measures for the parenting youth's child are in place if a parenting youth is removed from a foster home, private child placing (PCP), or PCC, based on behaviors, medical needs, or other identified issues;</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>a) If the child can successfully be placed with the parenting youth, the child will continue to reside with the parenting youth;</p> <p>b) If there are concerns for the safety of the parenting youth's child, the SSW will follow procedure outlined in <u>SOP 2.1</u>. The SSW will report to CI to determine if the alleged abuse or neglect meets acceptance criteria. If it does meet acceptance criteria, the SSW will assist the investigator in completing the <u>DPP-1275 Relative Exploration Form</u> or determine if a child can continue to remain in placement with the parenting youth;</p> <p>c) If the report does not meet acceptance criteria for investigation of abuse, neglect, or dependency, the SSW will implement additional resources for the parenting youth to successfully parent the child; and</p> <p>d) If the parenting youth leaves a placement without their child, does not have an identified plan in place, and/or becomes AWOL, the SSW makes a report to CI.</p> <p>9) May refer the parenting youth for Family First prevention services if their child is at risk of removal and an evidence-based practice may mitigate this risk. Refer to Chapter 6 for further details. Additionally, a parenting youth may be referred to other services in the community.</p> <p><del>QRTP Pending in consult with CB and CMS.</del></p> <ul style="list-style-type: none"> <li>• <u>KRS 620.180 Administrative regulations</u></li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p><b><u>4.51.1 Placement in Congregate Care (Residential Treatment)</u></b></p> <p>The Family First Prevention Services Act (FFPSA) sets forth guidelines and requirements for the placement of youth in residential treatment facilities, in addition to their ongoing treatment, discharge, and aftercare planning. The Act mandates the creation of a family and permanency team (FPT) who will inform the child’s qualified residential treatment program (QRTP) assessment and placement decision-making process. In order to identify residential facilities that meet a high standard of care, FFPSA requires states to recognize the designation of QRTP. These programs must provide trauma-informed treatment modalities, provide family engagement and treatment, have trauma-informed staff, and provide ongoing aftercare for the youth and their family. FFPSA requires that youth be placed in a family-like setting, unless their individual treatment needs require a higher level of care. In order to determine the appropriateness of a child’s placement in residential treatment, an evidenced-based assessment will be conducted by a qualified individual within the first thirty (30) days of the youth’s placement in a residential setting, or sooner if possible.</p> <p><b>Practice Guidance</b></p> <p>Placement in residential treatment will be based on the treatment needs of the youth. All efforts should be made to secure placement in</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>a QRTP. Placement in programs that have not been designated QRTPs will be considered only when QRTP placement options have been exhausted. The Children’s Review Program (CRP) will maintain a list of QRTPs; CRP will make placement referrals for residential treatment per the Department for Community Based Services’ (DCBS) policy.</p> <p>The QRTP assessment should be initiated as soon as residential treatment is being considered for a child. It is best practice that the QRTP assessment informs placement decisions. Utilizing the clinical recommendations in the QRTP assessment to inform placement decisions prior to placement will minimize disruptions in treatment and trauma to the child.</p> <p>Procedure: If a youth is being considered or referred for residential treatment, or if the youth is placed in a residential treatment program, the SSW:</p> <ol style="list-style-type: none"> <li>1) Communicates by email with CRP to coordinate the thirty (30) day QRTP assessment and provides a copy of the 886a and DPP-1275; 1</li> <li>2) Identifies members of the youth’s FPT. This team shall consist of : <ol style="list-style-type: none"> <li>a) All appropriate family members;</li> <li>b) Relatives and fictive kin;</li> <li>c) Community partners;</li> <li>d) Private child caring (PCC) agency staff; and</li> <li>e) Child-Focused Recruitment Model (CFRM) specialist (if assigned).</li> </ol> </li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>3) Convenes a family team meeting (FTM), including members of the youth's FPT and the CRP QRTP assessor. This FTM will be utilized to provide input during the thirty (30) day QRTP assessment process; 2</p> <p>4) Receives from CRP the QRTP assessment, including recommendations, within thirty (30) calendar days of the date of QRTP placement;</p> <p>5) Submits the <a href="#">QRTP Hearing Request Form</a> to the court within five (5) business days of the child's placement in a QRTP in order to:</p> <ul style="list-style-type: none"> <li>a) Notify the court that the youth was placed in a QRTP; and</li> <li>b) Request a court review to occur no later than sixty (60) calendar days from the youth entering the QRTP to advise the court of the QRTP assessment's recommendations.</li> </ul> <p>6) Provides the QRTP assessment to the court no later than thirty-five (35) calendar days from the date of placement; 3</p> <p>7) Ensures selection of the special population indicators in TWIST if any of the following are present:</p> <ul style="list-style-type: none"> <li>a) Victim of labor trafficking;</li> <li>b) Current or previous allegations of sex trafficking;</li> <li>c) AWOL history;</li> <li>d) Pregnant youth; and/or</li> <li>e) Parenting youth (including fathers).</li> </ul> <p>If placement in a QRTP is not recommended in the QRTP assessment, the SSW:</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>1) Submits an updated 886A and treatment recommendations to the Recruitment and Certification (R&amp;C) team for a new placement search. If there are no DCBS homes available, the search will be sent to the CRP placement gatekeeper for further search; 4</p> <p>2) Collaborates with the child's placement and the identified relative, fictive kin, or foster placement to facilitate a transition of the youth within thirty (30) days of the QRTP assessment;</p> <p>3) Notifies the court that the QRTP hearing is no longer needed.</p> <p>If QRTP placement is recommended in the QRTP assessment, the SSW:</p> <p>1) Provides a copy of the QRTP assessment to the QRTP provider as soon as possible;</p> <p>2) Ensures that a court review is scheduled to provide the court with the recommendations of the QRTP assessment, including both short-term and long-term treatment goals. The court will make a determination regarding the youth's placement or continued placement in the QRTP. 5 6 If the youth will be moved from the QRTP, SSW will follow the steps above regarding transition to a new placement;</p> <p>3) Invites the FPT to an FTM during a time that is convenient to the family members. During this FTM, the team will update the case plan to include recommendations from the QRTP assessment no later than the periodic case plan review. 7 The following shall be documented on the case plan:</p> <p>a) List of team members invited and whether they attended;</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ul style="list-style-type: none"> <li>b) Updated copy of the DPP-1275 attached to case plan;</li> <li>c) If the goal is return to parent, whether the parent(s) had input in the plan, and their feedback related to placement preference; and 8</li> <li>d) Consideration to sibling relationships, (i.e., family treatment, visitation).</li> </ul> <p>4) Assesses the youth's progress on their short-term and long-term goals recommended in the initial QRTP assessment on a regular basis, including during monthly consultation with FSOS and regional out-of-home (OOHC) consultation;</p> <p>5) Updates the court on the following at every court hearing/review:</p> <ul style="list-style-type: none"> <li>a) Ongoing assessment of the strengths and needs of the youth in their current setting;</li> <li>b) The youth's need to remain in the residential setting;</li> <li>c) Specific treatment and service needs being met by the placement;</li> <li>d) Length of time placement expected;</li> <li>e) Documentation of agency efforts to prepare the youth for their next placement in a least restrictive setting, (i.e., foster family home, relative, or parents); and</li> <li>f) <u>Residential Treatment Placement Extension Request</u>, if applicable.</li> </ul> <p>6) Consults with the treatment provider prior to discharge in order to ensure appropriate aftercare planning. Aftercare planning shall include:</p> <ul style="list-style-type: none"> <li>a) Referrals to new service providers; and</li> </ul>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>b) The plan for the QRTP's monthly contact with the family and new service providers. 9</p> <p>7) Coordinates with the treatment team to convene an FTM with the FPT to discuss the youth's discharge and treatment recommendations. The new placement provider should be included in the FTM. 10 11 13</p> <p>If a youth is placed in residential treatment, the SSW:</p> <p>1) Submits justification utilizing the <u>Residential Treatment Placement Extension Request</u> to the Commissioner or designee for every youth age thirteen (13) and older that is placed in a residential treatment program for twelve (12) consecutive months or eighteen (18) non-consecutive months; 12</p> <p>2) Submits justification utilizing the Residential Treatment Extension Request template to the Commissioner or designee for every youth under age thirteen (13) that is placed in a residential treatment program for six (6) months. 12</p> <p>For additional guidance, please see <u>SOP 4.35 Reunification, Including Extended Visitation, Case Planning, and Transitional Supports to Families.</u></p> <p>Placement of Children Twelve and Under in Congregate Care</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>The SSW shall not refer a child twelve or under for placement in a PCC residential treatment program except under special circumstances, and with the necessary approval. The SSW:</p> <ol style="list-style-type: none"> <li>1. Submits a special request to the SRA to request an exception if it is determined that a child age twelve (12) or under is in need of PCC residential treatment. This request includes: <ol style="list-style-type: none"> <li>1. A brief explanation of child and family's current situation; and</li> <li>2. A justification for residential treatment being the least restrictive setting that most closely meets the child's treatment needs.</li> </ol> </li> <li>2. Submits a special request through the SRA to the director of the Division of Protection and Permanency (DPP), to request an exception, if it is determined that a child age ten (10) or under is in need of PCC residential treatment. This request includes: <ol style="list-style-type: none"> <li>1. A brief explanation of child and family's current situation; and</li> <li>2. A justification for residential treatment being the least restrictive setting that most closely meets the child's treatment needs.</li> </ol> </li> <li>3. Submits a special request through the SRA to the director of the Division of Protection and Permanency (DPP) to request an exception if it is determined that a child ages three (3) to six (6) is in need of PCC residential treatment. The request includes:</li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ol style="list-style-type: none"> <li>1. Documentation from the residential PCC facility staff that there is no less restrictive placement available to meet the child’s mental health, physical, or behavioral needs; and</li> <li>2. Verification that the residential child-caring facility: <ol style="list-style-type: none"> <li>1. Is also licensed to provide emergency shelter services;</li> <li>2. Provides adequate space for the child that is protected from children who are age ten (10) and older;</li> <li>3. Provides sight and sound segregation of the child from children who are age ten (10) and older while the child engages in: <ol style="list-style-type: none"> <li>1. Sleeping;</li> <li>2. Personal hygiene; and</li> <li>3. Toiletry.</li> </ol> </li> <li>4. Provides staff supervision that supports the child’s individual treatment plan.</li> </ol> </li> <li>4. Places a hardcopy of the exception approval/denial in the case file and uploads the document into TWIST.</li> </ol> <p>Contingencies and Clarifications</p> <ol style="list-style-type: none"> <li>1. FFPSA identifies the following specialized populations: <ol style="list-style-type: none"> <li>1. The youth is pregnant or parenting (including fathers);</li> <li>2. The youth is placed in a supervised independent living program and is over the age of eighteen (18);</li> <li>3. The youth has had previous or confirmed allegations involving sex trafficking;</li> </ol> </li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ol style="list-style-type: none"> <li>4. The youth has had a history of AWOL or runaway behaviors; and</li> <li>5. The youth has current or previous Department for Juvenile Justice (DJJ) commitment.</li> <li>2. FFPSA designates specialized residential treatment settings providing tailored services to meet the unique needs of children belonging to a special population as identified by the Act.</li> <li>3. QRTP assessments are required for all children being referred for or placed in residential treatment settings with the following exception: <ol style="list-style-type: none"> <li>1. Children in a specialized population placed in a corresponding specialized treatment program as an emergency after hours placement and without a referral through CRP. 11</li> <li>2. If a child is identified as belonging to a specialized population and is placed in a corresponding specialized treatment program, a court review is not required;</li> <li>3. Whether or not the youth falls into a special population category, it is imperative that the youth be placed in the least restrictive setting most appropriate to meet their clinical treatment needs; 13</li> <li>4. If placement in residential treatment is necessary, all efforts should be made to secure a program based on the treatment needs of the youth.</li> <li>5. Prior to PCC facilities accepting a medically complex youth, they are required to submit a written plan addressing how they will meet the medical needs of the youth. This plan is</li> </ol> </li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>submitted to the medically complex liaison, who forwards it to the Medical Support Section. A copy is also placed in the child's case file.</p> <p><b>Footnotes</b></p> <ol style="list-style-type: none"> <li>1. If the SSW has not initiated the QRTP assessment prior to a youth's placement in a QRTP, TWIST will automatically initiate a QRTP assessment with CRP at the time of placement. If the SSW has not initiated the QRTP assessment prior to a youth's placement in a QRTP, TWIST will automatically initiate a QRTP assessment with CRP at the time of placement.</li> <li>2. SSW will obtain all the required signatures on the <u>DCBS-1 Informed Consent and Release of Information and Records</u> and/or <u>DCBS-1A Informed Consent and Release of Information Records Supplement</u> form, and ensure that the appropriate parties sign the assessor's releases of information.</li> <li>3. If the QRTP assessment does not recommend placement in a QRTP for the youth, a court review is not required.</li> <li>4. Placement within close proximity to the youth's school, community, and within the county they have resided with their family is preferable to promote attachment and positive outcomes in treatment.</li> <li>5. The order related to the QRTP determination must be signed, dated, and entered within sixty (60) calendar days. The SSW should document the court review in TWIST.</li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ol style="list-style-type: none"> <li>6. If the judge's determination is contradictory with the recommendations of the QRTP assessment, staff may consult with regional management and central office for further guidance.</li> <li>7. TWIST will provide data surrounding the short-term and long-term recommendations upon the completion of the QRTP assessment. Best practice would be is to hold an FTM as soon as possible to modify the case plan to reflect these recommendations.</li> <li>8. SSW will document parental input and preferences regarding the placement in the case plan under the appropriateness of the placement section of the child/youth action plan. If a child's QRTP assessment outcome is different than the wishes of the FPT, the case plan must also outline why the assessment does not recommend those preferences.</li> <li>9. QRTP providers are required to provide monthly aftercare support upon the youth's discharge to a lower level of care, which will include documentation in TWIST. This may be phone contact if distance is a barrier. SSW may need to assist with releases of information between the PCC agency and a new provider to ensure continuity of care.</li> <li>10. If placement in a residential treatment program is being considered, SSW should include the CRP QRTP assessor in any FTM scheduled to discuss a youth's discharge and treatment recommendations.</li> <li>11. If a child transitions from one QRTP to another, a new QRTP assessment and sixty (60) day court review are required.</li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>12. Review of “long-term” residential treatment placement is specific to each placement, meaning that the clock would reset for subsequent placement in a new residential treatment program.</p> <p>13. If SSW is aware that residential treatment is being considered for a child, SSW may initiate the QRTP assessment process and provide a copy of the DPP-1275 as soon they begin to plan for the child’s next steps, but no later than the time of placement. When possible, the QRTP assessment should be completed prior to placement in a residential treatment program. The SSW may advocate with the child’s discharging placement to negotiate an extended notice in order to allow time for the QRTP assessment to be completed prior to the child’s transition.</p>
472(i)(1)	<p>3. Administrative costs associated with an otherwise eligible child who is in an unallowable facility or an unapproved or unlicensed relative home, and who is removed in accordance with section 472(a) from the home of a relative specified in section 406(a)(as in effect on July 16, 1996), shall be considered only for expenditures:</p>	<p>Protection and Permanency Operating Manual:  <a href="#">Chapter and Section 31.8 IV-E Maintenance Payments and Expenditures</a>  Contingencies and Clarifications</p> <ol style="list-style-type: none"> <li>1. Kentucky does not claim administrative costs on unapproved or unlicensed placements (section 472 (1)(1));</li> <li>2. When a child moves from an approved or licensed placement to an unallowable placement, the eligible child’s status is changed to non-reimbursable. (section 472 (i)(1)(B);</li> <li>3. If a child is in an approved/licensed home for one day during a calendar month, Kentucky claims the entire month (section 472(i)(1)(B));</li> <li>4. Agencies may also claim administrative costs during the twelve (12) month period consistent with 45 CFR 1356.60(c) for the administration of the title IV-E program, which includes such</li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p><b>things as case management. A licensed residential family-based treatment facility for substance abuse is not a child care institution (CCI) as defined in section 472(c) of the Act. While the facility must be licensed, there is no requirement that it meet the title IV-E licensing and background check requirements for a CCI.</b></p>
472(i)(1)(A)	a. for a period of not more than the lesser of 12 months or the average length of time it takes to license or approve a home as a foster home, in which the child is in the home of a relative and an application is pending for licensing or approval of the home as a foster family home; or	<p>Protection and Permanency Operating Manual:  <a href="#">Chapter and Section 31.8 IV-E Maintenance Payments and Expenditures</a>  Contingencies and Clarifications</p> <ol style="list-style-type: none"> <li>1. Kentucky does not claim administrative costs on unapproved or unlicensed placements (section 472 (1)(1));</li> <li>2. When a child moves from an approved or licensed placement to an unallowable placement, the eligible child’s status is changed to non-reimbursable. (section 472 (i)(1)(B));</li> </ol>
472(i)(1)(B)	b. for a period of not more than 1 calendar month when a child moves from a facility not eligible for payments under this part into a foster family home or child care institution licensed or approved by the State/Tribe.	<p>Protection and Permanency Operating Manual:  <a href="#">Chapter and Section 31.8 IV-E Maintenance Payments and Expenditures</a>  Contingencies and Clarifications</p> <ol style="list-style-type: none"> <li>3. If a child is in an approved/licensed home for one day during a calendar month, Kentucky claims the entire month (section 472(i)(1)(B));</li> <li>4. <b>Agencies may also claim administrative costs during the twelve (12) month period consistent with 45 CFR 1356.60(c) for the administration of the title IV-E program, which includes such things as case management. A licensed residential family-based treatment facility for substance abuse is not a child care</b></li> </ol>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p><b>institution (CCI) as defined in section 472(c) of the Act. While the facility must be licensed, there is no requirement that it meet the title IV-E licensing and background check requirements for a CCI.</b></p>
472(i)(2)	<p>4. Administrative costs associated with a child who is potentially eligible for benefits under the approved title IV-E plan and at imminent risk of removal from the home, shall be considered for expenditures only if:</p>	<p>Cabinet for Health &amp; Family Services Cost Allocation Plan for the period beginning October 1, 2013 (pages 111-112 &amp; 119-121).</p> <p>KY claims Candidate costs through our approved Random Moment Sample as noted in the Approved Cost Allocation Pan.</p> <p>The RMS code for Candidate costs is EA.</p> <p>The definition and examples are on the first two pages.</p> <p>The next page shows the calculations for claiming Candidate costs.</p> <p>The calculation is: P times EA% times X%</p> <p>P is the RMS Cost Pool amount.</p> <p>EA% is the percentage EA observations.</p> <p>X% is the Title IV-E Penetration Rate – Foster Care</p> <p>Protection and Permanency Operating Manual:  <a href="#">31.13 Random Moment Time Study for In Home Service Provision and Title IV-E Administrative Costs</a></p>
472(i)(2)(A)	<p>a. reasonable efforts are being made in accordance with section 471(a)(15) to prevent the need for, or if necessary to</p>	<p>Cabinet for Health &amp; Family Services Cost Allocation Plan for the period beginning October 1, 2013 (pages 111-112 &amp; 119-121).</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	pursue, removal of the child from the home; and	<p>KY claims Candidate costs through our approved Random Moment Sample as noted in the Approved Cost Allocation Pan. The RMS code for Candidate costs is EA. The definition and examples are on the first two pages. The next page shows the calculations for claiming Candidate costs.</p> <p>The calculation is: P times EA% times X%</p> <p>P is the RMS Cost Pool amount. EA% is the percentage EA observations. X% is the Title IV-E Penetration Rate – Foster Care</p> <p>Protection and Permanency Operating Manual: <a href="#">1.8 Prevention Planning</a>; <a href="#">2.11 Investigation Protocol</a>; <a href="#">3.4 Initial In-home Case Planning Conference</a>; <a href="#">31.13 Random Moment Time Study for In Home Service Provision and Title IV-E Administrative Costs</a></p>
472(i)(2)(B)	b. the State/Tribal agency has made, not less often than every 6 months, a determination (or redetermination) as to whether the child remains at imminent risk of removal from the home.	<p>Cabinet for Health &amp; Family Services Cost Allocation Plan for the period beginning October 1, 2013 (pages 111-112 &amp; 119-121).</p> <p>KY claims Candidate costs through our approved Random Moment Sample as noted in the Approved Cost Allocation Pan. The RMS code for Candidate costs is EA. The definition and examples are on the first two pages. The next page shows the calculations for claiming Candidate costs.</p> <p>The calculation is: P times EA% times X%</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>P is the RMS Cost Pool amount.  EA% is the percentage EA observations.  X% is the Title IV-E Penetration Rate – Foster Care</p> <p>Protection and Permanency Operating Manual:  <a href="#">1.8 Prevention Planning</a>; <a href="#">3.12 Case Plan Evaluation and Ongoing Assessment</a>; <a href="#">3.13 Ongoing Case Planning</a>; <a href="#">11.27 Court Reports</a>; <a href="#">31.13 Random Moment Time Study for In Home Service Provision and Title IV-E Administrative Costs</a></p>
1356.21(j) 475(4)(B)	<p>5. Child of a minor parent in foster care. Foster care maintenance payments made on behalf of a child placed in a foster family home or child care institution, who is the parent of a son or daughter in the same home or institution, must include amounts which are necessary to cover costs incurred on behalf of the child's son or daughter. Said costs must be limited to funds expended on those items described in the definition of foster care maintenance payments.</p>	<p>Protection and Permanency Operating Manual:  <a href="#">Chapter and Section 31.8 IV-E Maintenance Payments and Expenditures</a>  The CBW authorizes foster care maintenance payments to be made on behalf of an eligible child when the child is:</p> <ol style="list-style-type: none"> <li>3. The child of a minor parent in foster care (see related information for more detail) (section 475(4)(B)).</li> </ol> <p>Related Information  Foster care maintenance payments made on behalf of a child placed in a foster home or child care institution, who is the parent of a son or daughter in the same home or institution, must include amounts which are necessary to cover costs incurred on behalf of the child's son or daughter. These costs must be limited to funds used for items described in the definition of foster care maintenance payments (see definition in the introduction) (section 475(4)(B)).</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
471(a)(16)  475(1)  475(5)(A), (D) and (H)  475A  1356.21(g)	D. CASE REVIEW SYSTEM  1. Case Plan  To meet the case plan requirements of sections 471(a)(16), 475(1), 475(5)(A), (D) and (H), and 475A of the Act, the State/Tribal agency has promulgated policy materials and instructions for use by State/Tribe and local agency staff to determine the appropriateness of and necessity for the foster care placement of the child. The case plan for each child:	
1356.21(g)(1)	a. is a written document which is a discrete part of the case record, in a format determined by the State/Tribe agency, which is developed jointly with the parent(s) or guardian(s) of the child in foster care;	<a href="#">922 KAR 1:140. Foster care and adoption permanency services:</a> Section 3. Permanency Planning. (9) If the case conference held in compliance with KRS 620.180(2)(a)1 results in the child being placed in the custody of the cabinet, the cabinet shall develop and document a case permanency plan, using Form DPP-1281, Family Case Plan. Section 12. Incorporation by Reference. (1) The following material is incorporated by reference: (a) <a href="#">“DPP-1281 Family Case Plan,”</a> 11/16;  Protection and Permanency Operating Manual: <a href="#">Chapter 4-Out of Home Care Services (OOHC), Section: 4.15 Family Attachment and Involvement:</a> The SSW:

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ol style="list-style-type: none"> <li>1. Contacts the biological father/mother or conducts an absent parent and relative search on all identified fathers and relatives within thirty (30) calendar days;</li> <li>3. Identifies and explores placement of the child with available relatives, if known (both maternal and paternal); otherwise follows the same procedures outlined in the absent parent search in locating family members;</li> <li>4. Engages the father/mother and/or family members to solicit involvement in permanency planning for the child;</li> <li>5. Conducts case planning and provide needed/requested services;</li> <li>6. Includes the father/mother in a regular visitation schedule that promotes and maintains attachment unless the following exists: <ol style="list-style-type: none"> <li>A. Parental rights have been terminated; or</li> <li>B. Participation would be contrary to the best interest of the child.</li> </ol> </li> </ol> <p><a href="#">KRS 620.180 Administrative regulations</a></p> <p>(2) The cabinet shall promulgate administrative regulations to provide the following:</p> <p>(a) The method used to periodically review the status of children placed in foster family homes which shall include, but not be limited to, the following:</p> <ol style="list-style-type: none"> <li>1. Within ten (10) calendar days of the temporary removal hearing provided for in this chapter, a case conference shall be held on all children placed with the cabinet for the purpose of establishing a specific treatment plan which may include preventive and reunification services</li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>for the child and his parent or other person exercising custodial control or supervision. Additional case conferences and reviews shall be held as appropriate, but shall be held at least every six (6) months. The parent or other person exercising custodial control or supervision and his counsel, if any, shall have the right to be present at and participate in such conferences. The child; the child's attorney, if any; the parent or other person exercising custodial control or supervision and his attorney of record, if any; and the county attorney shall be notified of, and may be present at and participate in such conferences.</p>
1356.21(g)(2)	b. is developed within a reasonable period, to be established by the State/Tribe agency, but in no event later than 60 days from the child's removal from the home;	<p>Protection and Permanency Operating Manual:  <a href="#">Chapter 4-Out of Home Care Services (OOHC), Section: 4.14 Timeframes for All OOHC</a>: The SSW [social service worker]: (2) Convenes a ten (10) day case planning conference within ten (10) calendar days of the temporary removal hearing or voluntary placement agreement (KRS 620.180).</p> <p><a href="#">KRS 620.180 Administrative regulations</a></p> <p>(2) The cabinet shall promulgate administrative regulations to provide the following:</p> <p>(a) The method used to periodically review the status of children placed in foster family homes which shall include, but not be limited to, the following:</p> <p>1. Within ten (10) calendar days-of the temporary removal hearing provided for in this chapter, a case conference shall be held on all children placed with the cabinet for the purpose of establishing a specific treatment plan which may include preventive and reunification services</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>for the child and his parent or other person exercising custodial control or supervision. Additional case conferences and reviews shall be held as appropriate, but shall be held at least every six (6) months.</p> <p><a href="#">KRS 620.230 Case permanency plans</a> (1) For each child placed in the custody of the cabinet by an order of commitment, the cabinet shall file a case permanency plan for the child with the court and send a copy to the Administrative Office of the Courts Citizen Foster Care Review Board Program as soon as the plan is prepared but no later than thirty (30) days after the effective date of the order. Notwithstanding the provisions of KRS 620.090(5), if a child remains in the temporary custody of the cabinet for longer than forty-five (45) days and if a request is submitted by the Administrative Office of the Courts Citizen Foster Care Review Board Program, the cabinet shall provide a copy of the case permanency plan for the child.</p>
1356.21(g)(4)	c. includes a description of the services offered and provided to prevent removal of the child from the home and to reunify the family;	<p><a href="#">KRS 620.230 Case permanency plans</a> (2) The case permanency plan shall include, but need not be limited to:</p> <p>(b) A statement of the actions which have been taken with regard to the child to the date of the plan;</p> <p>(e) If the child is placed outside the home, reasons why the child cannot be protected adequately in the home, the harms the child may suffer if left in the home, factors which may indicate when the child can be returned to the home, and efforts the cabinet or others are making to return the child to the home;</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>(i) A description of the services for the child and his family to be provided or arranged by the cabinet to facilitate the return of the child to his own home or to another permanent placement;</p> <p>Protection and Permanency Operating Manual:  <a href="#">Chapter 4-Out of Home Care Services (OOHC), Section: 4.18 Ongoing Case Procedures</a>: The SSW [social services worker]:</p> <p>11. Ensures that the periodic review includes the following:</p> <p>b) A discussion of the problems that are barriers to the child's safe return home or other permanent placement and the progress of the family and child to overcoming each barrier;</p> <p>c) A review of the appropriateness of services, including assessment and recommendations from community partners, whether services are being provided according to schedule and whether the parties, including identified fathers as outlined in SOP 4.14 Family Attachment and Involvement with expectations set for them are complying with those expectations;</p>
475(1)(A)	d. includes a description of the type of home or institution in which the child is placed;	<p><a href="#">KRS 620.230 Case permanency plans</a> states in Section (2)(g) The case permanency plan shall include, but need not be limited to: A description of the type of home, child-caring facility, child-placing agency or facility in which the child is to be placed or has been placed, and a statement why the placement is appropriate for the child.</p> <p>Protection and Permanency Manual:  <a href="#">Chapter 4 -Out of Home Care Services (OOHC), Section: 4.18 Ongoing Case Planning</a>: The SSW [social services worker](124) ensures that the</p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>following components are always documented on the case plan documentation includes (in accordance with provisions of the Title IV-E Social Security Act): (K) information describing the safety and appropriateness of the child’s current placement, and any consideration being given to change in placement is presented to conference participants (U.S. Code 42 USC Section 675 (1)(A)).</p>
475(1)(A)	<p>e. includes a discussion of the safety and appropriateness of the placement and how the responsible agency plans to carry out the judicial determination made with respect to the child in accordance with section 472(a)(2)(A) of the Act;</p>	<p><a href="#">KRS 620.230 Case permanency plans:</a>  Section (2) The case permanency plan shall include, but need not be limited to:</p> <ul style="list-style-type: none"> <li>(c) A statement of the proposed actions which may be taken or are contemplated with regard to the child during the next six (6) months and during the entire duration of the time the child is in the custody of the cabinet;</li> <li>(e) If the child is placed outside the home, reasons why the child cannot be protected adequately in the home, the harms the child may suffer if left in the home, factors which may indicate when the child can be returned to the home, and efforts the cabinet or others are making to return the child to the home;</li> <li>(i) A description of the services for the child and his family to be provided or arranged by the cabinet to facilitate the return of the child to his own home or to another permanent placement;</li> </ul> <p><a href="#">KRS 620.240 Case progress reports:</a>  (4) A description of the efforts and progress of the parents since the last case permanency plan and case progress report, including the number</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>and dates of parental visits and the extent, quality, and frequency of the parents' communication with the child;</p> <p>(5) The barriers, familial and institutional, to returning the child home or releasing the child from the custody of the cabinet and services that are not currently available in the community;</p> <p>(7) Recommendations for necessary services required to release the child from the custody of the cabinet, to return the child home, or to facilitate another permanent placement.</p>
475(1)(B)	f. includes a plan for assuring that the child receives safe and proper care, and services are provided to the parent(s), child and foster parents in order to improve the conditions in the parents' home to facilitate the child's return to his/her own safe home or the permanent placement of the child;	<p><a href="#">KRS 620.230 Case permanency plans</a> states in Section (2) The case permanency plan shall include, but need not be limited to:</p> <p>(c) A statement of the proposed actions which may be taken or are contemplated with regard to the child during the next six (6) months and during the entire duration of the time the child is in the custody of the cabinet;</p> <p>(e) If the child is placed outside the home, reasons why the child cannot be protected adequately in the home, the harms the child may suffer if left in the home, factors which may indicate when the child can be returned to the home, and efforts the cabinet or others are making to return the child to the home;</p> <p>(f) If the child is placed outside the home, the steps that the cabinet will take to minimize the harm to the child as a result of the action, both at the time of removal and on a long-term basis.</p> <p>Protection and Permanency Operating Manual:  <a href="#">Chapter 4-Out of Home Care Services (OOHC), Section: 4.18 Ongoing Case Planning</a>: The SSW [social services worker]: (11)Ensures that the</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		periodic review includes the following: (b) A discussion of the problems that are barriers to the child's safe return home or other permanent placement and the progress of the family and child to overcoming each barrier.
475(1)(B)	g. includes a plan for assuring that services are provided to the child and foster parents in order to address the needs of the child while in foster care;	<p><a href="#">KRS 620.230 Case permanency plans</a> states in Section (2) (c): A statement of the proposed actions which may be taken or are contemplated with regard to the child during the next six (6) months and during the entire duration of the time the child is in the custody of the cabinet</p> <p>Protection and Permanency Operating Manual:  <a href="#">Chapter 4-Out of Home Care Services (OOHC), Section 4.17 Preparation for and Completion of the ten (10) 5 Day Conference</a>: The SSW [social services worker]...12) Ensures the following components are documented on the case plan in accordance with provisions of Title IV-E of the Social Security Act): I. A plan for assuring that services are provided to the child and placement provider in order to address the needs of the child while in foster care (Sec 475 (1)(b).</p> <p><a href="#">Chapter 4- Out of Home Care Services (OOHC), Section: 4.18 Ongoing Case Planning</a>:  The SSW [social services worker]:  11) Ensures that the periodic review [includes a review of]:  F. The child's health, including mental health and educational history and current status are reviewed and the plan for meeting the child's needs is reviewed</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>12) Ensures that the following components are always documented on the case plan documentation includes (in accordance with provisions of Title IV-E of Social Security Act):</p> <p>I. A plan for assuring that services are provided to the child and placement provider as necessary to support the placement and meet needs of the child while in foster care (Sec 475 (1)(b)).</p>
475(1)(B)	h. includes a discussion of the appropriateness of the services that have been provided to the child under the plan;	<p><a href="#">KRS 620.230 Case permanency plans</a> (2) The case permanency plan shall include, but need not be limited to:</p> <p>(b) A statement of the actions which have been taken with regard to the child to the date of the plan;</p> <p>Protection and Permanency Operating Manual:  <a href="#">Chapter 4-Out of Chapter 4- Out of Home Care Services (OOHC), Section 4.18 Ongoing Case Planning:</a> The SSW [social services worker] (11)  [e]ensures that the periodic review includes the following...</p> <p>(c) A review of the appropriateness of services, including assessment and recommendations from community partners, whether services are being provided according to schedule and whether the parties, including identified fathers as outlined in SOP 4.14 Family Attachment and Involvement with expectations set for them are complying with those expectations;</p> <p>(e) [t]he child's health, including mental health and educational history and current status are reviewed and the plan for meeting the child's needs is reviewed;</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
475(1)(D) 475(1)(B)	i. where appropriate for a child 14 or over: includes a written description of the programs and services which will help such child prepare for the transition from foster care to successful adulthood. With respect to a child who has attained 14 years of age, any revision or addition to the plan must be developed in consultation with the child and, at the option of the child, with up to 2 members of the case planning team who are chosen by the child and who are not a foster parent of, or caseworker for, the child. A State/Tribal agency may reject an individual selected by a child to be a member of the case planning team at any time if the agency has good cause to believe that the individual would not act in the best interests of the child. One individual selected by a child to be a member of the child's case planning team may be designated to be the child's advisor and as necessary, advocate, with respect to the application of the reasonable and prudent parent standard to the child;	<p><a href="#">KRS 610.125 Permanency Hearing after Custody Given to the Dept. of Juvenile Justice or cabinet</a></p> <p>(4) The Department of Juvenile Justice or the cabinet shall present evidence to the court concerning the care and progress of the child since the last permanency hearing, including the following:</p> <p>(f) Recommendations of services needed to make the transition from out-of-home care to independent living for children who have reached the age of sixteen (16) years;</p> <p><a href="#">4.16 Participants and Notification for All OOHC Cases</a></p> <p>1. [The SSW] is required to invite the following individuals to the case planning conference:</p> <p style="padding-left: 40px;">E. Two (2) people chose by the child (who are not a foster parent or caseworker for the child), when the child has attained 14 years of age. (Section 475 (1)(B) of the Social Security Act)</p> <p>2. Is required to permit a child to designate one of their chosen participants to be the child's advisor, and as necessary, to advocate with regard to the application of the reasonable and prudent parenting standard. (Section 475 (1)(B) of the Social Security Act).</p> <p><a href="#">4.17 Preparation for and Completion of the Ten (10) Day Conference Prior to the 10 (ten) calendar day conference the SSW:</a></p> <p>8. Includes the child or children, when age appropriate, in case planning efforts;</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>9. Empowers children age fourteen (14) and older in the development of their own case plan and transition planning for a successful adulthood;</p> <p>10. Permits a child who has attained fourteen (14) years to designate up to two (2) additional people to participate in the case planning conference, one of whom may be designated as the child’s advisor, and when necessary, to advocate with respect to the application of the reasonable and prudent parent standard; (Section 475 (1)(B) of the Social Security Act)</p> <p><b>During the ten (10) day case planning conference the SSW:</b></p> <p>12. Ensures the following components are documented on the case plan in accordance with provisions of Title IV-E of the Social Security Act):</p> <p style="padding-left: 40px;">K. A description of the programs and services which will assist youth in preparing for the transition to adulthood as outlined in <a href="#">SOP 4.29.1 Independent Living Services</a> (Sec 475 (5)(c)(i));</p> <p>Practice Guidance:</p> <ul style="list-style-type: none"> <li>• Any revisions or updates to the plan must be developed in consultation with the child and up to two (2) members of the case planning team designated by the child. (Section 475 (1)(B) of the Social Security Act)</li> </ul> <p>Footnotes</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>3. The SSW, in consultation with the FSOS, may at any time reject a person selected by the child if the worker has good cause to believe the individual would not act in the best interests of the child. (Section 475 (1)(B) of the Social Security Act)</p> <p>Protection and Permanency Operating Manual: <a href="#">Chapter 4- Out of Home Care Services (OOHC); Section: 4.18 Ongoing Case Planning</a> states: Prior to all periodic reviews, the SSW [social services worker]:</p> <p>6. Includes the child or children, when age appropriate, in case planning efforts;</p> <p>8. Permits a child who has attained fourteen (14) years of age to designate up to two (2) additional people to participate in the case planning conference, one of whom may be designated as the child’s advisor, and when necessary to advocate with respect to the application of the reasonable and prudent parent standard as outlined in SOP 4.30 Normalcy for Children and Youth in Out of Home Care (Section 475 (1) (B) of the Social Security Act);</p> <p>The SSW:</p> <p>12. Ensures that the following components are always documented on the case plan documentation includes (in accordance with provisions of Title IV-E of Social Security Act):</p> <p style="padding-left: 40px;">L. A description of the programs and services which will assist youth in preparing for the transition to adulthood as outlined in <a href="#">SOP 4.29.1 Independent Living Services</a> (Sec 475 (5)(C)(i));</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>M. A <a href="#">Transition Plan</a>, for youth 17 and over, updated as appropriate during the periodic review (Sec 475 (6))</p> <p>Practice Guidance Any revisions or updates to the plan must be developed in consultation with the child and up to two (2) members of the case planning team designated by the child. (Section 475 (1) (B) of the Social Security Act)</p> <p>Footnotes 3. The SSW, in consultation with the FSOS, may at any time reject a person selected by the child if the worker has good cause to believe the individual would not act in the best interests of the child. (Section 475 (1)(B) of the Social Security Act)</p>
475(5)(H)	j. during the 90-day period immediately prior to the date on which the child will attain 18 years of age, or such greater age as the State/Tribal agency may elect under section 475(8)(B)(iii), whether during that period foster care maintenance payments are being made on the child's behalf or the child is receiving benefits or services under section 477, a caseworker on the staff of the State/Tribal agency, and, as appropriate, other representatives of the child provide the child with assistance and support in developing a transition plan that	<ul style="list-style-type: none"> <li>• <a href="#">KRS 2.015 Age of majority-Exceptions</a></li> <li>• <a href="#">KRS 213.141 Fee for certified copies of certificates or records or for a search of records</a></li> <li>• <a href="#">KRS 610.010 District Court jurisdiction of juvenile matters.</a></li> <li>• <a href="#">KRS 620.140 Dispositional alternatives.</a></li> </ul> <p><b>Protection and Permanency Operating Manual:</b> <b><a href="#">Chapter 4 Out of Home Care Services (OOHC); Section 4.29.2 Transition Planning for Youth Aging Out of OOHC or Extending Commitment</a></b></p> <p><b>Procedure:</b></p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>is personalized at the direction of the child, includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work force supports and employment services, includes information about the importance of designating another individual to make health care treatment decisions on behalf of the child if the child becomes unable to participate in such decisions and the child does not have, or does not want, a relative who would otherwise be authorized under State/Tribal law to make such decisions, and provides the child with the option to execute a health care power of attorney, health care proxy, or other similar document recognized under State/Tribal law, and is as detailed as the child may elect;</p>	<p><b>For a child age fourteen (14) and over, the case plan should include a list of the programs and services that will help the child prepare for the transition from foster care to a successful adulthood. 1</b></p> <p><b>The formal transition plan meeting is initiated beginning at age seventeen (17) by the ILS for youth who remain in out of home care (OOHC). The meeting may be incorporated into the case planning conference. This plan is designed to be personalized and youth driven, should be as detailed as the youth desires and should include information regarding:</b></p> <ul style="list-style-type: none"> <li>• <b>Specific options for housing;</b></li> <li>• <b>Health insurance; 2</b></li> <li>• <b>Designating a health care proxy; 3</b></li> <li>• <b>Education;</b></li> <li>• <b>Mentoring opportunities;</b></li> <li>• <b>Continuing support services;</b></li> <li>• <b>Workforce supports; and</b></li> <li>• <b>Employment services.</b></li> </ul> <p><b>The ILS will assist the youth in identifying supports to attend the transition planning meetings. Supports may include: teachers, mentors, employers, family members, foster/adoptive parents, guardian ad litem, mental health providers, etc. The youth's social worker or FSOS must participate in all transition meetings (participation can be by phone). During the transition planning meeting, the ILS will educate everyone in attendance about the permanency pact tool and discuss next steps in completing a permanency pact ceremony for those</b></p>

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		<p>interested. For youth placed more than sixty (60) miles away from their office, the ILS should make every effort to utilize Zoom or Skype group meeting technology.</p> <p>Within ninety (90) days prior to the youth attaining age eighteen (18), a meeting facilitated by the ILS must occur, face-to-face, to further discuss transition planning. The youth should be supported in making well informed decisions about their future, transition to adulthood, well-being and other aspects of their case and permanency planning (42 USC 675 (5)(H)). 4</p> <p>This meeting is different than the initial formal transition plan meeting and should be held independently of a case planning conference; although it may be held on the same day, it is important that this meeting is distinct and stand alone. The participants for a case planning conference may differ from those invited to attend the ninety (90) day transition plan meeting. This meeting should be strength-based and directed by the youth. The youth should have equal consideration to the adult voices during the meeting. The ILS shall provide every youth an FYI Binder at the ninety (90) day transition meeting, which includes resources to aid in the successful transition to adulthood. The ILS will also facilitate meetings for youth in OOHC at nineteen (19) years old, twenty (20) years old, and within sixty (60) days prior to their twenty-first (21st) birthday. For youth placed more than sixty (60) miles away from their office, the ILS should make every effort to utilize Zoom or Skype group meeting technology.</p>

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		<p><b>Procedure:</b>  <b>For youth transitioning from OOHC:</b>  <b>The SSW:</b>  <b>3) Must provide the youth the following documents:</b></p> <ul style="list-style-type: none"> <li><b>A. Certified birth certificate; 5</b> <ul style="list-style-type: none"> <li><b>1. All youth in OOHC are entitled to a free certified birth certificate. The birth certificate can be ordered by the youth, any DCBS representative, or private child care (PCC) staff. Youth in OOHC may request a birth certificate via <u>Kentucky RISE</u>, DCBS staff may request a birth certificate on the TWIST home screen. PCC staff may request a birth certificate for a youth in OOHC on the PCC portal homepage. 6</b></li> </ul> </li> <li><b>B. Original Social Security card;</b></li> <li><b>C. Identification card; and</b></li> <li><b>D. Custody Verification Letter. 7</b></li> </ul> <p><b>4) Should provide the following:</b></p> <ul style="list-style-type: none"> <li><b>E. Information about the youth's personal and family health, including a list of health care providers</b></li> <li><b>F. Death certificate(s) of parents, as appropriate</b></li> <li><b>G. Pictures or lifebook</b></li> <li><b>H. List of all schools attended</b></li> <li><b>I. Information about the youth's educational history; and</b></li> <li><b>J. List of all previous placements, including names and addresses.</b></li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>5) Will ensure the youth has completed an exit survey or will complete on youth's behalf, prior to exiting the youth from care. The survey can be found at <a href="#">Kentucky RISE</a>.</p> <p>6) May consider a special request for basic living items such as bedspread, dishes, rent, and utility deposits. The special request should not exceed two hundred fifty dollars (\$250) and requires the approval of the SRA or designee.</p> <p>The Independent Living Specialist (ILS):</p> <p>1) Will encourage youth to create a foster account and save a copy of their vital documents to their digital locker.</p> <p>2) Should provide a paper or electronic exit packet, which provides information on community resources and supports.</p> <p>For youth extending commitment:</p> <p>1) With the agreeance of the courts and DCBS, a youth in OOHC may choose to extend commitment to receive transitional living support. If the youth desires to extend commitment and DCBS is not in agreement, the ILS will advise the youth of their right to file a service complaint in accordance with 922 KAR 1:320.</p> <p>2) The SSW, ILS, and youth should develop and sign the Transitional Living Support Agreement during the ninety (90) day transition-planning meeting or prior to their court hearing to extend commitment.</p> <p>All youth on extended commitment must:</p>

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		<p>K. Maintain full-time employment (at least thirty (30) hours per week);</p> <p>L. Attend high school or a post-secondary program full-time;</p> <p>M. Work part-time and participate in a post-secondary program part-time; or</p> <p>N. Have a diagnosed disability, which precludes them from meeting the work or education requirement. Such youth should be receiving support in developing independent living arrangements.</p> <p>The youth's Transitional Living Support Agreement and plan to either work and/or attend school should be customized to the youth's individual circumstances, capabilities, and goals.</p> <p>Youth must maintain the minimum requirements for being on extended commitment. Youth who do not maintain these requirements will be placed on a probation contract. An additional FTM may also assist in reviewing and potentially renegotiating the agreement. For youth who remain noncompliant, DCBS may notify the court of their intent to terminate their commitment. In this event, the SSW must advise the youth of their right to file a service complaint in accordance 922 KAR 1:320.</p> <p>In addition to the minimum requirements above, youth on extended commitment must also:</p> <p>1) Maintain their FYI Binder;</p>

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		<p>2) Work toward milestones prescribed by the independent living guidelines for youth on extended commitment. Youth who complete the minimally required milestones will receive an incentive at their annual transition meeting;</p> <p>3) Provide monthly documentation to confirm they are meeting the work and/or school requirement. For youth placed in scattered site apartment settings, program staff will withhold stipend until the youth provides required documentation.</p> <p>Youth living in scattered site placement: Youth must be at least eighteen (18) years old to be placed in a scattered site apartment placement. However, youth should not automatically be considered appropriate for a scattered site apartment upon turning eighteen (18) years old.</p> <p>SSW should consider the following when placing a youth in a scattered site placement:</p> <ul style="list-style-type: none"> <li>• Youth should demonstrate a certain level of maturity and mastery of basic life skills prior to being placed in a scattered site apartment.</li> <li>• Has the youth earned a high school diploma?</li> <li>• Has the youth completed the independent living curriculum and received the incentive?</li> <li>• Has the youth been stable in their current placement for at least three (3) months?</li> </ul>

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		<ul style="list-style-type: none"> <li>• Is the youth currently placed in a residential setting? If yes, has a search been completed to identify a foster home for the youth? A step down to a foster home is more ideal than transitioning directly to a scattered site program.</li> <li>• Has the youth demonstrated the ability to properly administer their medication and tend to their other mental/physical health needs?</li> <li>• Has the youth demonstrated the ability to complete minimal basic life skills such as cooking meals, cleaning and maintaining home safety?</li> <li>• Has the youth created an ifoster account and saved their vital documents in a digital locker?</li> <li>• Has the youth completed a career assessment?</li> </ul> <p>SSW should also make efforts to avoid moving youth from one ILP program to another one in the same locale. SSW should work with program staff to address issues and involve the PCC liaison in central office if needed.</p> <p>For youth placed in scattered site apartment settings, program staff will withhold rent each month from their stipend and maintain the money in a savings for the youth. Program staff will provide a monthly ledger of savings balance to the youth.</p> <p>For youth placed in scattered site apartment settings, program staff and youth will complete a walk-through of the unit upon move in and</p>

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		<p>exit. The cost of repair to the unit for any damages caused by the youth may be recouped from the youth's savings, up to five hundred dollars (\$500).</p> <p>Within thirty (30) days of exiting the program, program staff must provide the youth their savings.</p> <p>Youth requesting to return to care: An eligible youth who aged out of care at eighteen (18) years old, is allowed to request his/her commitment to the cabinet prior to attaining nineteen (19) years of age. This reinstatement will allow the youth to be committed to the cabinet until the age of twenty-one (21) and to receive transition living support.</p> <ol style="list-style-type: none"> <li>1) Youth will complete a request to return to care at <a href="http://kyrise.ky.gov">kyrise.ky.gov</a> <u>Kentucky RISE</u>.</li> <li>2) Central office will notify the appropriate regional ILS of the request.</li> <li>3) The regional ILS will contact the youth and convene a meeting to give the youth an opportunity to explain why they would like to return to care. The group will also discuss potential placement options and expectations if the youth returns to care. The youth's previous social worker and/or FSOS will participate in the meeting. The youth should also be encouraged to invite any support persons to participate. The meeting can be conducted in person or by phone.</li> </ol>



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		<p>4) The county of commitment will be responsible for filing a petition with the court for the youth to be reinstated into care and will be responsible for ongoing case management.</p> <p>5) Once the youth is reinstated into the care of the cabinet, the SSW may make a referral to the regional placement coordinator (RPC) for transitional services in the county where the youth has chosen to reside. If the county is not agreeable to the youth returning to care, the ILS will advise the youth of their right to petition the court directly and provide the contact information for their previous guardian ad litem, who may assist them with the petition process. The ILS will also advise the youth of their right to file a service complaint in accordance with 922 KAR 1:320.</p> <p>For youth with disabilities, the SSW and ILS completes the following procedures, in addition to the general transition planning provisions (listed above):</p> <p><b>The SSW:</b></p> <ol style="list-style-type: none"> <li>1) Ensures youth has an updated psychological examination;</li> <li>2) Ensures the youth's case has been reviewed for SSI eligibility;</li> <li>3) Ensures an adult application is completed one hundred and eighty (180) days prior to the youth turning eighteen (18) years old, for youth receiving SSI;</li> <li>4) Completes the Kentucky Medicaid Waiver Intake Application (through the MWMA System) when appropriate, and ensures the</li> </ol>

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		<p>youth is placed on the waiting list for all applicable waiver and assistance programs. SSW should enlist the assistance of the community mental health centers in completing the application (this is to be completed upon receiving youth into DCBS custody);</p> <ol style="list-style-type: none"> <li>5) Begins seeking a guardian for youth, if it is determined that this is in the youth's best interest;</li> <li>6) Assesses family members to identify a guardian (full or limited) to assume responsibilities, outside of placement, for youth over eighteen (18) years of age;</li> <li>7) Communicates the need for a guardian with guardianship, if no appropriate family members are identified;</li> <li>8) Notifies guardianship prior to a youth transitioning from foster care, for youth with an IQ lower than seventy (70) and/or low adaptive functioning capabilities; and</li> <li>9) Shall make every effort to ensure the applicable resources such as guardianship, SSI, SCL, etc. are in place prior to a youth with an IQ lower than seventy (70) and/or low adaptive functioning capabilities transitioning from foster care.</li> </ol> <p>The ILS:</p> <ol style="list-style-type: none"> <li>1) Facilitates the transition planning meeting of the seventeen (17) year old ;</li> <li>2) Should ensure the transition plan is completed within ninety (90) days prior to the youth attaining age eighteen (18).</li> </ol>

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		<p>3) Invites the following individuals to the transition planning meetings (list is not all inclusive):</p> <ul style="list-style-type: none"> <li>A. The youth's social worker (social workers or their FSOS must participate in all transition planning meetings);</li> <li>B. Mental health provider for the youth;</li> <li>C. Adult protective services staff;</li> <li>D. Department for Behavioral Health, Developmental and Intellectual Disabilities staff; and</li> <li>E. Guardianship staff.</li> </ul> <p>4) Will ensure guardianship staff are invited to transition planning meetings for youth with disabilities, and document on the transition plan if guardianship staff is not in attendance.</p> <p>The SSW and ILS should refer to the following resources:</p> <ul style="list-style-type: none"> <li>• Youth transitioning thru foster care tip sheet;</li> <li>• Transitional Flow Chart; and</li> <li>• Transitioning Youth with Disabilities Resource Manual and webinar.</li> </ul>
1356.21(g)(5) 475(1)(E) 475(5)(E)	k. documents the steps to finalize a placement when the case plan goal is or becomes adoption or placement in another permanent home in accordance with	Protection and Permanency Operating Manual: <a href="#">Chapter 4- Out of Home Care Services (OOHC), Section: 4.18 Ongoing Case Planning:</a> The SSW [social services worker]:

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475A	sections 475(1)(E), (5)(E), and 475A(a)(1) of the Act. When the case plan goal is adoption, at a minimum such documentation shall include child-specific recruitment efforts such as the use of Tribal, State, regional, and national adoption exchanges including electronic exchange systems to facilitate orderly and timely in-State/Tribal service area and inter-State/Tribal service area placements;	<p>(12) Ensures that the following components are always documented on the case plan documentation includes (in accordance with provisions of Title IV-E of Social Security Act):</p> <p>(F) Documentation of the child specific efforts being taken to finalize a permanent placement for the child, including efforts to identify, recruit, process or approve a qualified family for (475(1)(E) and (5)(E)):</p> <ul style="list-style-type: none"> <li>i) Relative placement;</li> <li>ii) Adoption;</li> <li>iii) Legal guardianship placement</li> </ul> <p>Practice Guidance:</p> <p>Child specific recruitment efforts to find a permanent placement may include such efforts as tribal, state, regional and national adoption exchanges, and electronic exchange systems in order to facilitate orderly and timely in state and interstate placements.</p>
475(1)(F)	<p>I. For a child with respect to whom the permanency plan is placement with a relative and receipt of kinship guardian assistance payments, the State/Tribal agency shall include in the case plan a description of:</p> <ul style="list-style-type: none"> <li>i. the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted;</li> </ul>	N/A—Kentucky does not offer kinship guardian assistance payments.

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	<ul style="list-style-type: none"> <li>ii. the reasons for any separation of siblings during placement;</li> <li>iii. the reasons why a permanent placement with a fit and willing relative through a kinship guardianship assistance arrangement is in the child's best interests;</li> <li>iv. the ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment;</li> <li>v. the efforts the State/Tribal agency has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons; and</li> <li>vi. the efforts made by the State/Tribal agency to discuss with the child's parent or parents the kinship guardianship assistance arrangement, or the reasons why the efforts were not made.</li> </ul>	

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	(See also Section 6 Guardianship Assistance Program Case Plan Requirements.)	
1356.21(g)(3) 475(5)(A)	m. includes a discussion of how the case plan is designed to achieve a safe placement for the child in the least restrictive (most family-like) setting available and in close proximity to the home of the parent(s) when the case plan goal is reunification and a discussion of how the placement is consistent with the best interests and special needs of the child;	<p><a href="#">KRS 620.230 Case permanency plans</a>: Section (2)(h) The case permanency plan shall include, but need not be limited to if the placement is outside the child’s original county of residence, documentation that no closer placement is appropriate or available, and the reasons why the placement was chosen.</p> <p><a href="#">922 KAR 1:140 Foster care and adoption permanency services</a>: Section 3(3): Permanency Planning. Upon removal of a child from the child’s home, placement shall be: (a) Selected according to the least restrictive appropriate placement available, as required by KRS 620.090(2); and (b) Closest in proximity to the child’s home, in accordance with KRS 199.801.</p> <p><a href="#">922 KAR 1:310 Standards for child-placing agencies</a>: Section 14(5): (a) The foster home selected for placement shall be the most appropriate home based on the child’s needs and the strengths of the foster family. (b) The foster home shall be located as close as possible to the home of the family of origin, in order to facilitate visiting and reunification.</p> <p><a href="#">KRS 620.090 Temporary custody orders</a>: Section (2): In placing a child under an order of temporary custody, the cabinet or its designee shall use the least restrictive appropriate placement available.</p>

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		<p><a href="#">KRS 199.801 Procedure for placement of children who are in custody of department—State-level and regional placement coordinators—Types of placement—Cases of unmet need—Recruitment and reporting:</a>  Section (2)... In consultation with the social service worker, the district placement coordinator shall determine the appropriate type of placement according to the child’s circumstance and needs and shall attempt to locate the appropriate placement within the child’s home county. (3) The living arrangement and placement selected for the child shall be the type of facility that is determined to be the best alternative for the child that is in the closest proximity to the child’s home county.</p> <p>Protection and Permanency Operating Manual:  <a href="#">Chapter 4-Out of Home Care Services (OOHC); Section: 4.10 Placement in a DCBS Foster or Adoptive Home</a>: The SSW [social service worker]:</p> <ol style="list-style-type: none"> <li>1) Seeks placement for a child in an approved DCBS foster or adoptive home only when an appropriate relative home is not available;</li> <li>2) Reviews the following information prior to making a decision to place a child in a DCBS foster/adoptive home: <ol style="list-style-type: none"> <li>A) Information about the child and family found in the assessment;</li> <li>B) The child’s level of care assignment, if available;</li> <li>C) Any available documents regarding the child’s physical, mental health and educational background; and</li> <li>D) The case plan</li> </ol> </li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
475(5)(A)(i)	n. if the child has been placed in a foster family home or child-care institution a substantial distance from the home of the parent(s), in a different State, or outside of the Tribal service area, sets forth the reasons why such a placement is in the best interests of the child;	<p><a href="#">KRS 620.230 Case permanency plan</a> states in Section (2)(h): If the placement is outside the child’s original county of residence, documentation that no closer placement is appropriate or available, and the reasons why the placement made was chosen.</p> <p><a href="#">Family Case Plan Document</a></p>
475(5)(A)(ii)	o. if the child has been placed in foster care in a State or Tribal service area outside the State or Tribal service area in which the child's parent(s) are located, assures that an agency caseworker on the staff of the State or Tribal agency of the State or Tribal service area in which the home of the parents of the child is located, of the State or Tribal service area in which the child has been placed, or of a private agency under contract with either such State/Tribal agency, visits the child in such foster home or institution no less frequently than every 6 months and submits a report on the visit to the State or Tribal agency of the State or Tribal service area where the home of the child's parent(s) is located;	<p><a href="#">922 KAR 1:370 Criteria for out-of-state placement</a> states in Section 1(7): Through the Interstate Compact on Placement of Children, the Department for Community-Based Services shall request courtesy supervision for each child placed in an out-of-state facility. The department shall also request a report every six (6) months as a result of the courtesy supervision.</p> <p><a href="#">KRS 615.030 Interstate compact on the placement of children</a> (Effective until contingency is met) states in Article I (b): The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.</p> <p>Protection and Permanency Operating Manual:  <a href="#">SOP 4.12 Out of State Placement</a>  (1) The Regional Placement Coordinator (RPC) consults with the Children’s Review Program (CRP) statewide placement office...when it</p>



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		<p>has been determined that a child needs the services of an out-of-state facility and all in-state possibilities have been exhausted;</p> <p>(16) The SSW has the facility sign a <a href="#">DPP-1285R-Out of State Psychiatric Hospital/Residential Program Services Agreement</a> or similar provider agreement at the time of the child's admission to an out of state facility.</p> <p><a href="#">SOP 4.24 SSW's Ongoing Contact with Birth Family and Child, Including the Medically Complex Child</a></p> <p>...the SSW [social services worker]:</p> <p>7.Has private face to face contact in the child's placement setting annually if the child is placed out of state;</p> <p>8. When a child is placed out of state, uses progress reports, collected at least every 6 months, from a caseworker for the state agency where the placement is located or from the placement provider, to document monthly face to face contact and assess the child's progress toward case plan goals, objectives and tasks;</p> <p>9. Has monthly phone contact with the child or the child's placement when a child placed in an out-of-state setting.</p>
475(1)(G)	<p>p. a plan for ensuring the educational stability of the child while in foster care, including--</p> <p>i. assurances that each placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to</p>	<p>[475 (1)(G)(o)(i) and (ii)]</p> <p>Case plan requirements include provisions for placing the child in close proximity to their original county of residence. For the majority of children entering care, the county of residence also determines school district:</p> <p><a href="#">KRS 620.230 Case permanency plans:</a></p>

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	<p>the school in which the child is enrolled at the time of placement; and</p> <p>ii. an assurance that the State/Tribal agency has coordinated with appropriate local educational agencies (as defined under section 9101 of the Elementary and Secondary Education Act of 1965) to ensure that the child remains in the school in which the child is enrolled at the time of each placement; or</p> <p>iii. if remaining in such school is not in the best interests of the child, assurances by the State/Tribal agency and the local educational agencies to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school; and</p>	<p>Section (2)(g): A description of type of home, child-caring facility, child-placing agency or facility in which the child is to be placed or has been placed, and a statement why the placement is appropriate for the child, including but not limited to: 2. Educational needs.</p> <p>[475 (1)(G)(o)(iii)  <a href="#">KRS 605.110 ...Educational programs for committed children</a> states in Section (3)(e): When the placement of a state agency child is changed so that the state agency child must transfer from one school or educational facility to a different school or educational facility, the school or educational facility that the state agency child is leaving shall, within two (2) days of the state agency child leaving, prepare an educational passport for the child, which shall be delivered to the cabinet or the Department of Juvenile Justice. The cabinet or the Department of Juvenile Justice shall, within two (2) days of enrolling a state agency child in a new school or educational facility, present the educational passport to the receiving school or educational facility.</p> <p><a href="#">KRS 605.160 Provision of information to those caring for committed children – Show cause hearing</a> states Section 1: ...The cabinet, the Department of Juvenile Justice, and the Kentucky Department of Education shall develop a process that will result in the provision and transfer of information as required by KRS 158.137, 605.090, 605.110, 610.120, 620.145, and this section in a timely and efficient manner, including: (a) Medical passport or history; (b) Educational passport; (c) Treatment history; and (d) Current case plan.</p>

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		<p><a href="#">922 KAR 1:140 Foster care and adoption permanency services</a> states in Section 3(9): If the case conference held in compliance with KRS 620.180(2)(a)1 results in the child being placed in the custody of the cabinet, the cabinet shall develop and document a case permanency plan, using Form DPP-1281, Family Case Plan. The DPP-1281 asks for information concerning the child's immunization record, primary physician, next health examination, name and address of school, history of educational problems or needs, and assessment of educational needs.</p> <p><a href="#">4.18 Ongoing Case Planning</a></p> <p>The SSW:</p> <p>12. Ensures the following components are always documented on the case plan documentation includes (in accordance with provisions of Title IV-E of the Social Security Act):</p> <ul style="list-style-type: none"> <li>J. Objectives, tasks or other notes that constitute a plan for the child's educational stability (<a href="#">reference SOP 4.28 Meeting Educational Needs</a>) as required by Sec 475 (1)(g) and Sec 471 (a)(30) of the Social Security Act, including: <ul style="list-style-type: none"> <li>i. Assurances that the each placement takes into account the appropriateness of the child's current school setting, as well as the proximity of the placement to the child's current school at the time of placement;</li> <li>ii. Assurances that the cabinet coordinated with the local education agency to insure the child is able to attend the</li> </ul> </li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>same school where enrolled at the time of each placement; and</p> <ul style="list-style-type: none"> <li>iii. Assurances that, when a change of schools is necessary, the child will be immediately enrolled in an appropriate school, with all of the educational records of the child provided to the new school;</li> <li>iv. Verification that a child, who has attained the minimum age for compulsory school attendance, is attending school in accordance with state law; or</li> <li>v. Regularly updated medical documentation that verifies that a child is incapable of attending school;</li> </ul>
475(1)(C)	<p>q. incorporates the health and education records of the child including the most recent information available regarding:</p> <ul style="list-style-type: none"> <li>i. the names and addresses of the child's health and educational providers;</li> <li>ii. the child's grade level performance;</li> <li>iii. the child's school record;</li> <li>iv. a record of the child's immunizations;</li> <li>v. the child's known medical problems;</li> <li>vi. the child's medications; and</li> </ul>	<p><a href="#">KRS 620.230 Case permanency plans</a> states in Section (2)(g): The case permanency plan shall include, but need not be limited to: ... a statement why the placement is appropriate for the child, including but not limited to: Age; Educational needs; Medical needs; Emotional needs; Relationship with parents; and Number of children authorized to care for and the number of children currently residing in the home.</p> <p><a href="#">922 KAR 1:140 Foster care and adoption permanency services</a> states in Section 3 Permanency Planning (9): If the case conference held in compliance with KRS 620.180(2)(a) results in the child being placed in the custody of the cabinet, the cabinet shall develop and document a case permanency plan, using form <a href="#">DPP-1281 Family Case Plan</a>. The DPP-1281 asks for information concerning the child's immunization record, primary physician, next health examination, name and address of school, history of educational problems or needs, and assessment of educational needs.</p>

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	vii. any other relevant health and education information concerning the child determined to be appropriate by the State/Tribal agency.	<p>Protection and Permanency Operating Manual: Chapter 4-Out of Home Care Services (OOHC), <a href="#">Section 4.18 Ongoing Case Planning</a>: The SSW [social services worker]: (12)</p> <ul style="list-style-type: none"> <li>I. A plan for assuring that services are provided to the child and placement provider as necessary to support the placement and meet needs of the child while in foster care (Sec 475 (1)(b). Such a plan should incorporate documentation pertaining to health and education records (Sec 475 (1)(c): <ul style="list-style-type: none"> <li>i. the names and addresses of the child's health and educational providers;</li> <li>ii. the child's grade level performance;</li> <li>iii. the child's school record;</li> <li>iv. a record of the child's immunizations;</li> <li>v. the child's known medical problems;</li> <li>vi. the child's medications</li> </ul> </li> </ul> <p><a href="#">Chapter 4-Out of Home Care Services (OOHC); Section: 4.26.1 Medical Passport</a></p> <p><a href="#">Chapter 4-Out of Home Care Services (OOHC); Section: 4.28.3 Accessing Educational Records for Children and Youth in Foster Care and Guidelines for Educational Passport</a></p>
1356.21(f)	2. Case Review	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	The State/Tribal agency has a case review system which meets the requirements of sections 475(5), 475(6) and 475A of the Act and assures that:	
475(5)(B)  475A(c)(4)	<p>a. a review of each child's status is made no less frequently than once every six months either by a court or by an administrative review to:</p> <ul style="list-style-type: none"> <li>i. determine the safety of the child, the continuing need for and appropriateness of the placement;</li> <li>ii. determine the extent of compliance with the case plan;</li> <li>iii. determine the extent of progress made toward alleviating or mitigating the causes necessitating the placement; and</li> <li>iv. project a likely date by which the child may be returned and safely maintained at home or placed for adoption or legal guardianship; and</li> <li>v. for a child for whom another planned permanent living arrangement has been determined as the permanency plan, determine</li> </ul>	<p>Not required until 10/1/19 unless the title IV-E agency is implementing a delayed effective date, during which time, the title IV-E agency will not claim FFP for title IV-E prevention services under section 474(a)(6) of the Act</p> <p>Protection and Permanency Operating Manual:  <a href="#">Chapter 4-Out of Home Care Services (OOHC) ; Section: 4.18 Ongoing Case Planning</a> : The SSW [social service worker]:</p> <ol style="list-style-type: none"> <li>1. Holds case planning conference periodic reviews as appropriate or as needed, but is required to hold one within six (6) months of a child's temporary removal hearing and/or order of temporary custody or placement date of a voluntary commitment;</li> <li>2. Holds subsequent periodic reviews within six (6) months of the previous review when the child remains in OOHC;</li> <li>3. Converts the case to concurrent planning at the first periodic review, unless one of the following situations occurs: <ul style="list-style-type: none"> <li>A. An ASFA exemption has been granted by the court</li> <li>B. The case is a status case; or</li> <li>C. The goal for the case is planned permanent living arrangement, legal guardianship or emancipation;</li> </ul> </li> <li>5. Establishes a target day for achievement of the permanency goal or goals;</li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>the steps the state/tribal agency is taking to ensure the child's foster family home or child care institution is following the reasonable and prudent parent standard and to ascertain whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities; and</p> <p>vi. for a child placed in a qualified residential treatment program, evidence -</p> <p>demonstrating that ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster family home, that the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, and that the placement is consistent with the</p>	<p>11. Ensures that the periodic review includes the following:</p> <p>B) A discussion of the problems that are barriers to the child's safe return home or other permanent placement and the progress of the family and child to overcoming each barrier;</p> <p>C) A review of the appropriateness of services, including assessment and recommendations from community partners, whether services are being provided according to schedule and whether the parties, including identified fathers as outlined in SOP 4.14 Family Attachment and Involvement with expectations set for them are complying with those expectations;</p> <p>G) A review of the steps the agency is taking to ensure that the child's foster family home or child caring institution is following the reasonable and prudent parent standard, and to ascertain whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities; (Section 475 (5)(B))</p> <p>I) A decision is made, based on (a) and (b) above, whether the child may be returned home immediately and safely maintained in the home (Sec 475 (5)(B));</p> <p>21. Submits a copy of every case plan, visitation agreement, and prevention plans to the court (45 CFR 1356.21 (i)(2) and Family Court Civil Rule 29);</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>short- and long-term goals for the child, as specified in the permanency plan for the child;</p> <p>documenting the specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or services; and</p> <p>documenting the efforts made by the State/Tribal agency to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home.</p> <p>In the case of any child who is placed in a qualified residential treatment program for more than 12 consecutive months or 18 nonconsecutive months (or, in the case of a child who has not attained age 13, for more than 6 consecutive or nonconsecutive months), the State/Tribal agency shall maintain for the Secretary's</p>	



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	inspection/review the most recent versions of the evidence and documentation specified at the review hearing and the signed approval of the head of the State/Tribal agency for the continued placement of the child in that setting.	
475(6)	<p>b. if an administrative review is conducted, the following requirements will be met:</p> <ul style="list-style-type: none"> <li>i. the review will be open to the participation of the parents of the child; and</li> <li>ii. the review will be conducted by a panel of appropriate persons, at least one of whom is not responsible for the case management of, or delivery of services to either the child or the parents who are the subject of the review.</li> </ul>	<p>Protection and Permanency Operating Manual:  <a href="#">Chapter 4-Out of Home Care Services (OOHC), Section: 4.16 Participants and Notification for All OOHC Cases</a>  The SSW [social services worker]:</p> <ol style="list-style-type: none"> <li>1. Is required to invite the following individuals, not inclusive in case planning: <ul style="list-style-type: none"> <li>a. Both legal and biological parents, absent parents, non-custodial parents and family members, including identified fathers as outlined in SOP 4.15 Family Attachment and Involvement;</li> <li>b. Children, six (6) years of age and older (unless there is a clinical justification for not doing so or the SSW has evaluated the child and deems it not in child's best interest to participate);</li> <li>c. Other Cabinet staff involved, which may include the designated swift chair when the child's permanency goal is being changed to adoption and at subsequent case planning conferences as outlined in SOP 13.3 Swift Adoptions;</li> <li>d. Objective third party as required for periodic reviews;</li> </ul> </li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ul style="list-style-type: none"> <li>e. Two (2) people chosen by the children (who are not a foster parent or caseworker for the child), when the child has attained 14 years of age; (Section 475 (1)(B) of the Social Security Act)</li> <li>f. Parent's attorney, if applicable;</li> <li>g. Child's attorney, Guardian Ad Litem;</li> <li>h. County attorney;</li> <li>i. Caregiver (foster parents, PCC provider, relative, etc.); and Court Appointed Special Advocate (CASA);</li> </ul> <p>3. Is required to notify all participants of any case planning conference, ten (10) calendar days prior to the conference for all OOHC cases, excluding the ten (10) day conference;</p> <p>4. Notifies legal parents, biological parents, and/or guardians by certified mail;</p> <p>6. Documents attempts to notify absent parents and non-custodial parents;</p> <p><a href="#">Chapter 4-Out of Home Care Services (OOHC) ; Section: 4.18 Ongoing Case Planning</a></p> <p>Practice Guidance:</p> <ul style="list-style-type: none"> <li>• While the participation of the child's parents is important, the review is required within six (6) months of the child's temporary removal hearing/placement or the last periodic review, even when the parents do not attend.</li> <li>• Public Law 96-272 (IV-E) requires the participation of one objective third party in the periodic review, who is not:</li> </ul>

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		<ul style="list-style-type: none"> <li>• The case manager;</li> <li>• In the line of supervision for the case; or</li> <li>• Involved in the delivery of services to either the child or the parents.</li> <li>• Periodic reviews are scheduled on a day and time when primary participants can attend.</li> <li>• Participants are encouraged to attend, in part by convenience of schedule and sufficient notice.</li> </ul>
1356.21(h) 475(5)(C)	<p>3. Permanency Hearing</p> <p>a. To meet the requirements of the permanency hearing, the State/Tribe holds permanency hearings for all children under the responsibility for placement and care of the title IV-E/IV-B agency, including children for whom the State/Tribal agency claims Federal reimbursement for the costs of voluntary foster care maintenance payments.</p>	<p><a href="#">KRS 610.125 Permanency Hearing After Custody Given to Department of Juvenile Justice or cabinet</a> states in Section (1): If a child has been removed from the home and placed in the custody of the Department of Juvenile Justice or the cabinet, a judge of the District Court shall conduct a permanency hearing no later than twelve (12) months after the date the child is considered to have entered foster care, and every twelve (12) months thereafter if custody and out-of-home placement continues, to determine the future status of the child.</p>
1356.21(h) 475(5)(C)	<p>b. The permanency hearing takes place within 12 months of the date the child is considered to have entered foster care (as defined within the meaning of 475(5)(F)) and not less frequently than every 12</p>	<p><a href="#">KRS 610.125 Permanency hearing after custody given to Department of Juvenile Justice or cabinet</a> states in Section (1): If a child has been removed from the home and placed in the custody of the Department of Juvenile Justice or the cabinet, a judge of the District Court shall conduct a permanency hearing no later than twelve (12) months after the date the child is considered to have entered foster care, and every twelve (12)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	months thereafter during the continuation of foster care.	months thereafter if custody and out-of-home placement continues, to determine the future status of the child.
1356.21(h)(2) 471(a)(15)(E)(i)	c. When a court determines that reasonable efforts to return the child home are not required, a permanency hearing is held within 30 days of that determination, unless the requirements of the permanency hearing are fulfilled at the hearing in which the court determines that reasonable efforts to reunify the child and family are not required.	<a href="#">KRS 610.125 Permanency hearing after custody given to Department of Juvenile Justice or cabinet</a> states in Section (2): If the cabinet or the Department of Juvenile Justice determines that reasonable efforts to reunify the child with the child's parent will not be made, the cabinet or Department of Juvenile Justice shall file a case permanency plan as defined by KRS 620.230 or case progress report with the court that documents the reasons for not making reasonable efforts. The court shall hold a permanency hearing within thirty (30) days of the filing of the cabinet's or Department of Juvenile Justice's plan or report with the Court.
1356.21(b)(3) 475(5)(C) 471(a)(15)(E)(i)  <b>475A(c)(4)</b>	d. For the purposes of this requirement, a permanency hearing shall determine:  i. the permanency plan for the child that includes whether, and if applicable when, the child will be returned to the parent, or placed for adoption and the State/Tribe will file a petition for termination of parental rights, or referred to legal guardianship, or only in the case of a child who has attained 16 years of age (in cases where the State/Tribal	<a href="#">KRS 610.125 Permanency hearing after custody given to Department of Juvenile Justice or cabinet</a> (1) Section (1): If a child has been removed from the home and placed in the custody of...the cabinet, a judge of the District Court shall conduct a permanency hearing no later than twelve (12) months after the date the child is considered to have entered foster care, and...[t]he court shall address the following areas: (a) If parental rights have not been terminated, whether the child should be returned to the parent; (b) Whether the child should be placed for adoption; (c) Whether the child should be placed with a permanent custodian; and (d) Whether the cabinet has documented a compelling reason that it is in the best interest of the child who is age 16 or older to be placed in

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	<p>agency has documented to the court a compelling reason for determining, as of the date of the hearing, that it would not be in the best interest of the child to return home, be referred for termination of parental rights, or be placed for adoption, with a fit and willing relative, or with a legal guardian) placed in another planned permanent living arrangement subject to section 475A(a) of the Act;</p> <p>ii. in the case of a child who will not be returned to the parent, the hearing shall consider in-State/Tribal service area and out-of-State/Tribal service area placement options;</p> <p>iii. in the case of a child placed out of the State/Tribal service area in which the home of the parent(s) of the child is located, the hearing shall determine whether the out-of-State/Tribal service area placement continues to be appropriate and in the best interests of the child;</p>	<p>another planned permanent living arrangement other than those listed in this subsection.</p> <p>ii. <a href="#">KRS 610.125 Permanency hearing after custody given to Department of Juvenile Justice or cabinet</a> Section (4) The Department of Juvenile Justice or the cabinet shall present evidence to the court concerning the care and progress of the child since the last permanency hearing, including the following: (b) The number, location, and date for each placement during the total period of the child's commitment; (g) An evaluation of the child's current placement and services provided to the child;</p> <p>State notation regarding item iii: The state requires the evaluation of the placement regardless of whether or not the placement is out of state.</p>

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	<p>iv. in the case of a child who has attained age 14, the services needed to assist the child to make the transition from foster care to successful adulthood;</p> <p>v. in any permanency hearing held with respect to the child, including any hearing regarding the transition of the child from foster care to successful adulthood, procedural safeguards shall be applied to assure the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child; and</p> <p>vi. if a child has attained 14 years of age, the permanency plan developed for the child, and any revision or addition to the plan, shall be developed in consultation with the child and, at the option of the child, with not more than 2 members of the permanency planning team who are selected by</p>	<p>iv.  <a href="#">KRS 610.125 Permanency hearing after custody given to Department of Juvenile Justice or cabinet</a>            Section (4) The Department of Juvenile Justice or the cabinet shall present evidence to the court concerning the care and progress of the child since the last permanency hearing, including the following:            (f) Recommendations of services needed to make the transition from out-of-home care to independent living for children who have reached the age of fourteen (14) years;</p> <p>v. (Safeguards Regarding Consultation With Child)  <a href="#">KRS 610.125 Permanency hearing after custody given to Department of Juvenile Justice or cabinet</a>            (1)(d) [During annual permanency hearing, for a child with a PPLA goal,]... the court shall:            1. Ask the child about the desired permanency outcome;</p> <p><a href="#">KRS 610.060 Duty of court upon formal proceeding -- Right to attend proceeding -- Payment for counsel:</a>            (1) If the Circuit or District Court determines that a formal proceeding is required in the interest of the child or to determine the truth or falsity of the allegations against the child, the court shall, when the child is brought before the court: (a)...shall appoint counsel for the child, as provided in subsection (2) of this section...</p>

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	<p>the child and who are not a foster parent of, or caseworker for, the child, except that the state or tribal agency may reject an individual so selected by the child if the agency has good cause to believe that the individual would not act in the best interests of the child, and 1 individual so selected by the child may be designated to be the child's advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent standard to the child; and</p> <p>vii. for a child placed in a qualified residential treatment program, evidence -</p> <p>demonstrating that ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster family home, that the placement in a qualified residential treatment</p>	<p>vi.</p> <p><a href="#">4.17 Preparation for and Completion of the Ten (10) Day Conference Prior to the 10 (ten) calendar day conference the SSW:</a></p> <p>8. Includes the child or children, when age appropriate, in case planning efforts;</p> <p>10. Permits a child who has attained fourteen (14) years to designate up to two (2) additional people to participate in the case planning conference, one of whom may be designated as the child's advisor, and when necessary, to advocate with respect to the application of the reasonable and prudent parent standard; (Section 475 (1)(B) of the Social Security Act)</p> <p>Protection and Permanency Operating Manual: <a href="#">Chapter 4-Out of Home Care Services (OOHC); Section: 4.18 Ongoing Case Planning states:</a></p> <p>Prior to all periodic reviews, the SSW [social services worker]:</p> <p>6. Includes the child or children, when age appropriate, in case planning efforts;</p> <p>8. Permits a child who has attained fourteen (14) years of age to designate up to two (2) additional people to participate in the case planning conference, one of whom may be designated as the child's advisor, and when necessary to advocate with respect to the application of the reasonable and prudent parent standard; (Section 475 (1)(B) of the Social Security Act)</p> <p>Footnote 3 for both 4.17 and 4.18:</p>

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	<p>program provides the most effective and appropriate level of care for the child in the least restrictive environment, and that the placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child;</p> <p>documenting the specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or services; and</p> <p>documenting the efforts made by the State/Tribal agency to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home.</p> <p>In the case of any child who is placed in a qualified residential treatment program for more than</p>	<p>3. The SSW, in consultation with the FSOS, may at any time reject a person selected by the child if the worker has good cause to believe the individual would not act in the best interests of the child. (Section 475 (1)(B) of the Social Security Act)</p> <p><del>vii. Not required until 10/1/19 unless the title IV-E agency is implementing a delayed effective date, during which time, the title IV-E agency will not claim FFP for title IV-E prevention services under section 474(a)(6) of the Act</del></p> <ul style="list-style-type: none"> <li><b><u>KRS 620.180 Administrative regulations</u></b></li> </ul> <p><b><u>SOP 4.51.1 Placement in Congregate Care (Residential Treatment)</u></b></p> <p><b>The Family First Prevention Services Act (FFPSA) sets forth guidelines and requirements for the placement of youth in residential treatment facilities, in addition to their ongoing treatment, discharge, and aftercare planning. The Act mandates the creation of a family and permanency team (FPT) who will inform the child's qualified residential treatment program (QRTP) assessment and placement decision-making process. In order to identify residential facilities that meet a high standard of care, FFPSA requires states to recognize the designation of QRTP. These programs must provide trauma-informed treatment modalities, provide family engagement and treatment, have trauma-informed staff, and provide ongoing aftercare for the youth and their family. FFPSA requires that youth be placed in a family-like setting,</b></p>



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	<p>12 consecutive months or 18 nonconsecutive months (or, in the case of a child who has not attained age 13, for more than 6 consecutive or nonconsecutive months), the State/Tribal agency shall submit to the Secretary the most recent versions of the evidence and documentation specified at the permanency hearing and the signed approval of the head of the State/Tribal agency for the continued placement of the child in that setting.</p>	<p>unless their individual treatment needs require a higher level of care. In order to determine the appropriateness of a child's placement in residential treatment, an evidenced-based assessment will be conducted by a qualified individual within the first thirty (30) days of the youth's placement in a residential setting, or sooner if possible.</p> <p><b>Practice Guidance</b></p> <p>Placement in residential treatment will be based on the treatment needs of the youth. All efforts should be made to secure placement in a QRTP. Placement in programs that have not been designated QRTPs will be considered only when QRTP placement options have been exhausted. The Children's Review Program (CRP) will maintain a list of QRTPs; CRP will make placement referrals for residential treatment per the Department for Community Based Services' (DCBS) policy.</p> <p>The QRTP assessment should be initiated as soon as residential treatment is being considered for a child. It is best practice that the QRTP assessment informs placement decisions. Utilizing the clinical recommendations in the QRTP assessment to inform placement decisions prior to placement will minimize disruptions in treatment and trauma to the child.</p> <p><b>Procedure:</b></p> <p>If a youth is being considered or referred for residential treatment, or if the youth is placed in a residential treatment program, the SSW:</p>

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		<ol style="list-style-type: none"> <li>1) Communicates by email with CRP to coordinate the thirty (30) day QRTP assessment and provides a copy of the 886a and DPP-1275; 1</li> <li>2) Identifies members of the youth's FPT. This team shall consist of : <ol style="list-style-type: none"> <li>a) All appropriate family members;</li> <li>b) Relatives and fictive kin;</li> <li>c) Community partners;</li> <li>d) Private child caring (PCC) agency staff; and</li> <li>e) Child-Focused Recruitment Model (CFRM) specialist (if assigned).</li> </ol> </li> <li>3) Convenes a family team meeting (FTM), including members of the youth's FPT and the CRP QRTP assessor. This FTM will be utilized to provide input during the thirty (30) day QRTP assessment process; 2</li> <li>4) Receives from CRP the QRTP assessment, including recommendations, within thirty (30) calendar days of the date of QRTP placement;</li> <li>5) Submits the <a href="#">QRTP Hearing Request Form</a> to the court within five (5) business days of the child's placement in a QRTP in order to: <ol style="list-style-type: none"> <li>a) Notify the court that the youth was placed in a QRTP; and</li> <li>b) Request a court review to occur no later than sixty (60) calendar days from the youth entering the QRTP to advise the court of the QRTP assessment's recommendations.</li> </ol> </li> <li>6) Provides the QRTP assessment to the court no later than thirty-five (35) calendar days from the date of placement; 3</li> <li>7) Ensures selection of the special population indicators in TWIST if any of the following are present:</li> </ol>

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		<p>a) Victim of labor trafficking;  b) Current or previous allegations of sex trafficking;  c) AWOL history;  d) Pregnant youth; and/or  e) Parenting youth (including fathers).</p> <p>If placement in a QRTP is not recommended in the QRTP assessment, the SSW:</p> <ol style="list-style-type: none"> <li>1) Submits an updated 886A and treatment recommendations to the Recruitment and Certification (R&amp;C) team for a new placement search. If there are no DCBS homes available, the search will be sent to the CRP placement gatekeeper for further search; 4</li> <li>2) Collaborates with the child's placement and the identified relative, fictive kin, or foster placement to facilitate a transition of the youth within thirty (30) days of the QRTP assessment;</li> <li>3) Notifies the court that the QRTP hearing is no longer needed.</li> </ol> <p>If QRTP placement is recommended in the QRTP assessment, the SSW:</p> <ol style="list-style-type: none"> <li>1) Provides a copy of the QRTP assessment to the QRTP provider as soon as possible;</li> <li>2) Ensures that a court review is scheduled to provide the court with the recommendations of the QRTP assessment, including both short-term and long-term treatment goals. The court will make a determination regarding the youth's placement or continued placement in the QRTP. 5 6 If the youth will be moved from the</li> </ol>

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		<p>QRTP, SSW will follow the steps above regarding transition to a new placement;</p> <p>3) Invites the FPT to an FTM during a time that is convenient to the family members. During this FTM, the team will update the case plan to include recommendations from the QRTP assessment no later than the periodic case plan review. 7 The following shall be documented on the case plan:</p> <ul style="list-style-type: none"> <li>a) List of team members invited and whether they attended;</li> <li>b) Updated copy of the DPP-1275 attached to case plan;</li> <li>c) If the goal is return to parent, whether the parent(s) had input in the plan, and their feedback related to placement preference; and 8</li> <li>d) Consideration to sibling relationships, (i.e., family treatment, visitation).</li> </ul> <p>4) Assesses the youth's progress on their short-term and long-term goals recommended in the initial QRTP assessment on a regular basis, including during monthly consultation with FSOS and regional out-of-home (OOHC) consultation;</p> <p>5) Updates the court on the following at every court hearing/review:</p> <ul style="list-style-type: none"> <li>a) Ongoing assessment of the strengths and needs of the youth in their current setting;</li> <li>b) The youth's need to remain in the residential setting;</li> <li>c) Specific treatment and service needs being met by the placement;</li> <li>d) Length of time placement expected;</li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>e) Documentation of agency efforts to prepare the youth for their next placement in a least restrictive setting, (i.e., foster family home, relative, or parents); and</p> <p>f) <u>Residential Treatment Placement Extension Request</u>, if applicable.</p> <p>6) Consults with the treatment provider prior to discharge in order to ensure appropriate aftercare planning. Aftercare planning shall include:</p> <p>a) Referrals to new service providers; and</p> <p>b) The plan for the QRTP's monthly contact with the family and new service providers. 9</p> <p>7) Coordinates with the treatment team to convene an FTM with the FPT to discuss the youth's discharge and treatment recommendations. The new placement provider should be included in the FTM. 10 11 13</p> <p>If a youth is placed in residential treatment, the SSW:</p> <p>1) Submits justification utilizing the <u>Residential Treatment Placement Extension Request</u> to the Commissioner or designee for every youth age thirteen (13) and older that is placed in a residential treatment program for twelve (12) consecutive months or eighteen (18) non-consecutive months; 12</p> <p>2) Submits justification utilizing the Residential Treatment Extension Request template to the Commissioner or designee for every youth</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>under age thirteen (13) that is placed in a residential treatment program for six (6) months. 12</p> <p>For additional guidance, please see <u>SOP 4.35 Reunification, Including Extended Visitation, Case Planning, and Transitional Supports to Families.</u></p> <p>Placement of Children Twelve and Under in Congregate Care</p> <p>The SSW shall not refer a child twelve or under for placement in a PCC residential treatment program except under special circumstances, and with the necessary approval. The SSW:</p> <ol style="list-style-type: none"> <li>1. Submits a special request to the SRA to request an exception if it is determined that a child age twelve (12) or under is in need of PCC residential treatment. This request includes: <ol style="list-style-type: none"> <li>1. A brief explanation of child and family's current situation; and</li> <li>2. A justification for residential treatment being the least restrictive setting that most closely meets the child's treatment needs.</li> </ol> </li> <li>2. Submits a special request through the SRA to the director of the Division of Protection and Permanency (DPP), to request an exception, if it is determined that a child age ten (10) or under is in need of PCC residential treatment. This request includes: <ol style="list-style-type: none"> <li>1. A brief explanation of child and family's current situation; and</li> </ol> </li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ol style="list-style-type: none"> <li>2. A justification for residential treatment being the least restrictive setting that most closely meets the child's treatment needs.</li> <li>3. Submits a special request through the SRA to the director of the Division of Protection and Permanency (DPP) to request an exception if it is determined that a child ages three (3) to six (6) is in need of PCC residential treatment. The request includes: <ol style="list-style-type: none"> <li>1. Documentation from the residential PCC facility staff that there is no less restrictive placement available to meet the child's mental health, physical, or behavioral needs; and</li> <li>2. Verification that the residential child-caring facility: <ol style="list-style-type: none"> <li>1. Is also licensed to provide emergency shelter services;</li> <li>2. Provides adequate space for the child that is protected from children who are age ten (10) and older;</li> <li>3. Provides sight and sound segregation of the child from children who are age ten (10) and older while the child engages in: <ol style="list-style-type: none"> <li>1. Sleeping;</li> <li>2. Personal hygiene; and</li> <li>3. Toiletry.</li> </ol> </li> <li>4. Provides staff supervision that supports the child's individual treatment plan.</li> </ol> </li> </ol> </li> <li>4. Places a hardcopy of the exception approval/denial in the case file and uploads the document into TWIST.</li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p><b>Contingencies and Clarifications</b></p> <ol style="list-style-type: none"> <li>1. FFPSA identifies the following specialized populations: <ol style="list-style-type: none"> <li>1. The youth is pregnant or parenting (including fathers);</li> <li>2. The youth is placed in a supervised independent living program and is over the age of eighteen (18);</li> <li>3. The youth has had previous or confirmed allegations involving sex trafficking;</li> <li>4. The youth has had a history of AWOL or runaway behaviors; and</li> <li>5. The youth has current or previous Department for Juvenile Justice (DJJ) commitment.</li> </ol> </li> <li>2. FFPSA designates specialized residential treatment settings providing tailored services to meet the unique needs of children belonging to a special population as identified by the Act.</li> <li>3. QRTP assessments are required for all children being referred for or placed in residential treatment settings with the following exception: <ol style="list-style-type: none"> <li>1. Children in a specialized population placed in a corresponding specialized treatment program as an emergency after hours placement and without a referral through CRP. 11</li> <li>2. If a child is identified as belonging to a specialized population and is placed in a corresponding specialized treatment program, a court review is not required;</li> </ol> </li> </ol>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>3. Whether or not the youth falls into a special population category, it is imperative that the youth be placed in the least restrictive setting most appropriate to meet their clinical treatment needs; 13</p> <p>4. If placement in residential treatment is necessary, all efforts should be made to secure a program based on the treatment needs of the youth.</p> <p>5. Prior to PCC facilities accepting a medically complex youth, they are required to submit a written plan addressing how they will meet the medical needs of the youth. This plan is submitted to the medically complex liaison, who forwards it to the Medical Support Section. A copy is also placed in the child's case file.</p> <p><b>Footnotes</b></p> <p>1. If the SSW has not initiated the QRTP assessment prior to a youth's placement in a QRTP, TWIST will automatically initiate a QRTP assessment with CRP at the time of placement. If the SSW has not initiated the QRTP assessment prior to a youth's placement in a QRTP, TWIST will automatically initiate a QRTP assessment with CRP at the time of placement.</p> <p>2. SSW will obtain all the required signatures on the <u>DCBS-1 Informed Consent and Release of Information and Records</u> and/or <u>DCBS-1A Informed Consent and Release of</u></p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p><u>Information Records Supplement</u> form, and ensure that the appropriate parties sign the assessor's releases of information.</p> <ol style="list-style-type: none"> <li>3. If the QRTP assessment does not recommend placement in a QRTP for the youth, a court review is not required.</li> <li>4. Placement within close proximity to the youth's school, community, and within the county they have resided with their family is preferable to promote attachment and positive outcomes in treatment.</li> <li>5. The order related to the QRTP determination must be signed, dated, and entered within sixty (60) calendar days. The SSW should document the court review in TWIST.</li> <li>6. If the judge's determination is contradictory with the recommendations of the QRTP assessment, staff may consult with regional management and central office for further guidance.</li> <li>7. TWIST will provide data surrounding the short-term and long-term recommendations upon the completion of the QRTP assessment. Best practice would be is to hold an FTM as soon as possible to modify the case plan to reflect these recommendations.</li> <li>8. SSW will document parental input and preferences regarding the placement in the case plan under the appropriateness of the placement section of the child/youth action plan. If a child's QRTP assessment outcome is different than the wishes of the FPT, the case plan must also outline why the assessment does not recommend those preferences.</li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>9. QRTP providers are required to provide monthly aftercare support upon the youth's discharge to a lower level of care, which will include documentation in TWIST. This may be phone contact if distance is a barrier. SSW may need to assist with releases of information between the PCC agency and a new provider to ensure continuity of care.</p> <p>10. If placement in a residential treatment program is being considered, SSW should include the CRP QRTP assessor in any FTM scheduled to discuss a youth's discharge and treatment recommendations.</p> <p>11. If a child transitions from one QRTP to another, a new QRTP assessment and sixty (60) day court review are required.</p> <p>12. Review of "long-term" residential treatment placement is specific to each placement, meaning that the clock would reset for subsequent placement in a new residential treatment program.</p> <p>13. If SSW is aware that residential treatment is being considered for a child, SSW may initiate the QRTP assessment process and provide a copy of the DPP-1275 as soon they begin to plan for the child's next steps, but no later than the time of placement. When possible, the QRTP assessment should be completed prior to placement in a residential treatment program. The SSW may advocate with the child's discharging placement to negotiate an extended notice in order to allow time for the QRTP assessment to be completed prior to the child's transition.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
475(5)(C)	e. Procedural safeguards are also to be applied with respect to parental rights pertaining to the removal of the child from the home of his/her parents, to a change in the child's placement, and to any determination affecting visitation privileges of parents.	<p>(General Safeguards--would be applied to any aspect of parental rights with regard to removal, visitation, or a change in placement.)</p> <p><a href="#">KRS 620.155 Appeals:</a> Any interested party aggrieved by a proceeding under KRS 610.010 (2) (d) [a reference to district court jurisdiction pertaining to juveniles found to be dependent, neglected, or abused] including the parent, child, guardian ad litem, the cabinet, and the county attorney may appeal from the juvenile court to the Circuit Court as a matter of right in the manner provided in the Kentucky Rules of Civil Procedure. The Circuit Court may order that the child may be removed to a suitable place, pending the appeal, if it appears by affidavit or sworn testimony that the child would be in imminent danger if left with or returned to his or her parents, guardian, or other person party to the appeal.</p> <p>(Removal of the Child) <a href="#">KRS 620.110 Petition for immediate entitlement to custody:</a> Any person aggrieved by the issuance of a temporary removal order may file a petition in Circuit Court for immediate entitlement to custody and a hearing shall be expeditiously held according to the Rules of Civil Procedure. During the pendency of the petition for immediate entitlement the orders of the District Court shall remain in effect. (Visitation—3 references) 1) <a href="#">KRS 620.150 Visitation:</a> Following an order that a child shall be removed from his home, the cabinet shall establish such terms and conditions of visitation with the child after consultation with the parent or other person exercising</p>

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		<p>custodial control or supervision of the child. If the parent or other person is dissatisfied with the visitation schedule, they may petition the court for review of the visitation schedule. The court, after reviewing all of the circumstances surrounding the case, may alter the visitation schedule if it finds the schedule set up by the cabinet has been arbitrary or unreasonable.</p> <p>2) <a href="#">DPP-154A Notice of Intended Action</a></p> <p>3) <a href="#">922 KAR 1:320. Service appeals:</a>  Section 2. Right to Appeal. (1) A parent may request review of the following through an administrative hearing: (a) Denial, reduction, modification, suspension, or termination of child welfare services provided by the cabinet.</p> <p>(Placement Safeguards—3 references—Per agency procedure, the parent would be consulted about changes when circumstances permit, would always receive notice about such changes, and could request a court review through district court per <a href="#">1) KRS 620.155 Appeals.</a>):</p> <p>1) Protection and Permanency Operating Manual: <a href="#">Chapter 4-Out of Home Care Services (OOHC) Section: 4.10 Placement in a DCBS Foster or Adoptive Home</a></p> <p>The SSW:  3. Seeks consultation from members of the family team, especially the child, regarding placement decisions;</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>2) Protection and Permanency Operating Manual: <a href="#">Chapter 4- Out of Home Care (OOHC), Section : 4:46 Movement from a DCBS Foster or Adoptive Home (OOHC); Section: 4.46 Movement from a DCBS Foster or Adoptive Home</a></p> <p>Procedure: The SSW: 1. Follows guidelines found on <a href="#">Placement Change Tip Sheet</a> in addition to the following procedures when it is determined that movement of a child from a DCBS resource home is necessary in order to accomplish timely legal permanence;</p> <p>3) Protection and Permanency Operating Manual: <a href="#">Placement Change Tip Sheet</a></p> <ul style="list-style-type: none"> <li>• Attempt to notify the parent of the placement change by the next working day in an emergency situation.</li> <li>• Send the parent a DPP-154A Notice of Intended Action, ten (10) days prior to the move if parental rights are intact.</li> </ul>
1356.21(h)(3)	f. If the State/Tribal agency concludes, after considering reunification, adoption, legal guardianship, or permanent placement with a fit and willing relative, that the most appropriate permanency plan for a child is placement in another planned permanent living arrangement, the State/Tribal agency	<p><a href="#">Chapter 4-Out of Home Care Services (OOHC); Section: 4.18 Ongoing Case Planning states:</a> Annual Periodic Reviews and Permanency Hearings The SSW: 10. Ensures the dispositional report [to the court] includes sufficient documentation of the information discussed and reviewed during the periodic review to include:</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	will document to the court the compelling reason for the alternate plan in accordance with 475A.	<p>F. The steps the agency is taking to ensure that the child’s foster family home or child caring institution is following the reasonable and prudent parent standard, and information about whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities (Section 475 (5)(B));</p> <p>G. Documentation of (only for a child who has attained 16 years of age) a compelling reason for the selection of the goal of APPLA (Section 475 (5)(B))</p> <p>H. Documentation, for children with a goal of APPLA, of intensive, ongoing, and as of the date of the court hearing, unsuccessful efforts to return the child home or secure a placement for the child with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent, including efforts that utilize search technology (including social media) to find biological family members for the children (Section 475A);</p> <p><a href="#">KRS 610.125 Permanency hearing after custody given to Department of Juvenile Justice or cabinet</a> (1): If a child has been removed from the home and placed in the custody of...the cabinet, a judge of the District Court shall conduct a permanency hearing no later than twelve (12) months after the date the child is considered to have entered foster care, and...address the following areas:</p> <p>(d) Whether the cabinet has documented a compelling reason that it is in the best interest of the child who is age sixteen (16) or older, to be placed in another planned permanent living arrangement other than</p>

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		<p>those listed in this subsection. Prior to the approval of this permanency goal, the court shall:</p> <ol style="list-style-type: none"> <li>1. Ask the child about the desired permanency outcome; and</li> <li>2. Make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child and provide compelling reasons why it continues not to be in the best interest of the child to— return home, be placed for adoption, be placed with a legal guardian, or be placed with a fit and willing relative or fictive kin.</li> </ol>
1356.21(h)(4)	g. When an administrative body, appointed or approved by the court, conducts the permanency hearing, the procedural safeguards set forth in the definition of permanency hearing will be extended by the administrative body.	N/A: In Kentucky, only the court of jurisdiction conducts permanency hearings for children in the custody or commitment of the state agency.
475(5)(D)	<p>4. Health and Education Records</p> <p>a. A child's health and education records are reviewed and updated, and a copy of the record is supplied to the foster parent or foster care provider with whom the child is placed, at the time of each placement of the child in foster care.</p>	<p>Protection and Permanency Operating Manual: Chapter 4-Out of Home Care Services (OOHC), <a href="#">Section 4.18 Ongoing Case Planning</a>:</p> <p>The SSW:</p> <p>10) Ensures that the periodic review includes the following:</p> <p>E) The child’s health, including mental health and educational history and current status are reviewed and the plan for meeting the child’s needs is reviewed</p> <p>Protection and Permanency Operating Manual: Chapter 4—Out of Home Care Services:</p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>b. The child's health and education records are supplied to the child at no cost at the time the child leaves foster care if the child is leaving foster care by reason of having attained the age of majority under State/Tribe law.</p>	<p><a href="#">4.26.1 Medical Passport:</a> The SSW: 2) Provides the medical passport to the caregiver upon initial removal and ensures the medical passport stays with the child throughout his/her stay in out of home care (OOHC); 3) Utilizes the medical passport forms, or documentation provided by the medical/mental health professional, to document the physical and mental health care services that a child received prior to entry, and after entry into OOHC; 4) Provides the child's medical passport to the child's custodian and maintains a copy of the medical passport in the case file when the child is released from Cabinet commitment.</p> <p>Protection and Permanency Operating Manual: Chapter 4—Out of Home Care Services: <a href="#">4.28.3 Accessing Educational Records for Children and Youth in Foster Care and Guidelines for Educational Passports:</a> The SSW or designated staff, ensures that the following tasks are completed when a state agency foster child transfers from one school to another: 4) Obtains a copy of the completed Educational Passport form from the transferring school, within two (2) days, and provides that to the child's new school, within two (2) days of receipt; 7) Includes information from an educational passport in the assessment and addresses services that meet the needs of the child in the child/youth action plan section of the case plan.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>Protection and Permanency Operating Manual:  <a href="#">Chapter 4.29.2 Transition Planning for Youth Aging out of OOHC or Extending Commitment</a>            9) The SSW [social services worker] provides the youth with the following items (when available) prior to transition of a youth from OOHC to employment, education nor other setting (these items are provided at no cost to the youth):            B) Information about the youth's personal and family health, including a list of health care providers;            E) Pictures or Lifebook;            F) List of all schools attended;            G) Information about the youth's educational history;</p> <p><a href="#">KRS 620.145 Cabinet's Assessment of Child's Educational Needs</a> states in Section (6): The Cabinet for Health and Family Services shall provide a copy of the assessment required by subsection (1) of this section to the foster parent, or other agency or entity providing residential care to a committed child, within five (5) days of filing the assessment with the court.</p>
1356.21(o) 475(5)(G)	<p>5. Notice</p> <p>The State/Tribe provides the foster parent(s) of a child and any pre-adoptive parent or relative providing care for the child with timely notice of and a right to be</p>	<p><a href="#">KRS 610.125 Permanency Hearing After Custody Given to--- Department of Juvenile Justice or cabinet</a> (3) The Department of Juvenile Justice or the cabinet shall inform the court not less than sixty (60) days prior to the expiration of the time in which the hearing shall be held and within the time established in subsection (1) of this section, and shall further inform the court of the name and address of the child's foster parents,</p>

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	<p>heard in any proceeding to be held with respect to the child during the time the child is in the care of such foster parent, pre-adoptive parent, or relative caregiver. Notice of and a right to be heard does not require the State/Tribe to make the caregiver a party to the proceeding.</p>	<p>pre-adoptive parents, fictive kin, or relatives providing care to the child; court-appointed special advocate; and foster care review board member assigned to the case. For the hearing to be held pursuant to subsection (2) of this section, the names and addresses of the persons identified in this subsection shall be provided in the case permanency plan or case progress report to be filed with the court. The court shall set a time for the hearing and notify the child's parent, foster parents, pre-adoptive parents, fictive kin, or relatives providing care to the child and who also shall have a right to be heard; court-appointed special advocate; foster care review board member assigned to the case; attorney for the child; attorney for the parent, if any; and the Department of Juvenile Justice or the cabinet.</p> <p>(5)(a) The child's parent, foster parent, pre-adoptive parent, fictive kin, or relative providing care to the child shall have the right to be heard; and (b), The attorney for the parent, attorney for the child, or court-appointed special advocate, if deemed appropriate by the court, may present any evidence relevant to the determination of a permanency goal for the child.</p>
475(5)(l)	<p>6. Annual Credit Reports</p> <p>Each child in foster care under the responsibility of the State/Tribal agency who has attained 14 years of age receives without cost a copy of any consumer report (as defined in section 603(d) of the Fair</p>	<p><a href="#">Chapter and Section 4.65 Credit Reports for Youth in Foster Care</a></p> <p>For youth who are fourteen (14) and older:</p> <ol style="list-style-type: none"> <li>1. Central office staff request a credit check annually for all youth who have attained 14 years of age, and shares the results with the FSOS, who in turn, forwards them on to the appropriate SSW.</li> <li>2. If no credit history is found, the SSW discusses the results with the youth and maintains a copy in youth's case file, annually.</li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	Credit Reporting Act) pertaining to the child each year until the child is discharged from care, and receives assistance (including, when feasible, from any court-appointed advocate for the child) in interpreting and resolving any inaccuracies in the report.	<p>3. If issues are discovered with the youth's credit history, the SSW assists the youth in resolving these issues by following guidelines on:</p> <p>A. The Administration for Children and Families website; and</p> <p>B. The Consumer Financial Protection Bureau website.</p> <p>4. The SSW notifies the central office point person at (502) 564-2147, once issues are resolved.</p>
475(5)(l)	<p>7. Official Documents.</p> <p>Each child leaving foster care by reason of having attained 18 years of age or such greater age as the State has elected under 475(8), unless the child has been in foster care for less than 6 months, must be discharged from care with an official or certified copy of the United States birth certificate of the child, a social security card issued by the Commissioner of Social Security, health insurance information, a copy of the child's medical records, and a driver's license or identification card issued in accordance with the requirements of section 202 of the REAL ID Act of 2005, and any official documentation necessary to prove that the child was previously in foster care.</p>	<p><a href="#">4.29.2 Transition Planning for Youth Aging Out of OOHC or Extending Commitment</a></p> <p>Introduction</p> <p>Youth aging out of foster care should be provided with the following documents:</p> <ul style="list-style-type: none"> <li>• certified birth certificate;</li> <li>• original social security card;</li> <li>• identification card;</li> <li>• insurance card; and</li> <li>• commitment verification letter</li> </ul> <p>The birth certificate can be ordered from Vital Statistics, at no charge, with the submission of the application and Commitment Verification Letter. Birth certificate can be ordered by the youth, any DCBS representative, foster parent, or private childcare agency.</p> <p>Practice Guidance</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>The birth certificate can be ordered from Vital Statistics, at no charge, with the submission of the application and Commitment Verification Letter. Birth certificate can be ordered by the youth, any DCBS representative, foster parent, or private childcare agency.</p> <p>Procedure:</p> <ol style="list-style-type: none"> <li>9. The SSW provides the youth with the following items (when available) prior to transition of a youth from OOHC to employment, education or other setting (these items are provided at no cost to the youth): <ol style="list-style-type: none"> <li>A. Social security card;</li> <li>B. Information about the youth's personal and family health, including a list of health care providers;</li> <li>C. Original birth certificate;</li> <li>D. Death certificate(s) of parents, as appropriate;</li> <li>E. Pictures or lifebook;</li> <li>F. List of all schools attended;</li> <li>G. Information about the youth's educational history;</li> <li>H. An identification card; and</li> <li>I. List of all previous placements, including names and addresses.</li> </ol> </li> <li>10. The SSW or ILC provides the exiting youth, at age eighteen (18), a packet of information, which includes the following: <ol style="list-style-type: none"> <li>A. List of health care providers located near the youth's residence;</li> </ol> </li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ul style="list-style-type: none"> <li>B. List of emergency phone numbers for crisis hotlines, police, fire, medical emergency and drug/poison centers;</li> <li>C. Medical card or other insurance information;</li> <li>D. Employment resume, based on the youth's part-time or full-time employment;</li> <li>E. Letters of reference to future employers;</li> <li>F. List of counseling services;</li> <li>G. List of contact persons who can help with employment, vocational training and other appropriate services as listed on the youth's aftercare plan; and</li> <li>H. Living will directives and health care surrogate designation.</li> </ul>
472(h)(1) 473(b)(1) & (b)(2)	<p>E. MEDICAL AND SOCIAL SERVICES</p> <p>1. For purposes of titles XIX and XX, any child with respect to whom foster care maintenance payments are made under this section will be deemed a dependent child as defined in section 406 of the Act (as so in effect 7/16/1996) and shall be deemed to be a recipient of aid to families with dependent children under Part A of this title (as so in effect 7/16/1996). Title XIX and XX services will be available to such child in the State in which the child resides.</p>	<p>E1</p> <p><a href="#">907 KAR 20:005 Medicaid technical eligibility requirements not related to a modified adjusted gross income standard or former foster care individuals.</a></p> <p>States in Section 1 (1) and (2): An individual receiving Title IV-E benefits, SSI benefits, or optional or mandatory state supplement shall be eligible for Medicaid as a categorically-needy individual.</p> <p>(2) The following classifications of persons shall be considered categorically needy and eligible for Medicaid participation as categorically needy:</p> <p>(a) A child in a foster family home or private child-caring facility dependent on a governmental or private agency;</p> <p>(c) A child in a subsidized adoption dependent on a governmental agency;</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>2. For the purposes of titles XIX and XX, any eligible child for whom there is a kinship guardianship assistance payment being made under section 473(d) is deemed to be a dependent child as defined in 406 of the Act and is deemed to be a recipient of AFDC under part A of title IV of the Act (as in effect 7/16/96) in the State in which such child resides.</p>	<p>(h) A child who:</p> <ol style="list-style-type: none"> <li>1. Was receiving SSI benefits on August 22, 1996; and</li> <li>2. Except for the change in definition of childhood disability would continue to receive SSI benefits</li> </ol> <p>E2: Kentucky does not have a kinship guardianship assistance program.</p>
471(a)(14)	<p>F. SPECIFIC GOALS IN STATE/TRIBAL LAW</p> <p>1. The State/Tribal agency formulates for each fiscal year, a specific goal as to the maximum number of children (in absolute numbers or as a percentage of all children in foster care receiving assistance under a title IV-E program) who at any given time during the fiscal year will have been in foster care for over 24 months. The specific foster care goals required under section 471(a)(14) of the Act are incorporated into State or Tribal law by statute or administrative regulation with the force of law.</p>	<p><a href="#"><u>KRS 199.467 Adoption of Goals by secretary as to maximum number of children in foster care each fiscal year</u></a> states: Pursuant to the requirements of the Adoption Assistance and Child Welfare Act of 1980, Pub. L. 96-272, 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.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	2. The State/Tribal agency will describe the steps that will be taken to achieve the specific goal established.	<a href="#">922 KAR 1:140 Foster care and adoption permanency services</a> states in Section 2 Children in Care: Unless the secretary of the cabinet or designee approves an exception based on overall trends in the foster care population, the maximum number of children who receive foster care in excess of twenty four (24) months shall be 3,000 during a state fiscal year.
1356.21(b) 471(a)(15)(A)& (B)	G. PREVENTIVE AND REUNIFICATION SERVICES  1. Reasonable efforts. The State/Tribal agency makes reasonable efforts to maintain the family unit and prevent the unnecessary removal of a child from his/her home, as long as the child's safety is assured; to effect the safe reunification of the child and family (if temporary out-of-home placement is necessary to ensure the immediate safety of the child); and to make and finalize alternate permanency plans in a timely manner when reunification is not appropriate or possible. In determining reasonable efforts to be made with respect to a child and in making such reasonable efforts, the child's health and safety is the State/Tribal agency's paramount concern.	<a href="#">KRS 620.090 Temporary custody orders:</a> (1) If, after completion of the temporary removal hearing, the court finds there are reasonable grounds to believe the child is dependent, neglected or abused, the court shall issue an order for temporary removal and shall grant temporary custody to the cabinet or other appropriate person or agency. Preference shall be given to available and qualified relatives of the child considering the wishes of the parent or other person exercising custodial control or supervision, if known. <u>The order shall state the specific reasons for removal and show that alternative less restrictive placements and services have been considered.</u> The court may recommend a placement for the child. [emphasis added]  <a href="#">KRS 620.140 Dispositional alternatives:</a> (1) In determining the disposition of all cases brought on behalf of dependent, neglected, or abused children, the juvenile session of the District Court, in the best interest of the child, shall have, but shall not be limited to, the following dispositional alternatives: (c) Removal of the child to the custody of an adult relative, fictive kin, other person, or child-caring facility or child-placing agency, taking into consideration the wishes of the parent or



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>other person exercising custodial control or supervision. Before any child is committed to the cabinet or placed out of his home under the supervision of the cabinet, <u>the court shall determine that reasonable efforts have been made by the court or the cabinet to prevent or eliminate the need for removal and that continuation in the home would be contrary to the welfare of the child...</u> [emphasis added]</p> <p>Protection and Permanency Operating Manual:  <a href="#">Chapter 1-Fundamentals of Practice; Section: 1.2 Reasonable Efforts:</a>  The SSW [social service worker]:</p> <ol style="list-style-type: none"> <li>1. Uses information from prior assessments in TWIST, consultations from other professionals working with the family or other collateral information to create a prevention plan or case plan appropriate to the identified risks and safety issues within the family;</li> <li>2. Makes appropriate referrals to services designed to support the family and keep the family together or to reunify the family if possible;</li> <li>3. Maintains appropriate contact with the family and children, as outlined in SOP, to observe and assess their needs and progress or lack of progress;</li> <li>4. Updates the prevention plan and/or case plan to the changing needs of the family;</li> <li>5. Intensifies services, as appropriate and reasonable, to ensure the safety of family members;</li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>6. Documents these reasonable efforts to provide the family with supports and services to avoid unnecessary separation of a child from the family or reunify the child with the parent(s) and enable the child to safely live with the parent(s) at home;</p> <p>7. Documents reasonable efforts in the case record.</p> <p>If court activity becomes necessary based on identified risks or safety issues, the SSW:</p> <ol style="list-style-type: none"> <li>1. Demonstrates reasonable efforts to the satisfaction of the court, or that the lack of reasonable efforts or preventive services was necessary for the immediate safety of the child;</li> <li>2. Obtains the judicial determination that reasonable efforts were provided or that the lack of reasonable efforts was necessary for the child's safety in order for a child to receive title IV-E benefits.</li> </ol> <p>Practice Guidance: Under the provisions of the Adoption and Safe Families Act (ASFA), reasonable efforts to preserve or reunify the family are not required when the court has determined that aggravated circumstances exist. The SSW is responsible for providing reasonable efforts or aggravated circumstances to the court's satisfaction. For procedures pertaining to court process, refer to SOP Chapter 11-Court.</p>
471(a)(15)(C)	2. If continuation of reasonable efforts as described in section 471(a)(15)(B) of the Act is determined to be inconsistent with the permanency plan for the child,	<p><a href="#">KRS 620.230 Case permanency plans</a>: (2) The case permanency plan shall include, but need not be limited to:</p> <p>(e) If the child is placed outside the home, reasons why the child cannot be protected adequately in the home, the harms the child may suffer if</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	reasonable efforts are made to place the child in a timely manner in accordance with the permanency plan including, if appropriate, through an interstate placement, and to complete whatever steps are necessary to finalize the permanent placement of the child.	<p>left in the home, factors which may indicate when the child can be returned to the home, and efforts the cabinet or others are making to return the child to the home;</p> <p>(i) A description of the services for the child and his family to be provided or arranged by the cabinet to facilitate the return of the child to his own home or to another permanent placement;</p> <p>(k) A projected schedule of time intervals by which each of the services, objectives, and tasks outlined in the case permanency plan should be accomplished and a schedule of time intervals which have already been accomplished or are in the process of accomplishment;</p> <p>Protection and Permanency Operating Manual:  <a href="#">Chapter 4-Out of Home Care Services (OOHC); Section: 4.18 Ongoing Case Planning</a>: The SSW:</p> <p>3. Converts the case to concurrent planning at the first periodic review, unless one of the following situations occurs:</p> <ul style="list-style-type: none"> <li>A. An ASFA exemption has been granted by the court;</li> <li>B. The case is a status case; or</li> <li>C. The goal for the case is planned permanent living arrangement, legal guardianship or emancipation;</li> </ul>
1356.21(b)(1)(i)&(ii)	<p>3. Judicial determination of reasonable efforts to prevent a child's removal from the home.</p> <p>a. When a child is removed from his/her home, the judicial determination, as to</p>	<p><a href="#">KRS 620.080 Temporary removal hearing</a></p> <p>(1) Unless waived by the child and his parent or other person exercising custodial control or supervision, a temporary removal hearing shall be held:</p> <p>(a) Within seventy-two (72) hours, excluding weekends and holidays, of the time when an emergency custody order is issued or when a child is</p>

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	<p>whether reasonable efforts were made or were not required to prevent the removal, is made no later than 60 days from the date the child is removed from the home.</p> <p>b. If the determination concerning reasonable efforts to prevent the removal is not made as specified above, the child is not eligible under the title IV-E foster care maintenance payments program for the duration of that stay in foster care.</p> <p>(Tribes, see also section 7 for use of nunc pro tunc orders.)</p>	<p>taken into custody without the consent of his parent or other person exercising custodial control or supervision; and</p> <p>(b) In cases commenced by the filing of a petition, within ten (10) days of the date of filing.</p> <p><a href="#">KRS 620.140 Dispositional alternatives</a> states in Section (1) In determining the disposition of all cases brought on behalf of dependent, neglected, or abused children, the juvenile session of the District Court, in the best interest of the child, shall have, but shall not be limited to, the following dispositional alternatives: ... (c) Removal of the child to the custody of an adult relative, other person, or child-caring facility or child-placing agency, taking into consideration the wishes of the parent or other person exercising custodial control or supervision. Before any child is committed to the cabinet or placed out of his home under the supervision of the cabinet, the court shall determine that reasonable efforts have been made by the court or the cabinet to prevent or eliminate the need for removal and that continuation in the home would be contrary to the welfare of the child.</p>
1356.21(b)(2)(i)	<p>4. Judicial determination of reasonable efforts to finalize a permanency plan.</p> <p>a. The State/Tribal agency obtains a judicial determination that it has made reasonable efforts to finalize the permanency plan that is in effect (whether the plan is reunification, adoption, legal guardianship,</p>	<p>Protection &amp; Permanency Operating Manual:  <a href="#">Chapter 31 Section 2 Title IV-E Eligibility and Reimbursability:</a>  Title IV-E provides for federal payments to the states for foster care maintenance and adoption assistance payments made on behalf of eligible children...The SSW [social service worker]: 1) Notifies the CBW [children's benefits worker] on the day that the agency assumes legal responsibility for the supervision and care of a child; 4) Ensures that: B. The court certifies that, within the last twelve (12) months, reasonable</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>placement with a fit and willing relative, or placement in another planned permanent living arrangement) within 12 months of the date the child is considered to have entered foster care in accordance with the definition at section 1355.20 of the regulations, and at least once every 12 months thereafter while the child is in foster care.</p> <p>(Tribes, see also section 7 for use of nunc pro tunc orders.)</p>	<p>efforts are being made to finalize a permanency plan or that reasonable efforts to reunify the child and family are not required (must be made at least every twelve months or eligibility will cease); or C. the court that orders voluntary commitment contains the appropriate judicial determination within one-hundred, eighty (180) days from when the children were removed.</p> <p>At the annual permanency hearing the court enters an order regarding the disposition of the child's court case. Court procedure regarding judicial determinations is standardized through the use of the court forms that capture the judge's orders. (See attached AOC court forms and Family Court Civil Rules—pages 30 and 32)</p>
1356.21(b)(2)(i)	<p>b. If such a judicial determination regarding reasonable efforts to finalize a permanency plan is not made, the child becomes ineligible under title IV-E from the end of the 12th month following the date the child is considered to have entered foster care or the end of the 12th month following the month in which the most recent judicial determination of reasonable efforts to finalize a permanency plan was made, and remains ineligible until such a judicial determination is made.</p>	<p>Protection &amp; Permanency Operating Manual: <a href="#">Chapter 31 Section 2 Title IV-E Eligibility and Reimbursability</a> states that: Title IV-E provides for federal payments to the states for foster care maintenance and adoption assistance payments made on behalf of eligible children... The SSW [social services worker] 4. Ensures that: B. The court certifies that, within the last twelve (12) months, reasonable efforts are being made to finalize a permanency plan or that reasonable efforts to reunify the child and family are not required (must be made at least every twelve months or eligibility will cease).</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	(Tribes, see also section 7 for use of nunc pro tunc orders.)	
1356.21(b)(3) 471(a)(15)(D)	5. Reasonable efforts are not required to prevent a child's removal from home or to reunify the child and family if the State/Tribal agency obtains a judicial determination that such efforts are not required because:	
1356.21(b)(3)(i) ) 471(a)(15)(D)	a. a court of competent jurisdiction has determined that the parent has subjected the child to aggravated circumstances (as defined in State/Tribal law, which definition may include but need not be limited to abandonment, torture, chronic abuse, and sexual abuse);	<a href="#">KRS 610.127 Parental circumstances negating requirement for reasonable efforts to reunify child with family</a> Reasonable efforts as defined in KRS 620.020 shall not be required to be made with respect to a parent of a child if a court of competent jurisdiction determines that the parent has: (1) Subjected the child to aggravated circumstances as defined in KRS 600.020; (3) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent;

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		<p><a href="#">KRS 600.020 Definitions for KRS Chapters 600 to 645:</a></p> <p>(3) "Aggravated circumstances" means the existence of one (1) or more of the following conditions:</p> <p>(a) The parent has not attempted or has not had contact with the child for a period of not less than ninety (90) days;</p> <p>(b) The parent is incarcerated and will be unavailable to care for the child for a period of at least one (1) year from the date of the child's entry into foster care and there is no appropriate relative placement available during this period of time;</p> <p>(c) The parent has sexually abused the child and has refused available treatment;</p> <p>(d) The parent has been found by the cabinet to have engaged in abuse of the child that required removal from the parent's home two (2) or more times in the past two (2) years; or</p> <p>(e) The parent has caused the child serious physical injury</p>
1356.21(b)(3)(i) i) 471(a)(15)(D)	<p>b. a court of competent jurisdiction has determined that the parent has been convicted of:</p> <p>i. murder (which would have been an offense under section 1111(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of</p>	<p><a href="#">KRS 610.127 Parental circumstances negating requirement for reasonable efforts to reunify child With family</a> states:</p> <p>Reasonable efforts as defined in KRS 620.020 shall not be required to be made with respect to a parent of a child if a court of competent jurisdiction determines that the parent has:</p> <p>(2) Been convicted in a criminal proceeding of having caused or contributed to the death of another child of the parent;</p> <p>(3) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>the United States) of another child of the parent;</p> <p>ii. voluntary manslaughter (which would have been an offense under section 1112(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of the parent;</p> <p>iii. aiding or abetting, attempting, conspiring, or soliciting to commit such a murder or such a voluntary manslaughter; or</p> <p>iv. a felony assault that results in serious bodily injury to the child or another child of the parent; or</p>	
1356.21(b)(3)(i) ii) 471(a)(15)(D)	c. the parental rights of the parent with respect to a sibling have been terminated involuntarily.	<a href="#">KRS 610.127 Parental circumstances negating requirement for reasonable efforts to reunify child with family</a> states: Reasonable efforts as defined in KRS 620.020 shall not be required to be made with respect to a parent of a child if a court of competent jurisdiction determines that the parent has: (4) Had their parental rights to another child terminated involuntarily;
1356.21(b)(4) 471(a)(15)(F)	6. Concurrent planning.	<a href="#">620.230 Case permanency plans</a> (2) The case permanency plan shall include, but need not be limited to:



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	<p>a. Reasonable efforts to finalize an alternate permanency plan may be made concurrently with reasonable efforts to reunify the child and family.</p> <p>b. Reasonable efforts to place a child for adoption or with a legal guardian, including identifying appropriate in-State/Tribal service area and out-of-State/Tribal service area placements, may be made concurrently with reasonable efforts to reunify the child and family.</p>	<p>(i) A description of the services for the child and his family to be provided or arranged by the cabinet to facilitate the return of the child to his own home or to another permanent placement</p> <p>Protection and Permanency Operating Manual:  <a href="#">Chapter 4-Out of Home Care Services (OOHC) ; Section: 4.18 Ongoing Case Planning:</a>  The SSW:  3. Converts the case to concurrent planning at the first periodic review, unless one of the following situations occurs:  A. An ASFA exemption has been granted by the court;  B. The case is a status case; or  C. The goal for the case is planned permanent living arrangement, legal guardianship or emancipation;  4. Determines the permanency goal or goals that are in the best interest of the child;  5. Establishes a target date for achievement of the permanency goal or goals;</p> <p>Practice Guidance:</p> <ul style="list-style-type: none"> <li>When the child cannot return home immediately or be safely maintained in the home, alternative permanency goals will be considered. The SSW, for example, may choose “Return to Parent” as a permanency goal and at the same time, have and alternate permanency objective and tasks in the OOHC section of the case plan.</li> </ul>

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1356.21(b)(5)	<p>7. Use of the Federal Parent Locator Service.</p> <p>The State/Tribal agency may seek the services of the Federal Parent Locator Service to search for absent parents at any point in order to facilitate a permanency plan.</p>	<p>Protection and Permanency Operating Manual: Use of the locator service is described in the <i>Absent Parent and Relative Search Handbook</i> as referenced in <a href="#">Chapter: Chapter 4-Out of Home Care Services (OOHC; Section: 4.3 Relative and Absent Parent Search:</a> The SSW [social service worker] (9): Refers to the <a href="#">Absent Parent and Relative Search Handbook</a> if more details are needed.</p>
1356.21(i)(1)  475(5)(E)	<p>H. TERMINATION OF PARENTAL RIGHTS</p> <p>1. The State/Tribe will file a petition (or, if such a petition has been filed by another party, seek to be joined as a party to the petition) to terminate the parental rights of a parent(s):</p>	
1356.21(i)(1)(i)	<p>a. whose child has been in foster care under the responsibility of the State/Tribal agency for 15 of the most recent 22 months. The petition must be filed by the end of the child's 15th month in foster care. In calculating when to file a petition for termination of parental rights, the State/Tribe:</p> <p>i. will calculate the 15 out of the most recent 22 month period from the</p>	<p><a href="#">KRS 610.125 Permanency hearing after custody given to Department of Juvenile Justice or cabinet.</a> (1) If a child has been removed from the home and placed in the custody of the Department of Juvenile Justice or the cabinet, a judge of the District Court shall conduct a permanency hearing no later than twelve (12) months after the date the child is considered to have entered foster care, and every twelve (12) months thereafter if custody and out-of-home placement continues, to determine the future status of the child. For purposes of this section, a child shall be considered to have entered foster care on the earlier of the date of the first judicial finding that the</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>date the child entered foster care as defined at section 475(5)(F) of the Act;</p> <p>ii. will use a cumulative method of calculation when a child experiences multiple exits from and entries into foster care during the 22 month period;</p> <p>iii. will not include trial home visits or runaway episodes in calculating 15 months in foster care; and</p> <p>iv. only applies section 475(5)(E) of the Act to a child once if the State/Tribe does not file a petition because one of the exceptions applies;</p>	<p>child has been subjected to child abuse or neglect or the date that is sixty (60) days after the date on which the child is removed from the home.</p> <p>Protection and Permanency Operating Manual:  <a href="#">Chapter 11-CPS Court, Section: 11.36 Involuntary Termination of Parental Rights (TPR):</a>  Once a child has been OOHC for fifteen (15) of the last forty eight (48) months, state law requires the agency to file for termination of parental rights, unless there are compelling reasons not to file. The agency may elect not to file or join a petition to terminate the parental rights of a parent if:</p> <ol style="list-style-type: none"> <li>the child is being cared for by a relative;</li> <li>the agency has documented in the case plan (which must be available for court review) a compelling reason for determining that filing such a petition would not be in the best interests of the individual child; or</li> <li>the agency has not provided to the family, consistent with the time period in the case plan, services deemed necessary for the safe return of the child to the home, when reasonable efforts to reunify the family are required. (45 CFR 1356.21 (i)(2)).</li> </ol> <p><a href="#">Permanency Goals in OOHC Cases Tip Sheet:</a>  Under requirements of 2018 Ky. Acts ch. 159 (a.k.a., House Bill 1):</p> <ul style="list-style-type: none"> <li>The worker is required to file a petition for termination when</li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ul style="list-style-type: none"> <li>○ Aggravated circumstances exist and/or the family does not make sufficient progress toward achieving the objectives specified in the case plan;</li> <li>○ <u>The child has been in OOHC for fifteen (15) of the most recent forty eight (48) months and the District or Family court concurs with the goal of adoption, a TPR petition is filed before the fifteenth (15th) month ends;</u></li> <li>○ <u>The 15 of forty eight (48) months must be calculated:</u> <ul style="list-style-type: none"> <li>▪ <u>Cumulatively when a child experiences multiple exits from and entries into foster care during the forty eight (48) month period;</u></li> <li>▪ <u>To exclude trial home visits or runaway episodes</u></li> </ul> </li> <li>● An exception for the SSW proceeding with TPR may be granted only by a Judge for compelling reasons, such as: <ul style="list-style-type: none"> <li>○ A relative is caring for the child and the plan is for permanent relative placement or guardianship;</li> <li>○ TPR would not be in the child's best interest and the case plan documents the appropriateness of this decision; or</li> <li>○ Services deemed necessary for the safe return of the child have not been provided to the family of the child within the time period specified in the case plan.</li> </ul> </li> </ul>
1356.21(i)(1)(ii) )	b. whose child has been determined by a court of competent jurisdiction to be an abandoned infant (as defined under State/Tribal law). The petition to terminate parental rights is made within 60 days of	<a href="#"><u>KRS 620.350 Abandoned newborn infant -- Emergency custody order -- No investigation of abandonment -- Placement in foster home -- Inquiry to ensure that infant is not missing child -- Involuntary termination of parental rights.</u></a> states:

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	the judicial determination that the child is an abandoned infant; or	<p>(2) Upon notice from any emergency medical services provider or hospital staff that a newborn infant has been abandoned at a hospital, the cabinet shall immediately seek an order for emergency custody of the infant.</p> <p>(3) At the temporary removal hearing required by KRS 620.080, if the court places temporary custody with the cabinet, the custody order shall remain in effect for a minimum of thirty (30) days.</p> <p>(4) During the initial thirty (30) days of placement, the cabinet shall request assistance from law enforcement officials to investigate through the Missing Child Information Center established by KRS 17.450 and other national resources to ensure that the infant is not a missing child.</p> <p>(5) As soon as practicable following the thirty (30) day placement period, the cabinet shall file a petition in Circuit Court seeking the involuntary termination of parental rights of the unknown parents and authority to place the child for adoption in accordance with KRS Chapter 625.</p>
1356.21(i)(1)(ii) i)	c. who has been convicted of one of the felonies listed above. Under such circumstances, the petition to terminate parental rights is to be made within 60 days of a judicial determination that reasonable efforts to reunify the child and parent are not required.	<p>Protection and Permanency Operating Manual  <a href="#">Chapter 11-CPS Court, Section: 11.36 Involuntary Termination of Parental Rights (TPR):</a>  Practice Guidance:</p> <ul style="list-style-type: none"> <li>• Per federal law (45 CFR 1356.21 (i)(1)(iii)), if a waiver of efforts has been granted because of the parents previous felony conviction, the petition for termination must be filed within 60 days of the judicial determination that reasonable efforts to reunify are not required. Applicable convictions under Kentucky statute include: <ul style="list-style-type: none"> <li>-A situation where the parent caused or contributed to the death of another child of the parent;</li> </ul> </li> </ul>


Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		-A felony assault that resulted in serious bodily injury to the child or to another child of the parent;
1356.21(i)(2)	<p>2. The State/Tribe may elect not to file or join a petition to terminate the parental rights of a parent of this section if:</p> <p>a. at the option of the State/Tribal agency, the child is being cared for by a relative;</p> <p>b. the State/Tribal agency has documented in the case plan (which must be available for court review) a compelling reason for determining that filing such a petition would not be in the best interests of the individual child; or</p> <p>c. the State/Tribal agency has not provided to the family, consistent with the time period in the case plan, services that the State/Tribal agency deems necessary for the safe return of the child to the home, when reasonable efforts to reunify the family are required.</p>	<p><a href="#">922 KAR 1:140 Foster care and adoption permanency services</a> states in Section 6 Adoption (2) The cabinet shall request an exception for proceeding with involuntary termination of parental rights pursuant to subsection (1)(b) of this section, if:</p> <p>(a) A relative or fictive kin placement has been secured;</p> <p>(b) Termination is not in the best interest of the child, for a compelling reason:</p> <ol style="list-style-type: none"> <li>1. Documented in the case permanency plan; and</li> <li>2. Monitored on a continual basis; or</li> </ol> <p>(c) A service necessary for return to parent has not been provided within the time period specified in the case permanency plan.</p> <p>Protection and Permanency Operating Manual:  <a href="#">Chapter 11-CPS Court, Section: 11.36 Involuntary Termination of Parental Rights (TPR):</a>  Once a child has been OOHC for fifteen (15) of the last forty eight (48) months, state law requires the agency to file for termination of parental rights, unless there are compelling reasons not to file. The agency may elect not to file or join a petition to terminate the parental rights of a parent if:</p> <p>d. the child is being cared for by a relative;</p> <p>e. the agency has documented in the case plan (which must be available for court review) a compelling reason for determining that</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>filing such a petition would not be in the best interests of the individual child; or</p> <p>f. the agency has not provided to the family, consistent with the time period in the case plan, services deemed necessary for the safe return of the child to the home, when reasonable efforts to reunify the family are required. (45 CFR 1356.21 (i)(2)).</p> <p><a href="#">Permanency Goals in OOHC Cases Tip Sheet:</a></p> <p>Under requirements of 2018 Ky. Acts ch. 159 (a.k.a., House Bill 1):</p> <ul style="list-style-type: none"> <li>• The worker is required to file a petition for termination when <ul style="list-style-type: none"> <li>○ Aggravated circumstances exist and/or the family does not make sufficient progress toward achieving the objectives specified in the case plan;</li> <li>○ <u>The child has been in OOHC for fifteen (15) of the most recent forty eight (48) months and the District or Family court concurs with the goal of adoption, a TPR petition is filed before the fifteenth (15th) month ends;</u></li> <li>○ <u>The 15 of forty eight (48) months must be calculated:</u> <ul style="list-style-type: none"> <li>▪ <u>Cumulatively when a child experiences multiple exits from and entries into foster care during the forty eight (48) month period;</u></li> <li>▪ <u>To exclude trial home visits or runaway episodes</u></li> </ul> </li> </ul> </li> <li>• An exception for the SSW proceeding with TPR may be granted only by a Judge for compelling reasons, such as: <ul style="list-style-type: none"> <li>○ A relative is caring for the child and the plan is for permanent relative placement or guardianship;</li> </ul> </li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ul style="list-style-type: none"> <li>○ TPR would not be in the child’s best interest and the case plan documents the appropriateness of this decision; or</li> <li>○ Services deemed necessary for the safe return of the child have not been provided to the family of the child within the time period specified in the case plan.</li> </ul>
1356.21(i)(3)	3. When the State/Tribe files or joins a petition to terminate parental rights, it concurrently begins to identify, recruit, process, and approve a qualified adoptive family for the child.	<a href="#">Chapter 11-CPS Court, Section: 11.36 Involuntary Termination of Parental Rights (TPR):</a>  The SSW: 20. From the point at which the petition is filed, or when the agency joins a petition to TPR, the agency begins working simultaneously with R&C as appropriate to identify, recruit, process, and approve a qualified family for adoption. (Title IV-E, Section 475 (5)(E) of the Social Security Act and 45 CFR 1356.21 (i)(3))
1355.20(a) 475(5)(F)	I. DATE CHILD CONSIDERED TO HAVE ENTERED FOSTER CARE  A child will be considered to have entered foster care on the earlier of:  1. the date of the first judicial finding that the child has been subjected to child abuse or neglect; or  2. the date that is 60 days after the date on which the child is removed from the home.	<a href="#">KRS 610.125 Permanency hearing after custody given to Department of Juvenile Justice or cabinet</a> Section (1) For purposes of this section, a child shall be considered to have entered foster care on the earlier of the date of the first judicial finding that the child has been subjected to child abuse or neglect or the date that is sixty (60) days after the date on which the child is removed from the home.



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
1356.21(d) 472(a)(1)	<p>J. DOCUMENTATION OF JUDICIAL DETERMINATION</p> <p>The judicial determinations regarding contrary to the welfare, reasonable efforts to prevent removal, and reasonable efforts to finalize the permanency plan in effect, including judicial determinations that reasonable efforts are not required, are explicitly documented and made on a case-by-case basis and so stated in the court order.</p> <p>1. If the reasonable efforts and contrary to the welfare judicial determinations are not included as required in the court orders, a transcript of the court proceedings is the only other documentation accepted to verify that these required determinations have been made.</p> <p>2. Neither affidavits nor nunc pro tunc orders will be accepted as verification documentation in support of reasonable efforts and contrary to the welfare judicial determinations, except as provided in</p>	<p>Embedded court process ensures that judicial determinations are explicitly documented and made on a case by case basis. Per the <a href="#">Kentucky Family Court Rules of Procedures and Practice (FCRPP)</a></p> <p>Rule 19 (1): A petition pursuant to KRS Chapter 620 shall contain the contents of the official AOC form, AOC-DNA-1, Dependency, Neglect or Abuse Petition In proceedings, involving siblings, separate petitions shall be filed for each child and individual case numbers shall be assigned by the clerk of the court, but all siblings' files shall be assigned to the same judge.</p> <p>Rule 21 (1): Adjudication Hearing. The order entered at the hearing shall contain the contents of the official AOC form, AOC-DNA-4, Order-Adjudication Hearing, which is available for use in compliance with this rule (2) Disposition Hearing. The order entered at the hearing shall contain the contents of the official AOC form, AOC-DNA-5, Order-Disposition Hearing, which is available for use in compliance with this rule. (3) Permanency Hearing. The order entered at the hearing shall contain the contents of the official AOC form, AOC-DNA-6, Order-Disposition Hearing, which is available for us in compliance with this rule.</p> <p>Judicial determinations are entered for each child and explicitly documented on the court forms.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>479B(c)(ii) of the Act and for Tribes. (See section 7.C. of this plan.)</p> <p>3. Court orders that reference State/Tribal law to substantiate judicial determinations are not acceptable, even if the law provides that a removal must be based on a judicial determination that remaining in the home would be contrary to the child's welfare or that removal can only be ordered after reasonable efforts have been made, except as applied to Tribes in section 7 of this plan regarding use of nunc pro tunc orders.</p> <p>(Tribes see section 7 for nunc pro tunc orders.)</p>	
1356.21(e)	<p>K. TRIAL HOME VISITS</p> <p>A trial home visit may not exceed six months in duration, unless the court orders a longer trial home visit. If a trial home visit extends beyond six months and has not been authorized by the court, or exceeds the time period the court has deemed appropriate, and the child is subsequently returned to foster care, that</p>	 <p><b>Protection and Permanency Operating Manual:</b>  <a href="#">Chapter 31-Standards of Practice Regarding Title IV-E, Medicaid and Other Applicable Benefits; Section: 31.3 Required IV-E Judicial Determination:</a>  <b>For IV-E determination:</b></p> <ul style="list-style-type: none"> <li>Each time a child is returned to and removed from the home, a new court order with the required IV-E judicial determinations must be obtained.</li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>placement must then be considered a new placement and title IV-E eligibility must be newly established. Under these circumstances, the judicial determinations regarding contrary to the welfare and reasonable efforts to prevent removal are required.</p>	<ul style="list-style-type: none"> <li>Occasionally a child in <del>out-of-home-care</del> <b>OOHC</b> care is returned to the removal home for the purpose of a trial home visit. If a crisis occurs that necessitates removal of the child during the home visit, it is not necessary to obtain a new court order authorizing the second removal if the SSW documented in the case plan's visitation agreement that the purpose of the child's placement in the removal home is for a trial visit. If the child's trial visit extends beyond six (6) months, then it is necessary to obtain a new court order authorizing removal, which contains the required judicial determinations, unless the court has ordered a longer trial home visit.</li> </ul>
471(a)(24)	<p><b>L. TRAINING</b></p> <p>Before a child in foster care is placed with prospective foster parents, the prospective foster parents are adequately prepared with the appropriate knowledge and skills to provide for the needs of the child. As necessary, such preparation is continued after placement of the child, and includes knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally-appropriate activities, including knowledge and skills relating to</p>	<p><a href="#">KRS 199.011 Definitions for chapter (14)</a> "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C. sec. 675(10);</p> <p><a href="#">KRS 199.650 Authorized activities of child-caring facilities or child-placing agencies -- Child-caring facility to designate on-site official to apply reasonable and prudent parent standard.</a></p> <p>(3) Each licensed child caring facility shall designate an on-site official who is trained and authorized to apply the reasonable and prudent parent standard as defined Section 1 of this Act in accordance with 42 USC sec 671.</p> <p><a href="#">KRS 600.020 Definitions for chapter</a></p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child, and applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural and social activities, including sports, field trips and overnight activities lasting one or more days and involving the signing of permission slips and arranging transportation for the child to and from</p>	<p>(2) "Age or developmentally-appropriate" has the same meaning as in 42 U.S.C. sec. 675(11);  <del>(532)</del> "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C. sec. 675(10);</p> <p><a href="#">922 KAR 1:310 Standards for child-placing agencies</a> states in Section 4 Evaluation of an Applicant (11) If an applicant is approved as a foster home, adoptive home, or respite care provider by a state agency or another child-placing agency, a child-placing agency shall:</p> <p>(a) Conduct a home study in accordance with subsections (2), (3), and (5) of this section; and</p> <p>(b)</p> <p>Document that the applicant meets training requirements in accordance with Section 5, 7, 10, 13, or <del>189</del> of this administrative regulation. If an applicant lacks training in accordance with this paragraph, the child-placing agency shall, prior to placement of a child in the home:</p> <p>1. Provide training in accordance with Section 5, 7, 10, 13, or <del>189</del> of this administrative regulation; or 2.a. Develop an individualized curriculum to fulfill unmet training needs; and b.</p> <p>Document the applicant's compliance with the individualized curriculum.</p> <p><a href="#">922 KAR 1:350 Requirements for public child welfare agency foster parents, adoptive parents, and respite care providers</a> Section 6.</p> <p>Preparation and Selection of a Foster or Adoptive Home</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	extracurricular enrichment and social activities.	<p>(1) The cabinet shall recruit a foster or adoptive home and approve the home prior to the placement of a child.</p> <p>(2) Prior to approval as a foster or adoptive parent, an applicant shall complete training requirements in accordance with 922 KAR 1:495.</p> <p><a href="#">922 KAR 1:495 Training requirements for foster parents, adoptive parents, and respite care providers for children in the custody of the cabinet</a></p> <p>Section 1 Definitions</p> <p>(9) “Reasonable and prudent parent” is defined by 42 USC 675 (10)</p> <p>Section 2 General Training Requirements</p> <p>(2) (a) A foster or adoptive parent applicant shall complete a minimum of fifteen (15) hours of curricula in the following topic areas:</p> <p>15. Reasonable and prudent parent standard</p> <p><a href="#">2020 PCC/PCP Agreement</a></p> <p><a href="#">Training Catalog Link</a></p> <p>Protection &amp; Permanency Operating Manual: Pre-service training requirements are described in <a href="#">Section: 12.5 Pre-Service Training Requirements for Foster and Adoptive Parent Applicants</a>. Ongoing training requirements are described in <a href="#">Chapter-12.5 Ongoing Training</a>.</p>
475(8)	M. DEFINITION OF ‘CHILD’	<a href="#">KRS 620.140 Dispositional alternatives:</a>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>For the purposes of the title IV-E foster care program under section 472, the term ‘child’ means:</p> <ol style="list-style-type: none"> <li>1. an individual who has not attained 18 years of age; or</li> <li>2. at the option of the state/Tribal agency an individual— <ol style="list-style-type: none"> <li>a. who is in foster care under the responsibility of the title IV-E agency</li> <li>b. who has attained 18 years of age but who has not attained 19, 20, or 21 years of age (as elected and indicated by the title IV-E agency), and</li> <li>c. who meets any of the following conditions: <ol style="list-style-type: none"> <li>i. the child is completing secondary education or a program leading to an equivalent credential;</li> <li>ii. the child is enrolled in an</li> </ol> </li> </ol> </li> </ol>	<p>(1) In determining the disposition of all cases brought on behalf of dependent, neglected, or abused children, the juvenile session of the District Court, in the best interest of the child, shall have, but shall not be limited to, the following dispositional alternatives:</p> <p>(d) Commitment of the child to the custody of the cabinet for placement for an indeterminate period of time not to exceed his attainment of the age eighteen (18), unless the youth elects to extend his or her commitment beyond the age of eighteen (18) under paragraph (e) of this subsection. Beginning at least six (6) months prior to an eligible youth attaining the age of eighteen (18), the cabinet shall provide the eligible youth with education, encouragement, assistance, and support regarding the development of a transition plan, and inform the eligible youth of his or her right to extend commitments beyond the age of eighteen (18); or</p> <p>(e) Extend or reinstate an eligible youth’s commitments up to the age of twenty-one (21) to receive transitional living support. The request shall be made by the youth prior to attaining nineteen (19) years of age. Upon receipt of the request and with the concurrence of the cabinet, the court may authorize commitments up to the age of twenty-one (21).</p> <p>Protection and Permanency Operating Manual: <a href="#">Chapter 31-Standards of Practice Regarding Title IV-E, Medicaid and Other Applicable Benefits; Section: 31.2 Title IV-E Eligibility and Reimbursability:</a></p> <p>Practice Guidance:</p> <p><b>Age:</b></p> <ul style="list-style-type: none"> <li>• <del>A child loses IV-E eligibility and reimbursability at the beginning of the month following the child’s eighteenth (18th) birthday, unless</del></li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>institution which provides post-secondary or vocational education;</p> <p>iii. the child is participating in a program or activity designed to promote, or remove barriers to, employment;</p> <p>iv. the child is employed for at least 80 hours per month; or</p> <p>v. the child is incapable of doing any of the above described activities due to a medical condition, which incapability is supported by regularly updated information in the case plan of the child.</p>	<p><del>the child is enrolled full time in high school, or any equivalent course of study, and can be reasonably expected to graduate prior to the child's nineteenth (19th) birthday.</del></p> <ul style="list-style-type: none"> <li><del>• When the child meets this expectation, reimbursement may continue until the beginning of the month following the child's graduation but no later than the month following the child's nineteenth (19th) birthday.</del></li> <li><del>• The CBW discontinues IV-E when the child no longer meets the age requirements and notifies the SSW when the child is discontinued.</del></li> <li>• <b>Age:</b> <ul style="list-style-type: none"> <li>• <b>A child loses title IV-E eligibility and reimbursability at the beginning of the month following the child's eighteenth (18th) birthday, unless they meet any of the following conditions:</b> <ul style="list-style-type: none"> <li>▪ <b>Is completing secondary education or a program leading to an equivalent credential;</b></li> <li>▪ <b>Is enrolled in an institution which provides post-secondary or vocational education;</b></li> <li>▪ <b>Is participating in a program or activity designed to promote, or remove barriers to employment;</b></li> <li>▪ <b>Is employed for at least eighty (80) hours per month; or</b></li> <li>▪ <b>Is incapable of doing any of the above described activities due to a medical condition, which</b></li> </ul> </li> </ul> </li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>incapability is supported by regularly updated information in the case plan of the child.</p> <ul style="list-style-type: none"> <li>▪ is enrolled full-time in high school, or any equivalent course of study, and can be reasonably expected to graduate prior to the child's nineteenth (19th) birthday.</li> <li>• When the child meets the expectations for extended foster care as outlined above, reimbursement or eligibility may continue until the beginning of the month following the child's graduation but no later than the month following the child's twenty first (21st) birthday. Nineteenth (19th) birthday.</li> <li>• The CBW discontinues IV-E when the child no longer meets the age requirements and notifies the SSW when the child is discontinued.</li> <li>• When a child has been placed in out-of-home care (OOHC) by voluntary commitment, if the parents or guardians request the child be returned to their home or the home of a relative, the child is no longer eligible for title IV-E assistance; unless the agency obtains a judicial determination that the child's return would not be in his/her best interests.</li> </ul>
475A(a)	<p>N. ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT</p> <p>In the case of any child for whom another planned permanent living arrangement is</p>	<p><a href="#">Chapter 4-Out of Home Care Services (OOHC); Section: 4.18 Ongoing Case Planning states:</a></p> <p>Annual Periodic Reviews and Permanency Hearings</p> <p>The SSW:</p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>the permanency plan determined for the child under section 475(5)(C), State/Tribal agency follows case plan and case system review procedures that include:</p> <ol style="list-style-type: none"> <li>1. At each permanency hearing held with respect to the child, the State/Tribal agency documents the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made by the agency to return the child home or secure a placement for the child with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent, including through efforts that utilize search technology (including social media) to find biological family members for the children.</li> <li>2. At each permanency hearing held with respect to the child, the court or administrative body appointed or approved by the court conducting the hearing on the permanency plan for the child must: <ol style="list-style-type: none"> <li>a. Ask the child about the desired permanency outcome for the child.</li> </ol> </li> </ol>	<p>10. Ensures the dispositional report [to the court] includes sufficient documentation of the information discussed and reviewed during the periodic review to include:</p> <ol style="list-style-type: none"> <li>H. Documentation, for children with a goal of PPLA, of intensive, ongoing, and as of the date of the court hearing, unsuccessful efforts to return the child home or secure a placement for the child with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent, including efforts that utilize search technology (including social media) to find biological family members for the children (Section 475A);</li> </ol> <p><a href="#">KRS 610.125 Permanency hearing after custody given to Department of Juvenile Justice or cabinet</a> (1): If a child has been removed from the home and placed in the custody of...the cabinet, a judge of the District Court shall conduct a permanency hearing no later than twelve (12) months after the date the child is considered to have entered foster care, and...address the following areas:</p> <p>(d) whether the cabinet has documented a compelling reason that it is in the best interest of the child who is age sixteen (16) or older, to be placed in another planned permanent living arrangement other than those listed in this subsection. Prior to the approval of such a goal, the court will:</p> <ol style="list-style-type: none"> <li>1. Ask the child about the desired permanency outcome,</li> </ol> <p>b. <a href="#">KRS 610.125 Permanency hearing after custody given to Department of Juvenile Justice or cabinet</a> (1): If a child has been removed from the</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>b. Make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child and provide compelling reasons why it continues to not be in the best interests of the child to—</p> <ul style="list-style-type: none"> <li>i. return home;</li> <li>ii. be placed for adoption;</li> <li>iii. be placed with a legal guardian; or</li> <li>iv. be placed with a fit and willing relative.</li> </ul> <p>3. At each permanency hearing held with respect to the child, the State/Tribal agency shall document the steps the agency is taking to ensure that—</p> <ul style="list-style-type: none"> <li>a. the child’s foster family home or child care institution is following the reasonable and prudent parent standard; and</li> <li>b. the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities (including by consulting with the child in an</li> </ul>	<p>home and placed in the custody of...the cabinet, a judge of the District Court shall conduct a permanency hearing no later than twelve (12) months after the date the child is considered to have entered foster care, and...address the following areas:</p> <p>(d) whether the cabinet has documented a compelling reason that it is in the best interest of the child who is age sixteen (16) or older, to be placed in another planned permanent living arrangement other than those listed in this subsection, and prior to the approval of such a goal, the court will:</p> <p>2. Make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency goal for the child and provide compelling reasons why it continues not to be in the best interest of the child to return home, be placed for adoption, be placed with a legal guardian, or be placed with a fit and willing relative or fictive kin.</p> <p>3.  <a href="#">Chapter 4-Out of Home Care Services (OOHC); Section: 4.18 Ongoing Case Planning states:</a>  Annual Periodic Reviews and Permanency Hearings  The SSW:  10. Ensures the dispositional report [to the court] includes sufficient documentation of the information discussed and reviewed during the periodic review to include:  F. The steps the agency is taking to ensure that the child’s foster family home or child caring institution is following the reasonable</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	age-appropriate manner about the opportunities of the child to participate in the activities).	and prudent parent standard, and information about whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities;
471(a)(35)(A)	<p>O. ABSENCES FROM CARE</p> <p>The State/Tribal agency has protocols for:</p> <ol style="list-style-type: none"> <li>1. Expeditiously locating any child missing from foster care,</li> <li>2. Determining the primary factors that contributed to the child's running away or otherwise being absent from care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements,</li> <li>3. Determining the child's experiences while absent from care, including screening the child to determine if the child is a possible sex trafficking victim, and</li> <li>4. Reporting such related information as required by the Secretary.</li> </ol>	<p><a href="#">4.67 Locating Children Missing from Foster Care—Including Runaways</a></p> <p>The SSW:</p> <ol style="list-style-type: none"> <li>1. Files a missing person's report with the local law enforcement agency (city, county or state) for any missing child that is committed to the Cabinet, no later than twelve (12) hours after receiving notification that a child has gone missing;</li> <li>2. A. i. Provides law enforcement any information that could aid in locating the child, at the time of the initial report, and any time new information becomes available;</li> <li>ii. Provide a complete description of the child;</li> <li>iii. Provide a recent photo (if available);</li> <li>iv. Provides child's possible whereabouts, known places or locations the child frequents, and known habits of the child;</li> <li>v. Provide the child's date of birth, school, and grade;</li> <li>vi. Describe the circumstances surrounding the disappearance/AWOL;</li> <li>vii. Provide medical and/or dental providers' names;</li> <li>viii. Provide the complete name and description of (if applicable) the abductor, or the last person with whom the child was seen, or vehicle involved;</li> <li>ix. Record the name and badge number of the officer who takes the report. Find out who will follow up the initial investigation. Also, be sure to request the case number of the missing person's report;</li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>x. Ask that all data regarding the missing child be entered in the Law Information Network of Kentucky (LINK) computer, National Crime Information Center (NCIC) computer, and the Kentucky Missing and Exploited Children Unit;</p> <p>xi. Double check to make sure that the Kentucky Missing and Exploited Children Unit receives a KSP 261 Missing Person's Report and a current photo so that a flyer can be distributed statewide and to surrounding states;</p> <p>xii. Wait 24 hours and then check with the police to determine that the information has been entered. Ask to receive a copy of the printout, if desired. If the information has not been entered into the LINK and NCIC computers, then contact the Kentucky Missing and</p> <p>xiii. Exploited Children Unit and sign an affidavit that the local agency is in noncompliance with the law; and</p> <p>xiv. Request that you be kept informed on a regular basis of the status of the investigation; and</p> <p style="padding-left: 40px;">A. National Center for Missing and Exploited Children; Provides notice to the court of the child's disappearance within twenty-four (24) hours and requests a pickup order. The SSW will request that the pickup order explicitly asks that the child be returned to DCBS or directly to a placement. Documents the details of their activities in case contacts;</p> <p>1. Attends court proceedings regarding the child upon his/her return to placement;</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ol style="list-style-type: none"> <li>6. Arranges transportation for the child to their placement resource upon the child's return;</li> <li>7. Interviews the child within forty-eight (48) hours of their return to evaluate the following:               <ol style="list-style-type: none"> <li>a. Factors that contributed to the child's disappearance;</li> <li>b. Current level of functioning;</li> <li>c. The child's experiences while missing;</li> <li>d. Screening for human trafficking victimization while absent from their placement; and</li> </ol> </li> <li>8. Refers the child to the local child advocacy center (CAC), if applicable, and make corresponding report to centralized intake as need for any alleged maltreatment that occurred while child was AWOL.</li> </ol> <p>Contingencies and Clarifications</p> <ol style="list-style-type: none"> <li>1. The SSW follows procedures listed in <a href="#">SOP 2.15.9 Investigations of Human Trafficking</a> if a child reports being a victim of human trafficking, or is identified as a victim of human trafficking, after their return.</li> </ol> <p>Footnote</p> <ol style="list-style-type: none"> <li>4. Filing a runaway petition in district/family court is a separate step from filing a report with law enforcement. Law enforcement does not file runaway petitions in court on missing children. An AWOL/runaway petition must be filed by parent/guardian/next of kin for any child not in the</li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		custody of the Cabinet for Health and Family Services (CHFS).
475A(b)	<p>P. RIGHTS</p> <p>The State/Tribe must include in the case plan for any child in foster care who has attained 14 years of age:</p> <ol style="list-style-type: none"> <li>1. A document that describes the rights of the child with respect to education, health visitation, and court participation, the right to be provided with the documents specified in section 475(5)(I) in accordance with that section, and the right to stay safe and avoid exploitation; and</li> <li>2. a signed acknowledgement by the child that the child has been provided with a copy of the documentation and that the rights contained in the document have been explained to the child in an age-appropriate way.</li> </ol>	<p>The <a href="#">DPP 1281 Family Case Plan</a> “Rights of the Child” section has been modified to say:</p> <p>RIGHTS OF THE CHILD</p> <p>Children have certain fundamental rights, which must be protected and preserved, including, but not limited to:</p> <ol style="list-style-type: none"> <li>1. The right to adequate food, clothing and shelter;</li> <li>2. The right to be free from physical, sexual or emotional injury or exploitation;</li> <li>3. The right to develop physically, mentally and emotionally to their potential;</li> <li>4. The right to educational instruction; and,</li> <li>5. The right to a safe, secure, and stable family.</li> <li>6. The right to have their education needs met.</li> <li>7. The right to remain in the same educational setting prior to removal, whenever possible.</li> <li>8. The right to be placed in the least restrictive setting in close proximity to his/her home that meets his/her needs and serves his/her best interests to the extent that such placement is available.</li> <li>9. The right to information about the circumstances requiring his/her initial and continued placement.</li> <li>10. The right to receive notice of, attend, and be consulted in the development of case plans during periodic reviews.</li> <li>11. The right to receive notice of and participate in court hearings.</li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>12. The right to notice and explanation for changes in placement or visitation agreements.</p> <p>13. The right to visit the family in the family home, receive visits from family and friends, and have telephone conversations with family members, when not contraindicated by the case plan or court order.</p> <p>14. The right to participate in in social extracurricular, enrichment, cultural and social activities, including sports, field trips and overnight activities.</p> <p>15. The right to express opinions on issues concerning his/her care or treatment.</p> <p>16. Youth 14 and older: The right to designate two additional people to participate in case planning conferences/periodic reviews, who are not the foster parent of the child's worker, and who may advocate on the child's behalf. (The agency may reject an individual with reasonable belief that individual will not act appropriately on the child's behalf.)</p> <p>17. Youth ages 14 and older: The right to receive a written description of the programs and services that will help them prepare for the transition from foster care to successful adulthood.</p> <p>18. Youth ages 14 and older: To receive a consumer report yearly until discharged from care and to receive assistance in interpreting and resolving any inaccuracies in the report.</p> <p>19. Youth preparing to exit by reason of attaining 18 years or older are entitled to receive, free of charge: an official birth certificate,</p>

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		a social security card, health insurance information, a copy of their medical records, and a state issued ID.
475A(c)	<p>Q. PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.</p> <p>1. In the case of any child who is placed in a qualified residential treatment program (as defined in section 472(k)(4)), case plan for the child and the case system review procedure for the child must:</p> <p>a. Assess the strengths and needs of the child within 30 days of the start of each placement, using an age-appropriate, evidence-based, validated, functional assessment tool approved by the Secretary;</p> <p>b. Determine whether the needs of the child can be met with family members or through placement in a foster family home or, if not, which setting from among the settings specified in section 472(k)(2) would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short- and long-term goals for the</p>	<p>See Attachment XI</p> <p><del>QRTP Pending in consult with CB and CMS.</del></p> <ul style="list-style-type: none"> <li>• <u>KRS 620.180 Administrative regulations</u></li> </ul> <p><u>SOP 4.51.1 Placement in Congregate Care (Residential Treatment)</u></p> <p>The Family First Prevention Services Act (FFPSA) sets forth guidelines and requirements for the placement of youth in residential treatment facilities, in addition to their ongoing treatment, discharge, and aftercare planning. The Act mandates the creation of a family and permanency team (FPT) who will inform the child’s qualified residential treatment program (QRTP) assessment and placement decision-making process. In order to identify residential facilities that meet a high standard of care, FFPSA requires states to recognize the designation of QRTP. These programs must provide trauma-informed treatment modalities, provide family engagement and treatment, have trauma-informed staff, and provide ongoing aftercare for the youth and their family. FFPSA requires that youth be placed in a family-like setting,</p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>child, as specified in the permanency plan for the child; and</p> <p>c. Develop a list of child-specific short- and long-term mental and behavioral health goals.</p> <p>2. The state/tribal agency shall assemble a family and permanency team for the child in accordance with the requirements 475A(c). The qualified individual conducting the assessment shall work in conjunction with the family of, and permanency team for, the child while conducting and making the assessment. The family and permanency team shall consist of all appropriate biological family members, relative, and fictive kin of the child, as well as, as appropriate, professionals who are a resource to the family of the child, such as teachers, medical or mental health providers who have treated the child, or clergy. In the case of a child who has attained age 14, the family and permanency team shall include the members of the permanency planning team for the child that are selected by the</p>	<p>unless their individual treatment needs require a higher level of care. In order to determine the appropriateness of a child's placement in residential treatment, an evidenced-based assessment will be conducted by a qualified individual within the first thirty (30) days of the youth's placement in a residential setting, or sooner if possible.</p> <p><b>Practice Guidance:</b> Placement in residential treatment will be based on the treatment needs of the youth. All efforts should be made to secure placement in a QRTP. Placement in programs that have not been designated QRTPs will be considered only when QRTP placement options have been exhausted. The Children's Review Program (CRP) will maintain a list of QRTPs; CRP will make placement referrals for residential treatment per the Department for Community Based Services' (DCBS) policy.</p> <p>The QRTP assessment should be initiated as soon as residential treatment is being considered for a child. It is best practice that the QRTP assessment informs placement decisions. Utilizing the clinical recommendations in the QRTP assessment to inform placement decisions prior to placement will minimize disruptions in treatment and trauma to the child.</p> <p><b>Procedure:</b> If a youth is being considered or referred for residential treatment, or if the youth is placed in a residential treatment program, the SSW:</p>

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	<p>child in accordance with section 475(5)(C)(iv).</p> <p>3. The State/Tribal agency shall document in the child's case plan—</p> <p>a. the reasonable and good faith effort of the agency to identify and include all the individuals described above on the child's family and permanency team;</p> <p>b. all contact information for members of the family and permanency team, as well as contact information for other family members and fictive kin who are not part of the family and permanency team;</p> <p>c. evidence that meetings of the family and permanency team, including meetings relating to the assessment required 475A(c), are held at a time and place convenient for family;</p> <p>d. if reunification is the goal, evidence demonstrating that the parent from whom the child was removed provided input on</p>	<ol style="list-style-type: none"> <li>1) Communicates by email with CRP to coordinate the thirty (30) day Q RTP assessment and provides a copy of the 886a and DPP-1275; 1</li> <li>2) Identifies members of the youth's FPT. This team shall consist of : <ol style="list-style-type: none"> <li>a) All appropriate family members;</li> <li>b) Relatives and fictive kin;</li> <li>c) Community partners;</li> <li>d) Private child caring (PCC) agency staff; and</li> <li>e) Child-Focused Recruitment Model (CFRM) specialist (if assigned).</li> </ol> </li> <li>3) Convenes a family team meeting (FTM), including members of the youth's FPT and the CRP Q RTP assessor. This FTM will be utilized to provide input during the thirty (30) day Q RTP assessment process; 2</li> <li>4) Receives from CRP the Q RTP assessment, including recommendations, within thirty (30) calendar days of the date of Q RTP placement;</li> <li>5) Submits the <u>Q RTP Hearing Request Form</u> to the court within five (5) business days of the child's placement in a Q RTP in order to: <ol style="list-style-type: none"> <li>a) Notify the court that the youth was placed in a Q RTP; and</li> <li>b) Request a court review to occur no later than sixty (60) calendar days from the youth entering the Q RTP to advise the court of the Q RTP assessment's recommendations.</li> </ol> </li> <li>6) Provides the Q RTP assessment to the court no later than thirty-five (35) calendar days from the date of placement; 3</li> <li>7) Ensures selection of the special population indicators in TWIST if any of the following are present:</li> </ol>

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	<p>the members of the family and permanency team;</p> <p>e. evidence that the assessment required 475A(c)(A) is determined in conjunction with the family and permanency team; and</p> <p>f. the placement preferences of the family and permanency team relative to the assessment that recognizes children should be placed with their siblings unless there is a finding by the court that such placement is contrary to their best interest; and</p> <p>g. if the placement preferences of the family and permanency team and child are not the placement setting recommended by the qualified individual conducting the assessment, the reasons why the preferences of the team and of the child were not recommended.</p> <p>4. If the qualified individual conducting the assessment determines that a child should not be placed in a foster family home, the qualified individual shall specify in writing the reasons why the needs of the child cannot be met by the family of the child or</p>	<p>a) Victim of labor trafficking;</p> <p>b) Current or previous allegations of sex trafficking;</p> <p>c) AWOL history;</p> <p>d) Pregnant youth; and/or</p> <p>e) Parenting youth (including fathers).</p> <p>If placement in a QRTP is not recommended in the QRTP assessment, the SSW:</p> <ol style="list-style-type: none"> <li>1) Submits an updated 886A and treatment recommendations to the Recruitment and Certification (R&amp;C) team for a new placement search. If there are no DCBS homes available, the search will be sent to the CRP placement gatekeeper for further search; 4</li> <li>2) Collaborates with the child's placement and the identified relative, fictive kin, or foster placement to facilitate a transition of the youth within thirty (30) days of the QRTP assessment;</li> <li>3) Notifies the court that the QRTP hearing is no longer needed.</li> </ol> <p>If QRTP placement is recommended in the QRTP assessment, the SSW:</p> <ol style="list-style-type: none"> <li>1) Provides a copy of the QRTP assessment to the QRTP provider as soon as possible;</li> <li>2) Ensures that a court review is scheduled to provide the court with the recommendations of the QRTP assessment, including both short-term and long-term treatment goals. The court will make a determination regarding the youth's placement or continued placement in the QRTP. 5 6 If the youth will be moved from the</li> </ol>

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	<p>in a foster family home. A shortage or lack of foster family homes shall not be an acceptable reason for determining that the needs of the child cannot be met in a foster family home. The qualified individual also shall specify in writing why the recommended placement in a qualified residential treatment program is the setting that will provide the child with the most effective and appropriate level of care in the least restrictive environment and how that placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child.</p> <p>5. 'qualified individual' means a trained professional or licensed clinician who is not an employee of the State/Tribal agency and who is not connected to, or affiliated with, any placement setting in which children are placed by the State/Tribal agency. The agency may request that the Secretary waive this requirement in a matter prescribed by the Secretary (See Attachment XI).</p>	<p>QRTF, SSW will follow the steps above regarding transition to a new placement;</p> <p>3) Invites the FPT to an FTM during a time that is convenient to the family members. During this FTM, the team will update the case plan to include recommendations from the QRTF assessment no later than the periodic case plan review. 7 The following shall be documented on the case plan:</p> <ul style="list-style-type: none"> <li>a) List of team members invited and whether they attended;</li> <li>b) Updated copy of the DPP-1275 attached to case plan;</li> <li>c) If the goal is return to parent, whether the parent(s) had input in the plan, and their feedback related to placement preference; and 8</li> <li>d) Consideration to sibling relationships, (i.e., family treatment, visitation).</li> </ul> <p>4) Assesses the youth's progress on their short-term and long-term goals recommended in the initial QRTF assessment on a regular basis, including during monthly consultation with FSOS and regional out-of-home (OOHC) consultation;</p> <p>5) Updates the court on the following at every court hearing/review:</p> <ul style="list-style-type: none"> <li>a) Ongoing assessment of the strengths and needs of the youth in their current setting;</li> <li>b) The youth's need to remain in the residential setting;</li> <li>c) Specific treatment and service needs being met by the placement;</li> <li>d) Length of time placement expected;</li> </ul>

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	<p>6. Within 60 days of the start of each placement in a qualified residential treatment program, a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or an administrative body appointed or approved by the court, independently, shall consider the assessment, determination, and documentation made by the qualified individual conducting the assessment, determine whether the needs of the child can be met through placement in a foster family home or, if not, whether placement of the child in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment and whether that placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child; and approve or disapprove the placement.</p> <p>7. The case plan shall include documentation of any determination by a qualified individual that a child should not be placed in a foster family home, and the</p>	<p>e) Documentation of agency efforts to prepare the youth for their next placement in a least restrictive setting, (i.e., foster family home, relative, or parents); and</p> <p>f) <u>Residential Treatment Placement Extension Request</u>, if applicable.</p> <p>6) Consults with the treatment provider prior to discharge in order to ensure appropriate aftercare planning. Aftercare planning shall include:</p> <p>a) Referrals to new service providers; and</p> <p>b) The plan for the QRTP's monthly contact with the family and new service providers. 9</p> <p>7) Coordinates with the treatment team to convene an FTM with the FPT to discuss the youth's discharge and treatment recommendations. The new placement provider should be included in the FTM. 10 11 13</p> <p>If a youth is placed in residential treatment, the SSW:</p> <p>1) Submits justification utilizing the <u>Residential Treatment Placement Extension Request</u> to the Commissioner or designee for every youth age thirteen (13) and older that is placed in a residential treatment program for twelve (12) consecutive months or eighteen (18) non-consecutive months; 12</p> <p>2) Submits justification utilizing the Residential Treatment Extension Request template to the Commissioner or designee for every youth under age thirteen (13) that is placed in a residential treatment program for six (6) months. 12</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	reasons why the needs of the child cannot be met by the family of the child or in a foster family home, and documentation of the determination and approval or disapproval of the placement in a qualified residential treatment program by a court or administrative body.	
	<b>SECTION 3. ADOPTION ASSISTANCE PAYMENTS</b>	
	A. I. ELIGIBILITY – Applicable Child (Effective October 1, 2009)	
473(e)	<p>1. Beginning in fiscal year 2010, an applicable child is:</p> <p>a. a child for whom an adoption assistance agreement is entered into under section 473 during any fiscal year described in 473(e)(1)(B) if the child attained the applicable age pursuant to that paragraph for that fiscal year before the end of that fiscal year; or</p> <p>b. a child of any age on the date on which an adoption assistance agreement is</p>	<p><a href="#">KRS 199.557 Federal Title IV-E adoption assistance:</a> (2) Federal Title IV-E adoption assistance shall be paid to the adoptive parent or parents after conclusion of the adoption if the child meets the eligibility criteria established at 42 U.S.C. sec. 673.</p> <p><a href="#">922 KAR 1:060 Federal Title IV-E adoption assistance states:</a> Section 2 Adoption Assistance Eligibility Criteria. (1) A child shall be determined by the cabinet as a special needs child in accordance with 42 U.S.C. 673(c), if: (a) The child is available for adoption in accordance with: 1. KRS 199.500(1); 2. KRS 199.502; or 3. KRS Chapter 625;</p>

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	<p>entered into on behalf of the child under section 473 if the child has been in foster care under the responsibility of the State/Tribal agency for at least 60 consecutive months and meets the requirements of paragraph 473(a)(2)(A)(ii); or</p> <p>c. a child of any age on the date on which an adoption assistance agreement is entered into on behalf of the child under this section without regard to whether the child is described in 473(e)(2)(A) if the child:</p> <p>i. is a sibling of a child who is an applicable child for the fiscal year under paragraphs 473(e)(1) or (2); and</p> <p>ii. is to be placed in the same adoption placement as their sibling who is an applicable child for the fiscal year; and</p> <p>iii. meets the requirements of 473 (a)(2)(A)(ii).</p>	<p>(b) The child has a specific factor or condition described by KRS 199.555(1) that makes the child difficult to place for adoption without adoption assistance; and</p> <p>(c) Effort has been made to place the child with an appropriate adoptive parent without providing adoption assistance.</p> <p>(2) If the child has a strong emotional tie with the prospective adoptive parent while in the care of the prospective adoptive parent as a foster child an exception to subsection (1)(c) of this section shall be made.</p> <p>(3) A special needs child shall:</p> <p>(a) Meet the eligibility criteria established in 42 U.S.C. 673 when the adoption proceedings are initiated including:</p> <ol style="list-style-type: none"> <li>1. Eligibility for Aid to Families with Dependent Children effective on July 16, 1996, upon the child's removal from the home of a relative;</li> <li>2. Eligible for Supplemental Security Income;</li> <li>3. Status as a child: <ol style="list-style-type: none"> <li>a. Born to a minor parent who is receiving Title IV-E foster care maintenance; and</li> <li>b. Who has received Title IV-E foster care maintenance; and</li> </ol> </li> <li>(b) Not have a parent with custody or legal claim to the child.</li> <li>4. Having been in foster care for sixty (60) consecutive months on or after October 1, 2009; or</li> <li>5. Status as a sibling of a child described in subparagraph 1 or 4 of this paragraph to be placed in the same adoption placement as the child; and</li> </ol> <p>(b) Not have a parent with custody or legal claim to the child.</p> <p>(4) In accordance with 42 U.S.C. 673, as amended by P.L. 110-351, effective October 1, 2009, eligibility for Aid for Families with Dependent</p>

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		<p>Children specified in subsection (3)(a)1 of this section shall not apply to a child who is at least:</p> <ul style="list-style-type: none"> <li>(a) Sixteen (16) years old on September 30, 2010;</li> <li>(b) Fourteen (14) years old on September 30, 2011;</li> <li>(c) Twelve (12) years old on September 30, 2012;</li> <li>(d) Ten (10) years old on September 30, 2013;</li> <li>(e) Eight (8) years old on September 30, 2014;</li> <li>(f) Six (6) years old on September 30, 2015;</li> <li>(g) Four (4) years old on September 30, 2016;</li> <li>(h) Two (2) years old on September 30, 2017; or</li> <li>(i) Any age on September 30, 2018.</li> </ul> <p>(5) If an adoption assistance agreement is terminated in accordance with Section 7 of this administrative regulation, a child previously eligible for federal Title IV-E adoption assistance shall be treated as having the same financial circumstances as the child had when originally adopted.</p> <p>Section 5 Adoption Assistance Agreement states:</p> <p>(1) At the time of or prior to finalization of the adoption, an adoptive parent and the cabinet shall negotiate and sign an adoption assistance agreement which shall:</p> <ul style="list-style-type: none"> <li>(a) Be in effect in accordance with 42 U.S.C. 675(3) and 45 C.F.R. 1356.40(b);</li> <li>(b) Determine the nature and amount of the adoption subsidy; and</li> <li>(c) Remain in effect until terminated, even if the adoptive parent moves out of the Commonwealth of Kentucky.</li> </ul>



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		<p>(2) If an adoption is finalized, the cabinet shall pay nonrecurring adoption expenses incurred by an adoptive parent during the adoption of a special needs child pursuant to 45 C.F.R. 1356.41.</p> <p>(3) If a child is eligible for adoption assistance under 42 U.S.C. 673(a)(2)(A)(ii)(I)(bb), the requirement of Section 4(1) of this administrative regulation shall be waived.</p> <p>(4) An adoption assistance payment shall begin on the date that the adoption assistance agreement is signed by the adoptive parent.</p> <p>(5) The amount of federal Title IV-E adoption assistance shall not exceed the amount that would be paid for foster care maintenance for the same child, in accordance with 42 U.S.C. 673(a)(3), including medically-fragile, specialized medically-fragile, and care plus resource home per diem reimbursements established by the Department for Community Based Services. A child placed in therapeutic foster care, as described in 922 KAR 1:310, shall not be eligible to receive adoption assistance to exceed a care plus resource home per diem reimbursement established by the Department for Community Based Services.</p> <p><a href="#">Chapter 31-Standards of Practice Regarding Title IV-E, Medicaid and Other Applicable Benefits: 31.10 Title IV-E Adoption Assistance:</a> (entire section)</p>
473(c)(2)	2. Adoption assistance payments may be made to parents to adopt a child with special needs. In the case of a child who is an applicable child for a fiscal year as defined in 473(e), the child shall not be	<p><a href="#">KRS 199.557 Federal Title IV-E adoption assistance:</a></p> <p>(2) Federal Title IV-E adoption assistance shall be paid to the adoptive parent or parents after conclusion of the adoption if the child meets the eligibility criteria established at 42 U.S.C. sec. 673.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	considered a child with special needs unless:	<p><a href="#">KRS 199.555 State-funded adoption assistance payments -- Conditions</a> (1)</p> <p>A "special-needs child" means:</p> <p>(a) A child which the state has determined cannot or should not be returned to the home of the child's parents; and</p> <p>(b) A child which the state has first determined:</p> <ol style="list-style-type: none"> <li>1. That there exists a specific factor or condition the existence of which leads to the reasonable conclusion that the child cannot be placed with adoptive parents without providing adoption assistance under this section or medical assistance under Title XIX; and</li> <li>2. That except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of these parents as a foster child, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents without providing adoption assistance under this section or medical assistance under Title XIX.</li> </ol> <p>Protection and Permanency Operating Manual:  <a href="#">Chapter 13-Adoption Services; Section: 13.39 Adoption Assistance</a>  Practice Guidance</p> <p>Adoption assistance may be available to any child for whom an adoptive placement is unlikely without financial assistance and who has been identified as having special needs. Eligibility criteria for special needs requires meeting one (1) or more of the following conditions or circumstances:</p> <ul style="list-style-type: none"> <li>• A physical or mental disability;</li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ul style="list-style-type: none"> <li>• An emotional or behavioral disorder;</li> <li>• A recognized/documented risk of physical, mental, or emotional disorder;</li> <li>• A member of a sibling group (defined as two [2] or more children) in which the siblings are placed together;</li> <li>• Previous adoption disruption or multiple placements;</li> <li>• A member of a racial or ethnic minority and two (2) years old or older; or</li> <li>• Age seven (7) or older with a significant emotional attachment or psychological tie to his foster family and the Department has determined that it would be in the child’s best interest to remain with the family.</li> </ul> <p>Children who are receiving Supplemental Security Income (SSI) benefits are eligible for Title IV-E adoption assistance. Inquiries concerning this should be directed to the central office Adoption Services Branch, adoption assistance specialist.</p> <p>Protection and Permanency Operating Manual:  <a href="#">Chapter 31-Standards of Practice Regarding Title IV-E, Medicaid and Other Applicable Benefits; Section: 31.11 Title IV-E Adoption Assistance:</a></p> <p>The child meets special needs criteria if:</p> <ul style="list-style-type: none"> <li>• The state determines that the child cannot or may not be returned to the home of the child’s parents (e.g. parental rights are terminated).</li> </ul> <p>Protection and Permanency Operating Manual:</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p><a href="#">Chapter 31-Standards of Practice Regarding Title IV-E, Medicaid and Other Applicable Benefits; Section: 31.11 Title IV-E Adoption Assistance:</a></p> <ul style="list-style-type: none"> <li>• The child has a specific special need that indicates that the child cannot be placed with adoptive parents without providing adoption assistance. Such problems may include ethnic background, age or the presence of factors such as medical conditions, or physical, mental or emotional disabilities, a sibling group of three or more or a child who has experienced severe, physical or sexual abuse or whose background includes mental illness;</li> </ul>
473(c)(2)(A)	a. the State/Tribal agency has determined, pursuant to established criteria, that the child cannot or should not be returned to the home of his parents; and	<p><a href="#">KRS 199.557 Federal Title IV-E adoption assistance:</a> (2) Federal Title IV-E adoption assistance shall be paid to the adoptive parent or parents after conclusion of the adoption if the child meets the eligibility criteria established at 42 U.S.C. sec. 673.</p> <p><a href="#">KRS 199.555 State-funded adoption assistance payments -- Conditions</a> (1) A "special-needs child" means: (a) A child which the state has determined cannot or should not be returned to the home of the child's parents;</p> <p><a href="#">922 KAR 1:060 Federal Title IV-E adoption assistance</a> Section 2 Adoption Assistance Eligibility Criteria: (1) A child shall be determined by the cabinet as a special needs child in accordance with 42 U.S.C. 673(c), if: (a) The child is available for adoption in accordance with: 1. KRS 199.500(1);</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>2. KRS 199.502; or</p> <p>3. KRS Chapter 625;</p> <p>(b) The child has a specific factor or condition described by KRS 199.555(1) that makes the child difficult to place for adoption without adoption assistance; and</p> <p>(c) Effort has been made to place the child with an appropriate adoptive parent without providing adoption assistance.</p> <p>(2) If the child has a strong emotional tie with the prospective adoptive parent while in the care of the prospective adoptive parent as a foster child an exception to subsection (1)(c) of this section shall be made.</p> <p>(3) A special needs child shall:</p> <p>(b) Not have a parent with custody or legal claim to the child.</p> <p><a href="#">922 KAR 1:050. State funded adoption assistance</a> states:</p> <p>Section 2. Adoption Assistance Eligibility Criteria.</p> <p>(3) A special needs child shall:</p> <p>(b) Not have a parent with custody or a legal claim to the child;</p> <p>Protection and Permanency Operating Manual:</p> <p><a href="#">Chapter 31-Standards of Practice Regarding Title IV-E, Medicaid and Other Applicable Benefits; Section: 31.11 Title IV-E Adoption Assistance:</a></p> <p>The child meets special needs criteria if:</p> <p>The state determines that the child cannot or may not be returned to the home of the child's parents (e.g. parental rights are terminated).</p>
473(c)(2)(B)	b. either:	<p><a href="#">KRS 199.557 Federal Title IV-E adoption assistance:</a></p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>i. the State/Tribal agency has determined that there exists with respect to the child a specific factor or condition (such as ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental, or emotional handicaps) because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing adoption assistance under this section and medical assistance under title XIX; or</p> <p>ii. the child meets all medical or disability requirements of title XVI with respect to eligibility for supplemental security income benefits; and</p>	<p>(2) Federal Title IV-E adoption assistance shall be paid to the adoptive parent or parents after conclusion of the adoption if the child meets the eligibility criteria established at 42 U.S.C. sec. 673.</p> <p><a href="#">KRS 199.555 State-funded adoption assistance payments -- Conditions</a></p> <p>(1) A "special-needs child" means:</p> <p>(b) A child which the state has first determined:</p> <p>1. That there exists a specific factor or condition the existence of which leads to the reasonable conclusion that the child cannot be placed with adoptive parents without providing adoption assistance under this section or medical assistance under Title XIX;</p> <p><a href="#">922 KAR 1:060 Federal Title IV-E adoption assistance</a> states in Section 2 Adoption Assistance Eligibility Criteria</p> <p>(1) A child shall be determined by the cabinet as a special needs child in accordance with 42 U.S.C. 673(c), if: (b) The child has a specific factor or condition described by KRS 199.555(1) that makes the child difficult to place for adoption without adoption assistance</p> <p>(3) A special needs child shall:</p> <p>(a) Meet the eligibility criteria established in 42 U.S.C. 673 when the adoption proceedings are initiated including:</p> <p>2. Eligible for Supplemental Security Income;</p> <p><a href="#">922 KAR 1:050. State funded adoption assistance</a></p> <p>Section 2. Adoption Assistance Eligibility Criteria.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>(1) The secretary shall decide whether to pay and provide adoption assistance in accordance with KRS 199.555(5) if:</p> <p>(a) The child is a special needs child as described in subsection 2 of this section;</p> <p>(2) A special needs child is a child for whom adoptive placement without financial assistance is unlikely in accordance with KRS 199.555(1), because the child:</p> <p>(a) Has a physical or mental disability;</p> <p>(b) Has an emotional or behavioral disorder;</p> <p>(c) Has a recognized risk of physical, mental, or emotional disorder;</p> <p>(d) Is a member of a sibling group in which the siblings are placed together;</p> <p>(e) Has had previous adoption disruption or multiple placements;</p> <p>(f) Is a member of a racial or ethnic minority and two (2) years old or older; or</p> <p>(g)</p> <p>1. Is age seven (7) or older and has a significant emotional attachment or psychological tie to his foster family; and</p> <p>2. The cabinet has determined that it would be in the child's best interest to remain with the family.</p> <p>Protection and Permanency Operating Manual:  <a href="#">Chapter 31-Standards of Practice Regarding Title IV-E, Medicaid and Other Applicable Benefits; Section: 31.11 Title IV-E Adoption Assistance:</a>  The child has a specific special need that indicates that the child cannot be placed with adoptive parents without providing adoption assistance.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		Such problems may include ethnic background, age or the presence of factors such as medical conditions, or physical, mental or emotional disabilities, a sibling group of three or more or a child who has experienced severe, physical or sexual abuse or whose background includes mental illness;
473(c)(2)(C)	c. the State/Tribal agency has determined that, except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of the parents as a foster child, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents without providing adoption assistance under this section or medical assistance under title XIX.	<p><a href="#">922 KAR 1:060 Federal Title IV-E adoption assistance</a> states in Section 2 Adoption Assistance Eligibility Criteria</p> <p>(1) A child shall be determined by the cabinet as a special needs child in accordance with 42 U.S.C. 673(c), if:</p> <p>(b) The child has a specific factor or condition described by KRS 199.555(1) that makes the child difficult to place for adoption without adoption assistance; and</p> <p>(c) Effort has been made to place the child with an appropriate adoptive parent without providing adoption assistance.</p> <p>(2) If the child has a strong emotional tie with the prospective adoptive parent while in the care of the prospective adoptive parent as a foster child an exception to subsection (1)(c) of this section shall be made.</p> <p><a href="#">922 KAR 1:050. State funded adoption assistance</a> states</p> <p>Section 2. Adoption Assistance Eligibility Criteria.</p> <p>(2) A special needs child is a child for whom adoptive placement without financial assistance is unlikely in accordance with KRS 199.555(1), because the child:</p> <p>(a) Has a physical or mental disability;</p> <p>(b) Has an emotional or behavioral disorder;</p> <p>(c) Has a recognized risk of physical, mental, or emotional disorder;</p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>(d) Is a member of a sibling group in which the siblings are placed together;</p> <p>(e) Has had previous adoption disruption or multiple placements;</p> <p>(f) Is a member of a racial or ethnic minority and two (2) years old or older; or</p> <p>(g)</p> <ol style="list-style-type: none"> <li>1. Is age seven (7) or older and has a significant emotional attachment or psychological tie to his foster family; and</li> <li>2. The cabinet has determined that it would be in the child's best interest to remain with the family.</li> </ol> <p>Protection and Permanency Operating Manual:  <a href="#">Chapter 31-Standards of Practice Regarding Title IV-E, Medicaid and Other Applicable Benefits; Section: 31.11 Title IV-E Adoption Assistance:</a>  A reasonable, but unsuccessful effort was made to place the child with appropriate adoptive parents without providing adoption assistance. This criterion need not be met if the state can show that such a placement effort is not in the best interests of the child, because of the existence of significant emotional ties with prospective parents while in their care as a foster child.</p>
473(a)(1)(A) 473(a)(2)(A)(ii)	3. In the case of a child who is an applicable child for the fiscal year as defined in 473(e), adoption assistance payments may be made if the child has been determined by the State/Tribal	Protection and Permanency Operating Manual: <a href="#">Chapter 31-Standards of Practice Regarding Title IV-E, Medicaid and Other Applicable Benefits; Section: 31.11 Title IV-E Adoption Assistance:</a> The CBW [children's benefits worker] assures that the necessary documents for eligibility are submitted in accordance to <a href="#">SOP 31.2 Title IV-E Eligibility and Reimbursability;</a>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>agency pursuant to section 473(c) to be a child with special needs and:</p> <p>a. the time of initiation of adoption proceedings the child was in the care of a public or licensed private child placement agency or Indian Tribal Organization pursuant to—</p> <p>i. an involuntary removal of the child from the home in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; or</p> <p>ii. a voluntary placement agreement or voluntary relinquishment; or</p> <p>b. meets all medical or disability requirements of title XVI with respect to</p>	<p>4. The SSW ensures that:</p> <p>(A)The wording of the court order [placing the child in the care of the public agency] states that continuation in the home is contrary to the welfare of the child. This wording is required for the child to be title IV-E eligible as outlined in SOP 31.1 Title IV-E Determination. The judicial determination for IV-E eligibility requires that the results in the child's removal coincide with (i.e. occur at the same time as) the Cabinet's action to physically or constructively remove the child, unless the court order specifies an alternative timeframe for removal. If a court makes a judicial determination that it is contrary to the child's welfare to remain at home (without specifying an alternative timeframe) and the child does, in fact, remain at home and no removal occurs, the requirement for removal is not met and the child is ineligible for title IV-E.</p> <p>(C)The court that orders voluntary commitment contains the appropriate judicial determination within one-hundred, eighty (180) days from when the children were removed.</p> <p><a href="#">922 KAR 1:060 Title IV-E adoption assistance</a> states in Section 2 Adoption Assistance Criteria</p> <p>(3) A special needs child shall:</p> <p>(a) Meet the eligibility criteria established in 42 U.S.C. 673 when the adoption proceedings are initiated including:</p> <ol style="list-style-type: none"> <li>1. Eligibility for Aid to Families with Dependent Children effective on July 16, 1996, upon the child's removal from the home of a relative;</li> <li>2. Eligible for Supplemental Security Income;</li> <li>3. Status as a child:</li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>eligibility for supplemental security income benefits; or</p> <p>c. was residing in a foster family home or child care institution with the child's minor parent, and the child's minor parent was in such foster family home or child care institution pursuant to—</p> <p style="padding-left: 40px;">i. an involuntary removal of the child from the home in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; or</p> <p style="padding-left: 40px;">ii. a voluntary placement agreement or voluntary relinquishment; and</p> <p>d. has been determined by the State/Tribal agency, pursuant to subsection 473(c)(2), to be a child with special needs.</p>	<p>a. Born to a minor parent who is receiving Title IV-E foster care maintenance; and</p> <p>b. Who has received Title IV-E foster care maintenance; and (b) Not have a parent with custody or legal claim to the child.</p> <p>4. Having been in foster care for sixty (60) consecutive months on or after October 1, 2009; or</p> <p>5. Status as a sibling of a child described in subparagraph 1 or 4 of this paragraph to be placed in the same adoption placement as the child;</p>
473(a)(2)(C)(ii)	4. In the case of a child who is an applicable child for the fiscal year as so defined in 473(e), the child will be treated	<a href="#">922 KAR 1:060 Federal Title IV-E adoption assistance</a> states in Section 2 Adoption Assistance Eligibility Criteria:

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>as meeting the requirements to receive adoption assistance payments if the child:</p> <p>a. meets the requirements of 473(a)(2)(A)(ii)(II); and</p> <p>b. is determined eligible for adoption assistance payments under this part with respect to a prior adoption (or who would have been determined eligible for such payments had the Adoption and Safe Families Act of 1997 been in effect at the time that such determination would have been made); and</p> <p>c. is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died.</p>	<p>(5) If an adoption assistance agreement is terminated in accordance with Section 7 of this administrative regulation, a child previously eligible for federal Title IV-E adoption assistance shall be treated as having the same financial circumstances as the child had when originally adopted.</p> <p>Protection and Permanency Operating Manual:  <a href="#">Chapter 31-Standards of Practice Regarding Title IV-E, Medicaid and Other Applicable Benefits; Section: 31.11 Title IV-E Adoption Assistance:</a>  Children with special needs adopted after October 1, 1997, who were initially eligible for IV-E adoption assistance and whose adoptions were dissolved, will be able to continue their IV-E eligibility when adopted again.</p>
	<p>A. II. ELIGIBILITY – Non-applicable Child (Currently effective, but beginning October 1, 2009, decreases based on the criteria in 473(e) until July October 1, 202417, at which time this authority ends)</p>	<p>Effective 1/1/2018-A regulation change is required for the <i>Delay of Adoption Assistance phase-in of applicable child requirements</i>. The department is working to submit that regulation, however, it is not in effect. The department has directed staff to begin operating under the new requirements, as the FFPSA supersedes the state regulation.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each																				
		<p>Therefore, practice will reflect FFPSA and an amendment to the below cited regulation is forthcoming.</p> <p>Kentucky is currently following the guidance as outlined in ACYF-CB-PI-18-07 and in the below chart: Effective January 1, 2018 title IV-E agencies must determine whether a child is an “applicable child” based on the child’s age by the end of the fiscal year their adoption assistance agreement was entered into:</p> <table><tr><td>In the case of fiscal year:</td><td>The applicable age is:</td></tr><tr><td>2010</td><td>16</td></tr><tr><td>2011</td><td>14</td></tr><tr><td>2012</td><td>12</td></tr><tr><td>2013</td><td>10</td></tr><tr><td>2014</td><td>8</td></tr><tr><td>2015</td><td>6</td></tr><tr><td>2017-2023</td><td>2</td></tr><tr><td>2024</td><td>2 (or in this case of a child for whom an adoption assistance agreement is entered into under this section on or after July 1, 2024, any age)</td></tr><tr><td>2025 or thereafter</td><td>Any age</td></tr></table> <p>The latest version of 922 KAR 1:060 proposed for filing by noon 10/15/18 was attached to the 8.9.2018 addendum submission of the preprint.</p>	In the case of fiscal year:	The applicable age is:	2010	16	2011	14	2012	12	2013	10	2014	8	2015	6	2017-2023	2	2024	2 (or in this case of a child for whom an adoption assistance agreement is entered into under this section on or after July 1, 2024, any age)	2025 or thereafter	Any age
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Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		After filing, the regulation will be open for public comment and may have minor technical changes prior to publication by the Legislative Research Commission. Any change would be technical in nature to conform to drafting and format requirements of KRS Chapter 13A, not substantive in nature.
473(a)(1)(A) 473(c)(1)	1. Adoption assistance payments may be made to parents who adopt a child with special needs. In the case of a child who is not an applicable child, as defined in 473(e), for a fiscal year, the child shall not be considered a child with special needs unless:	
473(c)(1)(A)	a. the State/Tribal agency has determined the child cannot or should not be returned to the home of his or her parents; and	<p><a href="#">KRS 199.557 Federal Title IV-E adoption assistance:</a>  (2) Federal Title IV-E adoption assistance shall be paid to the adoptive parent or parents after conclusion of the adoption if the child meets the eligibility criteria established at 42 U.S.C. sec. 673.</p> <p><a href="#">KRS 199.555 State-funded adoption assistance payments -- Conditions</a> (1)  A "special-needs child" means:  (a) A child which the state has determined cannot or should not be returned to the home of the child's parents;</p> <p><a href="#">922 KAR 1:060 Federal Title IV-E adoption assistance</a> in Section 2  Adoption Assistance Eligibility Criteria</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>(1) A child shall be determined by the cabinet as a special needs child in accordance with 42 U.S.C. 673(c), if:</p> <p>(a) The child is available for adoption in accordance with:</p> <ol style="list-style-type: none"> <li>1. KRS 199.500(1);</li> <li>2. KRS 199.502; or</li> <li>3. KRS Chapter 625;</li> </ol> <p>(b) The child has a specific factor or condition described by KRS 199.555(1) that makes the child difficult to place for adoption without adoption assistance; and</p> <p>(c) Effort has been made to place the child with an appropriate adoptive parent without providing adoption assistance.</p> <p>(2) If the child has a strong emotional tie with the prospective adoptive parent while in the care of the prospective adoptive parent as a foster child an exception to subsection (1)(c) of this section shall be made.</p> <p>(3) A special needs child shall: (b) Not have a parent with custody or legal claim to the child.</p> <p><a href="#">922 KAR 1:050. State funded adoption assistance</a> states:</p> <p>Section 2. Adoption Assistance Eligibility Criteria.</p> <p>(3) A special needs child shall:</p> <p>(b) Not have a parent with custody or a legal claim to the child;</p> <p>Protection and Permanency Operating Manual:</p> <p><a href="#">Chapter 31-Standards of Practice Regarding Title IV-E, Medicaid and Other Applicable Benefits; Section: 31.11 Title IV-E Adoption Assistance:</a></p> <p>The child meets special needs criteria if:</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		The state determines that the child cannot or may not be returned to the home of the child's parents (e.g. parental rights are terminated).
473(c)(1)(B)	b. the State/Tribal agency has first determined that a specific factor or condition exists with respect to the child (such as ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental or emotional disabilities) because of which it is reasonable to conclude that such child cannot be placed for adoption without providing adoption assistance or medical assistance under title XIX; and	<p><a href="#">KRS 199.557 Federal Title IV-E adoption assistance:</a>  (2) Federal Title IV-E adoption assistance shall be paid to the adoptive parent or parents after conclusion of the adoption if the child meets the eligibility criteria established at 42 U.S.C. sec. 673.</p> <p><a href="#">922 KAR 1:060 Federal Title IV-E adoption assistance</a> states in Section 2 Adoption Assistance Eligibility Criteria:  (1) A child shall be determined by the cabinet as a special needs child in accordance with 42 U.S.C. 673(c), if:  (b) The child has a specific factor or condition described by KRS 199.555(1) that makes the child difficult to place for adoption without adoption assistance;</p> <p><a href="#">KRS 199.555 State-funded adoption assistance payments -- Conditions</a>  (1) A "special-needs child" means:  (b) A child which the state has first determined:  1. That there exists a specific factor or condition the existence of which leads to the reasonable conclusion that the child cannot be placed with adoptive parents without providing adoption assistance under this section or medical assistance under Title XIX</p> <p><a href="#">922 KAR 1:050. State funded adoption assistance</a>  Section 2. Adoption Assistance Eligibility Criteria.</p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>(1) The secretary shall decide whether to pay and provide adoption assistance in accordance with KRS 199.555(5) if:</p> <p>(a) The child is a special needs child as described in subsection 2 of this section;</p> <p>(2) A special needs child is a child for whom adoptive placement without financial assistance is unlikely in accordance with KRS 199.555(1), because the child:</p> <p>(a) Has a physical or mental disability;</p> <p>(b) Has an emotional or behavioral disorder;</p> <p>(c) Has a recognized risk of physical, mental, or emotional disorder;</p> <p>(d) Is a member of a sibling group in which the siblings are placed together;</p> <p>(e) Has had previous adoption disruption or multiple placements;</p> <p>(f) Is a member of a racial or ethnic minority and two (2) years old or older; or</p> <p>(g)</p> <p>1. Is age seven (7) or older and has a significant emotional attachment or psychological tie to his foster family; and</p> <p>2. The cabinet has determined that it would be in the child's best interest to remain with the family.</p> <p>Protection and Permanency Operating Manual:  <a href="#">Chapter 31-Standards of Practice Regarding Title IV-E, Medicaid and Other Applicable Benefits; Section: 31.11 Title IV-E Adoption Assistance:</a>  The child has a specific special need that indicates that the child cannot be placed with adoptive parents without providing adoption assistance.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		Such problems may include ethnic background, age or the presence of factors such as medical conditions, or physical, mental or emotional disabilities, a sibling group of three or more or a child who has experienced severe, physical or sexual abuse or whose background includes mental illness;
473(c)(1)(B)	c. a reasonable, but unsuccessful, effort has been made to place the child without providing assistance except where it would be against the best interests of the child due to such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child.	<p><a href="#">922 KAR 1:060 Title IV-E adoption assistance</a> states in Section 2 Adoption Assistance Eligibility Criteria</p> <p>(1) A child shall be determined by the cabinet as a special needs child in accordance with 42 U.S.C. 673(c), if:</p> <p>(b) The child has a specific factor or condition described by KRS 199.555(1) that makes the child difficult to place for adoption without adoption assistance; and</p> <p>(c) Effort has been made to place the child with an appropriate adoptive parent without providing adoption assistance.</p> <p>(2) If the child has a strong emotional tie with the prospective adoptive parent while in the care of the prospective adoptive parent as a foster child an exception to subsection (1)(c) of this section shall be made.</p> <p><a href="#">922 KAR 1:050. State funded adoption assistance</a> states</p> <p>Section 2. Adoption Assistance Eligibility Criteria.</p> <p>(2) A special needs child is a child for whom adoptive placement without financial assistance is unlikely in accordance with KRS 199.555(1), because the child:</p> <p>(a) Has a physical or mental disability;</p> <p>(b) Has an emotional or behavioral disorder;</p> <p>(c) Has a recognized risk of physical, mental, or emotional disorder;</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>(d) Is a member of a sibling group in which the siblings are placed together;</p> <p>(e) Has had previous adoption disruption or multiple placements;</p> <p>(f) Is a member of a racial or ethnic minority and two (2) years old or older; or</p> <p>(g)</p> <ol style="list-style-type: none"> <li>1. Is age seven (7) or older and has a significant emotional attachment or psychological tie to his foster family; and</li> <li>2. The cabinet has determined that it would be in the child's best interest to remain with the family.</li> </ol> <p>Protection and Permanency Operating Manual: <a href="#">Chapter 31-Standards of Practice Regarding Title IV-E, Medicaid and Other Applicable Benefits; Section: 31.11 Title IV-E Adoption Assistance:</a></p> <p>A reasonable, but unsuccessful effort was made to place the child with appropriate adoptive parents without providing adoption assistance. This criterion need not be met if the state can show that such a placement effort is not in the best interests of the child, because of the existence of significant emotional ties with prospective parents while in their care as a foster child.</p>
<p>473(a)(2)(A)</p> <p>473(a)(2)(A)(i)</p> <p>473(a)(2)(A)(i)(II)</p>	<p>2. In the case of a child who is not an applicable child for the fiscal year as defined in 473(e), adoption assistance payments may be made if the child has been determined by the State/Tribal</p>	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	agency pursuant to section 473(c) to be a child with special needs and:	
473(a)(2)(A)(i)(l)(aa)	<p>a. was removed from the home of a relative specified in section 406(a) of the Act (as in effect on July 16, 1996) and placed in foster care in accordance with a voluntary placement agreement with respect to which Federal payments are provided under section 474 (or section 403, as in effect on July 16, 1996), or in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; and</p> <p>i. received AFDC, in that relative's home, under the State plan approved under section 402 of the Act (as in effect 7/16/96), or would have received AFDC under such plan had application been made, in or for the month the voluntary placement agreement was entered into or court proceedings leading to the judicial determination referred to in</p>	<p><a href="#">KRS 199.557 Federal Title IV-E adoption assistance</a> states in Section (2) Federal Title IV-E adoption assistance shall be paid to the adoptive parent or parents after conclusion of the adoption if the child meets the eligibility criteria established at 42 U.S.C. sec. 673.</p> <p><a href="#">922 KAR 1:060 Federal Title IV-E adoption assistance</a> Section 2 Adoption Assistance <a href="#">Eligibility Criteria</a></p> <p>(3) A special needs child shall:</p> <p>(a) Meet the eligibility criteria established in 42 U.S.C. 673 when the adoption proceedings are initiated including:</p> <ol style="list-style-type: none"> <li>1. Eligibility for Aid to Families with Dependent Children effective on July 16, 1996, upon the child's removal from the home of a relative;</li> </ol> <p>Protection and Permanency Operating Manual:</p> <p><a href="#">Chapter 31-Standards of Practice Regarding Title IV-E, Medicaid and Other Applicable Benefits; Section: 31.11 Title IV-E Adoption Assistance:</a></p> <p>The CBW [child's benefit worker] Assures that the necessary documents for eligibility are submitted in accordance to <a href="#">SOP 31.2 Title IV-E Eligibility and Reimbursability:</a></p> <ol style="list-style-type: none"> <li>4. The SSW [social services worker] ensures that:</li> </ol> <p>(A)The wording of the court order states that continuation in the home is contrary to the welfare of the child. This wording is required for the child to be title IV-E eligible as outlined in SOP 31.1 Title IV-E Determination. The judicial determination for IV-E eligibility requires</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>section 473(a)(2)(A)(i) were initiated; or</p> <p>ii. had been living with a relative specified in section 406(a) of the Act within six months before the month in which a voluntary placement agreement was entered into or court proceedings leading to the judicial determination referred to in section 473(a)(2)(A)(i), were initiated and would have received AFDC in that relative's home under the State plan approved under section 402 of the Act for that month, if in that month the child had been living with such relative and application had been made;</p> <p>(Tribes, see also section 7 (AFDC))</p>	<p>that the results in the child's removal coincide with (i.e. occur at the same time as) the Cabinet's action to physically or constructively remove the child, unless the court order specifies an alternative timeframe for removal. If a court makes a judicial determination that it is contrary to the child's welfare to remain at home (without specifying an alternative timeframe) and the child does, in fact, remain at home and no removal occurs, the requirement for removal is not met and the child is ineligible for title IV-E.</p> <p>(C)The court that orders voluntary commitment contains the appropriate judicial determination within one-hundred, eighty (180) days from when the children were removed.</p>
473(a)(2)(A)(i)(I)(bb)	b. meets all the requirements of title XVI of the Act with respect to eligibility for supplemental security income benefits; or	<p><a href="#">KRS 199.557 Federal Title IV-E adoption assistance</a> states in Section (2) Federal Title IV-E adoption assistance shall be paid to the adoptive parent or parents after conclusion of the adoption if the child meets the eligibility criteria established at 42 U.S.C. sec. 673.</p> <p><a href="#">922 KAR 1:060 Title IV-E adoption assistance</a> states in Section 2 Adoption Assistance Eligibility Criteria.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		(3) A special needs child shall: (a) Meet the eligibility criteria established in 42 U.S.C. 673 when the adoption proceedings are initiated including: 2. Eligible for Supplemental Security Income
473(a)(2)(A)(i)(l)(cc)	c. is a child whose costs in a foster family home or child-care institution are covered by the foster care maintenance payments being made with respect to the minor parent of the child as provided in section 475(4)(B).	<a href="#">922 KAR 1:060 Federal Title IV-E adoption assistance</a> states in Section 2 Adoption Assistance Eligibility Criteria: (3) A special needs child shall: (a) Meet the eligibility criteria established in 42 U.S.C. 673 when the adoption proceedings are initiated including: 3. Status as a child: a. Born to a minor parent who is receiving Title IV-E foster care maintenance;
473(a)(2)(C)(i)	3. In the case of a child who is not an applicable child for the fiscal year as defined in 473(e), the child will be treated as meeting the requirements to receive adoption assistance payments if the child:  a. meets the requirements of section 473(a)(2)(A)(i)(II); and  b. is determined eligible for adoption assistance payments under 473 of the Act with respect to a prior adoption; and	<a href="#">922 KAR 1:060 Federal Title IV-E adoption assistance</a> states in Section 2 Adoption Assistance Eligibility Criteria: (5) If an adoption assistance agreement is terminated in accordance with Section 7 of this administrative regulation, a child previously eligible for federal Title IV-E adoption assistance shall be treated as having the same financial circumstances as the child had when originally adopted.  Protection and Permanency Operational Manual: <a href="#">Chapter 31-Standards of Practice Regarding Title IV-E, Medicaid and Other Applicable Benefits; Section: 31.11 Title IV-E Adoption Assistance:</a> Children with special needs adopted after October 1, 1997, who were initially eligible for IV-E adoption assistance and whose adoptions were

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>c. is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died; and</p> <p>d. fails to meet the requirements of section 473(a)(2)(A)(i) but will meet such requirements if the child is treated as if the child is in the same financial and other circumstances the child was in the last time the child was determined eligible for adoption assistance payments under section 473 of the Act and the prior adoption is treated as never having occurred.</p>	<p>dissolved, will be able to continue their IV-E eligibility when adopted again.</p>
	A. III. ELIGIBILITY – General	
473(a)(1)(B)	<p>1. Adoption assistance payments are made to adoptive parents who have entered into an adoption assistance agreement (see subsection C of this plan) with the title IV-E agency.</p>	<p><a href="#">KRS 199.557 Federal Title IV-E adoption assistance</a></p> <p>Sections 2: Federal Title IV-E adoption assistance shall be paid to the adoptive parent or parents after conclusion of the adoption if the child meets the eligibility criteria established at 42 U.S.C. sec. 673.</p> <p>(3) Agreements for Federal Title IV-E adoption assistance under this section shall be made prior to the adoption of the child.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p><a href="#">KRS 199.5955 Federal medical and adoption assistance</a> states: Consistent with federal law, the Cabinet for Health and Family Services, in connection with the administration of KRS 199.595 to 199.5955 and any compact pursuant hereto shall include in any state plan made pursuant to the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272), Titles IV (e) and XIX of the Social Security Act, and any other applicable federal laws, the provision of adoption assistance and medical assistance for which the federal government pays some or all of the cost. The Cabinet for Health and Family Services shall apply for and administer all relevant federal aid in accordance with law.</p> <p><a href="#">922 KAR 1:060 Federal Title IV-E adoption assistance</a> states in Section 4 Adoption Placement Agreement: (1) Prior to a prospective adoptive parent receiving an adoption subsidy, the prospective adoptive parent and a cabinet representative shall review and sign the adoption placement agreement. (2) The adoption placement agreement shall advise the prospective adoptive parent of the: (a) Special needs of the child; (b) Cabinet’s expectations; and (c) Services offered by the cabinet to assist the prospective adoptive parent in the adoption process.</p> <p>Protection and Permanency Manual: <a href="#">Chapter 31-Standards of Practice Regarding Title IV-E, Medicaid and Other Applicable Benefits; Section: 31.11 Title IV-E Adoption Assistance:</a></p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>Practice Guidance:</p> <ul style="list-style-type: none"> <li>• A written adoption assistance agreement between the state agency and the prospective parent(s) of a minor child is in effect when all signatures are obtained on the agreement with the prospective adoptive parent(s).</li> <li>• The agreement must be signed prior to the adoption finalization.</li> <li>• A copy of the signed agreement is given to each party.</li> <li>• The agreement, at a minimum specifies: <ul style="list-style-type: none"> <li>○ The duration of the agreement;</li> <li>○ The nature and amount of payment, services and assistance;</li> <li>○ The child's eligibility for Medicaid services under title XIX and social services under title XX (effective October 1, 1983);</li> <li>○ The agreement will remain in effect regardless of the state in which the child is a resident at any given time (if made on or after October 1, 1983); and</li> <li>○ Kentucky's obligation to remain financially responsible for any medical and social services agreed to under the terms of the agreement, if the child moves to another state, and such services are not available in the receiving state (if the agreement was entered into after October 1, 1983).</li> </ul> </li> </ul>
473(a)(2)(D)	2. In determining the eligibility for adoption assistance payments of a child in a legal guardianship arrangement described in section 471(a)(28), the placement of the	N/A

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	child with the relative guardian involved and any kinship guardianship assistance payments made on behalf of the child shall be considered never to have been made.	
473(a)(1)(B)(i)	<p>B. PAYMENTS – AMOUNTS AND CONDITIONS</p> <p>1. Payments will be made for non-recurring adoption expenses incurred by or on behalf of the adoptive parents in connection with the adoption of a child with special needs, directly through the State/Tribal agency or through another public or nonprofit private agency, in amounts determined through an agreement with the adoptive parents; and</p>	<p><a href="#">KRS 199.557 Federal Title IV-E Adoption Assistance:</a></p> <p>(1) For the purpose of this section, unless the context requires otherwise, "Federal Title IV-E adoption assistance" means a monthly payment to assist in the integration of the child into the adoptive family and the payment of nonrecurring adoption expenses which include reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to legal adoption of a special-needs child and which are not incurred in violation of state or federal law.</p> <p>(3) Agreements for Federal Title IV-E adoption assistance under this section shall be made prior to the adoption of the child.</p> <p><a href="#">922 KAR 1:060 Federal Title IV-E Adoption Assistance</a> states in Section 5 Adoption Assistance Agreement</p> <p>(1) At the time of or prior to finalization of the adoption, an adoptive parent and the cabinet shall negotiate and sign an adoption assistance agreement which shall:</p> <p>(a) Be in effect in accordance with 42 U.S.C. 675(3) and 45 C.F.R. 1356.40(b);</p> <p>(b) Determine the nature and amount of the adoption subsidy; and</p> <p>(c) Remain in effect until terminated, even if the adoptive parent moves out of the Commonwealth of Kentucky.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>(2) If an adoption is finalized, the cabinet shall pay nonrecurring adoption expenses incurred by an adoptive parent during the adoption of a special needs child pursuant to 45 C.F.R. 1356</p> <p>Section 6 Federal Title IV-E Adoption Assistance</p> <p>(3) Federal Title IV-E adoption assistance may include:</p> <p>(a) Nonrecurring adoption expenses not to exceed \$1,000 incurred in the adoption of a special needs child;</p> <p><a href="#">KRS 199.555 State-funded adoption assistance payments – Conditions:</a></p> <p>(2) "State-funded adoption assistance" means a monthly payment to assist in meeting the special needs of a child which was placed by the Cabinet for Health and Family Services. The state-funded adoption assistance shall also include payment of nonrecurring adoption expenses, and may include reimbursement of extraordinary medical expenses.</p> <p>(3) "Nonrecurring adoption expenses" means those expenses which are incurred in the legal adoption of a special-needs child for which parents are ultimately responsible which include reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the special-needs adoption and which are not incurred in violation of state or federal law.</p> <p>(6) Agreements for the payments of state funds under this section shall be made prior to the adoption of the child...</p> <p>(7)...Payment of nonrecurring adoption expenses shall only be reimbursed up to the limit established by the secretary for health and family services in accord with 42 U.S.C. sec. 673. However, payments</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>under agreements entered into under subsection (6) of this section shall be limited to reimbursement of authorized extraordinary medical expenses related to problems or conditions that existed prior to the adoption.</p> <p><a href="#">922 KAR 1:050. State funded adoption assistance:</a></p> <p>Section 5. Adoption Assistance Agreement. Prior to finalization of the adoption, the prospective adoptive parent and the cabinet shall negotiate and sign an adoption assistance agreement in accordance with KRS 199.555(6) that shall:</p> <ul style="list-style-type: none"> <li>(1) Determine the nature and amount of the adoption subsidy; and</li> <li>(2) Remain in effect until suspended or terminated in accordance with Section 6 of this administrative regulation.</li> </ul> <p>Section 7. Adoption Assistance Payments.</p> <ul style="list-style-type: none"> <li>(1) State-funded adoption assistance payments may include: <ul style="list-style-type: none"> <li>(b) Nonrecurring adoption expenses not to exceed \$1,000 incurred in the adoption of a child who is considered a special needs child; and</li> <li>(c) An adoption subsidy.</li> </ul> </li> <li>(2) An adoption assistance payment shall begin on the date that the adoption placement agreement and adoption assistance agreement are signed by the adoptive parent and the cabinet.</li> </ul> <p>Protection and Permanency Operating Manual:  <a href="#">Chapter 13-Adoption Services; Section: 13.39 Adoption Assistance:</a></p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>Adoption assistance may include one (1) or more of the following options:</p> <ul style="list-style-type: none"> <li>○ Monthly subsidy</li> <li>○ Non-recurring expenses</li> <li>○ Extraordinary medical expenses</li> </ul> <p>The purpose of monthly subsidy is to assist the adoptive family in meeting the special needs of the child. Monthly subsidy is a negotiated monthly rate and is not necessarily equal to the applicable foster care per diem for the child. However, the monthly subsidy cannot exceed the applicable DCBS foster care per diem for the child.</p> <p>The purpose of non-recurring adoption assistance is to offset the expenses of adopting a "special needs" child. The maximum amount cannot exceed \$1000.00 per child. Allowable expenses include: court costs, adoption fees, and attorney fees; cost of adoptive home studies, including health and psychological examinations; supervision of placement costs prior to adoption; and transportation, food, and lodging for the child and adoptive parents when necessary to complete the adoptive placement of the adoption finalization process.</p> <p>Protection and Permanency Operating Manual:  <a href="#">Chapter 31-Standards of Practice Regarding Title IV-E, Medicaid and Other Applicable Benefits; Section: 31.11 Title IV-E Adoption Assistance:</a></p> <ul style="list-style-type: none"> <li>• A written adoption assistance agreement between the state agency and the prospective parent(s) of a minor child is in effect when all signatures are obtained on the agreement with the prospective adoptive parent(s).</li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ul style="list-style-type: none"> <li>• The agreement must be signed prior to the adoption finalization.</li> <li>• A copy of the signed agreement is given to each party.</li> <li>• The agreement, at a minimum specifies: <ul style="list-style-type: none"> <li>○ The duration of the agreement;</li> <li>○ The nature and amount of payment, services and assistance;</li> <li>○ The child's eligibility for Medicaid services under title XIX and social services under title XX (effective October 1, 1983);</li> <li>○ The agreement will remain in effect regardless of the state in which the child is a resident at any given time (if made on or after October 1, 1983); and</li> <li>○ Kentucky's obligation to remain financially responsible for any medical and social services agreed to under the terms of the agreement, if the child moves to another state, and such services are not available in the receiving state (if the agreement was entered into after October 1, 1983).</li> </ul> </li> </ul>
473(a)(1)(B)(ii)	2. In any case where the child meets the requirements of section 473(a)(2) of the Act, the State/Tribal agency may make adoption assistance payments to adoptive parents, directly through the State/Tribal agency or through another public or nonprofit private agency, in amounts so determined through an adoption assistance	<p><a href="#">KRS 199.557 Federal Title IV-E Adoption Assistance:</a></p> <p>(3) Agreements for Federal Title IV-E adoption assistance under this section shall be made prior to the adoption of the child.</p> <p><a href="#">922 KAR 1:060 Federal Title IV-E Adoption Assistance</a> states in Section 5 Adoption Assistance Agreement:</p> <p>(1) At the time of or prior to finalization of the adoption, an adoptive parent and the cabinet shall negotiate and sign an adoption assistance agreement which shall:</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	agreement (see Section 3, item C of this plan).	<p>(a) Be in effect in accordance with 42 U.S.C. 675(3) and 45 C.F.R. 1356.40(b);</p> <p>(b) Determine the nature and amount of the adoption subsidy; and</p> <p>(c) Remain in effect until terminated, even if the adoptive parent moves out of the Commonwealth of Kentucky.</p> <p><a href="#">KRS 199.555 State-funded adoption assistance payments – Conditions:</a></p> <p>(2) "State-funded adoption assistance" means a monthly payment to assist in meeting the special needs of a child which was placed by the Cabinet for Health and Family Services. The state-funded adoption assistance shall also include payment of nonrecurring adoption expenses, and may include reimbursement of extraordinary medical expenses.</p> <p>(6) Agreements for the payments of state funds under this section shall be made prior to the adoption of the child...</p> <p><a href="#">922 KAR 1:050. State funded adoption assistance:</a></p> <p>Section 5. Adoption Assistance Agreement. Prior to finalization of the adoption, the prospective adoptive parent and the cabinet shall negotiate and sign an adoption assistance agreement in accordance with KRS 199.555(6) that shall:</p> <p>(1) Determine the nature and amount of the adoption subsidy; and</p> <p>(2) Remain in effect until suspended or terminated in accordance with Section 6 of this administrative regulation.</p> <p>Section 7. Adoption Assistance Payments.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>(2) An adoption assistance payment shall begin on the date that the adoption placement agreement and adoption assistance agreement are signed by the adoptive parent and the cabinet.</p> <p>Protection and Permanency Operating Manual  <a href="#">Chapter 31-Standards of Practice Regarding Title IV-E, Medicaid and Other Applicable Benefits; Section: 31.11 Title IV-E Adoption Assistance:</a></p> <ul style="list-style-type: none"> <li>• A written adoption assistance agreement between the state agency and the prospective parent(s) of a minor child is in effect when all signatures are obtained on the agreement with the prospective adoptive parent(s).</li> <li>• The agreement must be signed prior to the adoption finalization.</li> <li>• A copy of the signed agreement is given to each party.</li> <li>• The agreement, at a minimum specifies: <ul style="list-style-type: none"> <li>○ The duration of the agreement;</li> <li>○ The nature and amount of payment, services and assistance;</li> <li>○ The child's eligibility for Medicaid services under title XIX and social services under title XX (effective October 1, 1983);</li> <li>○ The agreement will remain in effect regardless of the state in which the child is a resident at any given time (if made on or after October 1, 1983); and</li> <li>○ Kentucky's obligation to remain financially responsible for any medical and social services agreed to under the terms of the agreement, if the child moves to another state, and</li> </ul> </li> </ul>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		such services are not available in the receiving state (if the agreement was entered into after October 1, 1983).
473(a)(3)	<p>3. The amount of such payment:</p> <p>a. will take into consideration the circumstances of the adopting parents and the needs of the child being adopted;</p> <p>b. may be adjusted periodically with the concurrence of the adoptive parents to reflect changing circumstances; and</p> <p>c. may not exceed the foster care maintenance payment which would have been paid during the period if the child with respect to whom the adoption assistance payment is made had been in a foster family home.</p>	<p>[473 (a)(3)</p> <p>a: Protection and Permanency Operating Manual: <a href="#">Chapter 13-Adoption Services; Section: 13.39 Adoption Assistance:</a> Practice Guidance: The SSW will take into consideration the circumstances of the adopting parents and the needs of the child being adopted when negotiating adoption assistance payments; however there is no income eligibility requirement (means test) for the adoptive parents in determining their eligibility for adoption assistance.</p> <p>b: <a href="#">922 KAR 1:060 Federal Title IV-E Adoption Assistance:</a> Section 8 Adoption Assistance Renegotiation states: (1) Renegotiation of an adoption assistance agreement may be requested by the adoptive parent before or after the adoption is finalized in accordance with 42 U.S.C. 673. (2) The renegotiated amount of federal Title IV-E adoption assistance payments shall be agreed upon by the:     (a) Adoptive parent; and     (b) Cabinet.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>(3) If the adoption assistance payment is renegotiated in accordance with subsection (1) and (2) of this section, the cabinet and adoptive parent shall sign a new adoption assistance agreement.</p> <p>(4) Federal Title IV-E adoption assistance payments shall not be changed by a move of the adoptive parents out of the state or country.</p> <p><a href="#">922 KAR 1:050. State funded adoption assistance:</a></p> <p>Section 9. Adoption Assistance Renegotiation.</p> <p>(1) Renegotiation of an adoption assistance agreement:</p> <p>(a) May be requested by the cabinet or the adoptive parent before or after the adoption is finalized; and</p> <p>(b) Is contingent on compliance with Sections 2(2), 6, 8, and 11 of this administrative regulation.</p> <p>(2) If conditions in KRS 199.555(6) are met, the cabinet shall reimburse extraordinary medical expenses requested by an adoptive parent of a special needs child to prevent disruption of the adoption:</p> <p>(a) After the adoption is final; and</p> <p>(b) Through state funded adoption assistance.</p> <p>(4) If an adoption assistance payment is changed through renegotiation the cabinet and adoptive parent shall sign a new adoption assistance agreement.</p> <p>Protection and Permanency Operating Manual:  <a href="#">Chapter 13-Adoption Services; Section: 13.43 Adoption Assistance Renegotiation:</a></p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>Adoption assistance may be renegotiated at any time upon the request of the adoptive parent.</p> <p>A monthly subsidy does not automatically increase as the child becomes older or the foster care per diem changes.</p> <p>Procedure:</p> <ol style="list-style-type: none"> <li>1. The SSW [social service worker] completes the following tasks when an adoptive family requests an increase in their adoption subsidy: <ol style="list-style-type: none"> <li>A. Evaluates the situation;</li> <li>B. Obtains documentation concerning special needs or conditions;</li> <li>C. Negotiates the subsidy with the family;</li> <li>D. Prepares an <a href="#">Adoption Assistance Renegotiation Form</a>;</li> <li>E. Forwards through supervisory and administrative channels for approval by the service region administrator or designee; and</li> <li>F. If approved, obtains the adoptive family's signature, and distributes to the adoptive family, children's benefits worker and regional billing specialist; or</li> <li>G. If denied, provides the family with a DPP-154 Protection and Permanency Service Appeal, and informs the family of their right to file a service complaint as outlined in SOP 30.1 Service Appeals.</li> </ol> </li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>c:</p> <p><a href="#">KRS 199.557 Federal Title IV-E adoption assistance:</a></p> <p>(4) Payment shall be out of funds appropriated to the cabinet and Federal Title IV-E funds of the Social Security Act as amended (42 U.S.C. secs. 673 et seq.). All payments shall be in accordance with administrative regulations promulgated by the Cabinet for Health and Family Services. Payments shall not exceed the amount which would be paid for foster care for the child. Nonrecurring adoption expenses shall only be reimbursed up to the limit established by the secretary of the Cabinet for Health and Family Services or his designated representative in accordance with 42 U.S.C. secs. 673 et seq.</p> <p><a href="#">KRS 199.555 State-funded adoption assistance payments -- Conditions:</a></p> <p>(7) The payments shall be out of funds appropriated to the cabinet and those funds collected pursuant to KRS 199.473(13), which shall be deposited in a restricted account for the purpose of assisting special-needs adoptions, and shall be in accordance with regulations promulgated by the secretary. <u>The payments shall not exceed the amount which would be paid for foster care for the child. Monthly state-funded assistance payments shall not exceed the amount which would be paid for foster care for the child and may include reimbursement for extraordinary medical expenses.</u> Payment of nonrecurring adoption expenses shall only be reimbursed up to the limit established by the secretary for health and family services in accord with 42 U.S.C. sec. 673. However, payments under agreements entered into under subsection (6) of this section shall be limited to reimbursement of authorized</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>extraordinary medical expenses related to problems or conditions that existed prior to the adoption.</p> <p>Protection and Permanency Manual:  <a href="#">Chapter 13-Adoption Services; Section: 13.39 Adoption Assistance:</a>  ... Monthly subsidy is a negotiated monthly rate and is not necessarily equal to the applicable foster care per diem for the child. However, the monthly subsidy cannot exceed the applicable DCBS foster care per diem for the child.</p>
1356.40(c)	4. In determining eligibility for adoption assistance payments, there is no income eligibility requirement (means test) for the adoptive parents.	<p>Protection and Permanency Operating Manual:  <a href="#">Chapter 13-Adoption Services; Section: 13.39 Adoption Assistance:</a>  Practice Guidance:  The SSW will take into consideration the circumstances of the adopting parents and the needs of the child being adopted when negotiating adoption assistance payments; however there is no income eligibility requirement (means test) for the adoptive parents in determining their eligibility for adoption assistance.</p>
473(a)(4)	<p>5. Payments are terminated when the State/Tribal agency determines that:</p> <p>a. the child has attained the age of 18, or such greater age as the State/Tribal agency may elect under section 475(8)(B)(iii); or</p>	<p><a href="#">KRS 199.555 States funded adoption assistance payments</a>  (8) State-funded adoption assistance payments shall not be made to parents if:  (a) The child has attained the age of eighteen (18), except that if the child is enrolled in a state or federal educational program, the payments may continue through age twenty-one (21);  (b) The cabinet determines the parents are no longer legally responsible for the support of the child; or</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>b. the child has attained 21 years of age, if the state/Tribal agency determines that the child has a mental or physical disability which warrants the continuation of assistance to age 21; or</p> <p>c. the parents are no longer legally responsible for the support of the child who has not yet attained 18 years of age; or</p> <p>d. the adoptive parents are no longer providing any support to the child.</p>	<p>(c) The cabinet determines that the child is no longer receiving any support from the parents.</p> <p><a href="#">922 KAR 1:060 Federal Title IV-E Adoption Assistance</a> Section 7 Termination of Adoption Assistance Payments. In accordance with KRS 199.557 and 42 U.S.C. 673(a)(4), federal Title IV-E adoption assistance payments shall be terminated if:</p> <ul style="list-style-type: none"> <li>(1) The adoptive parent requests;</li> <li>(2) The child reaches age: <ul style="list-style-type: none"> <li>1. Eighteen (18); or</li> <li>2. Twenty-one (21), if the child is determined to have a disability in accordance with Section 6(2) of this administrative regulation;</li> </ul> </li> <li>(3) The cabinet determines that the: <ul style="list-style-type: none"> <li>1. Adoptive parent is no longer legally responsible for the support of the child; or</li> <li>2. Child is no longer receiving support from the adoptive parent; or</li> </ul> </li> <li>(4) No adoptive parent who signed the adoption assistance agreement remains living.</li> </ul>
473(a)(4)	6. The adoptive parents are required to inform the State/Tribal agency of circumstances that would make them ineligible for adoption assistance payments or eligible for adoption assistance payments in a different amount.	<p><a href="#">KRS 199.555 State Funded Adoption Assistance Payments</a> Section (9) Parents who have been receiving state-funded adoption assistance payments under this section shall keep the cabinet informed of circumstances which would, pursuant to subsection (8) of this section, make them ineligible for assistance, or eligible for assistance in a different amount.</p> <p><a href="#">922 KAR 1:060 Federal Title IV-E Adoption Assistance</a> states in</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>Section 10. Notice of Change: (2) In accordance with 42 U.S.C. 673, an adoptive parent shall notify the cabinet of any change in circumstance that would make the adoptive parent ineligible for adoption assistance payments or change the amount of the adoption assistance payment.</p> <p><a href="#">922 KAR 1:050. State funded adoption assistance</a>; Section 11. Notice of Change: (2) An adoptive parent shall notify the cabinet of any changes in circumstances that would make the adoptive parent ineligible for adoption assistance payments or change the amount of the adoption assistance payment as described in KRS 199.555(9) and Section 6 of this administrative regulation.</p> <p><a href="#">DPP-1258 Title IV-E Adoption Assistance Agreement</a></p>
473(a)(7)	<p>7. No payment may be made to parents with respect to any applicable child for a fiscal year that:</p> <p>a. would be considered a child with special needs under 473(c)(2);</p> <p>b. is not a citizen or resident of the United States; and</p>	<p><a href="#">KRS 199.557 Federal Title IV-E Adoption Assistance</a> states in Section (2) Federal Title IV-E adoption assistance shall be paid to the adoptive parent or parents after conclusion of the adoption if the child meets the eligibility criteria established at 42 U.S.C. sec. 673.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>c. was adopted outside of the United States or was brought into the United States for the purpose of being adopted.</p> <p>8. A child that is not a citizen or resident of the US and was adopted outside of the US or brought into the US for the purpose of being adopted may be eligible for adoption assistance payments if the initial adoption of the child by parents is a failure and the child is subsequently placed into foster care.</p>	
475(3)	<p>C. ADOPTION ASSISTANCE AGREEMENT</p> <p>1. An adoption assistance agreement is a written agreement, binding on all parties, between the State/Tribal agency, other relevant agencies, and the prospective adoptive parents.</p>	<p><a href="#">KRS 199.557 Federal Title IV-E Adoption Assistance</a> Section (3): Agreements for Federal Title IV-E adoption assistance under this section shall be made prior to the adoption of the child.</p> <p><a href="#">922 KAR 1:060 Federal Title IV-E Adoption Assistance</a> Section 5 Adoption Assistance Agreement: (1)At the time of or prior to finalization of the adoption, an adoptive parent and the cabinet shall negotiate and sign an adoption assistance agreement which shall: (a) Be in effect in accordance with 42 U.S.C. 675(3) and 45 C.F.R. 1356.40(b); (b) Determine the nature and amount of the adoption subsidy; and (c) Remain in effect until terminated, even if the adoptive parent moves out of the Commonwealth of Kentucky.</p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p><a href="#">922 KAR 1:050. State funded adoption assistance:</a>  Section 5. Adoption Assistance Agreement. Prior to finalization of the adoption, the prospective adoptive parent and the cabinet shall negotiate and sign an adoption assistance agreement in accordance with KRS 199.555(6) that shall:</p> <ul style="list-style-type: none"> <li>(1) Determine the nature and amount of the adoption subsidy; and</li> <li>(2) Remain in effect until suspended or terminated in accordance with Section 6 of this administrative regulation.</li> </ul> <p><a href="#">DPP-1258 Title IV-E Adoption Assistance Agreement</a></p>
1356.40(b)	2. The adoption assistance agreement meets the requirements of section 475(3) of the Act as stated below:	
1356.40(b)(1)	a. is signed by the adoptive parents and a representative of the State/Tribal agency and is in effect before adoption assistance payments are made under title IV-E, but no later than the finalization of the adoption;	<p><a href="#">KRS 199.557 Federal Title IV-E Adoption Assistance</a>  Section (3): Agreements for Federal Title IV-E adoption assistance under this section shall be made prior to the adoption of the child.</p> <p><a href="#">922 KAR 1:060 Federal Title IV-E Adoption Assistance</a>  Section 5 Adoption Assistance Agreement: (1) At the time of or prior to finalization of the adoption, an adoptive parent and the cabinet shall negotiate and sign an adoption assistance agreement which shall:</p> <ul style="list-style-type: none"> <li>(a) Be in effect in accordance with 42 U.S.C. 675(3) and 45 C.F.R. 1356.40(b);</li> <li>(c) Remain in effect until terminated, even if the adoptive parent moves out of the Commonwealth of Kentucky.</li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p><a href="#">922 KAR 1:050. State funded adoption assistance:</a>  Section 5. Adoption Assistance Agreement. Prior to finalization of the adoption, the prospective adoptive parent and the cabinet shall negotiate and sign an adoption assistance agreement in accordance with KRS 199.555(6) that shall:  (1) Determine the nature and amount of the adoption subsidy; and  (2) Remain in effect until suspended or terminated in accordance with Section 6 of this administrative regulation.</p> <p>Section 7. Adoption Assistance Payments.  (2) An adoption assistance payment shall begin on the date that the adoption placement agreement and adoption assistance agreement are signed by the adoptive parent and the cabinet.</p>
1356.40(b)(2) 475(3)	b. specifies the duration of the agreement;	<p><a href="#">KRS 199.557 Federal Title IV-E Adoption Assistance</a> states in Section (3) Agreements for Federal Title IV-E adoption assistance under this section shall be made prior to the adoption of the child.</p> <p><a href="#">922 KAR 1:060 Federal Title IV-E Adoption Assistance</a> states in Section 5 Adoption Assistance Agreement: At the time of or prior to finalization of the adoption, an adoptive parent and the cabinet shall negotiate and sign an adoption assistance agreement which shall:  (a) Be in effect in accordance with 42 U.S.C. 675(3) and 45 C.F.R. 1356.40(b);  (c) Remain in effect until terminated, even if the adoptive parent moves out of the Commonwealth of Kentucky.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p><a href="#">922 KAR 1:050. State funded adoption assistance:</a>  Section 5. Adoption Assistance Agreement. Prior to finalization of the adoption, the prospective adoptive parent and the cabinet shall negotiate and sign an adoption assistance agreement in accordance with KRS 199.555(6) that shall:</p> <p>(1) Determine the nature and amount of the adoption subsidy; and</p> <p>(2) Remain in effect until suspended or terminated in accordance with Section 6 of this administrative regulation.</p>
1356.40(b)(3)	c. specifies the amount of the adoption assistance payments (if any) and the nature and amount of any other payments, services and assistance to be provided (including non-recurring adoption expenses in agreements for expenditures incurred by the parents);	<p><a href="#">KRS 199.557 Federal Title IV-E Adoption Assistance</a> states in Section (3) Agreements for Federal Title IV-E adoption assistance under this section shall be made prior to the adoption of the child.</p> <p><a href="#">922 KAR 1:060 Federal Title IV-E Adoption Assistance</a> states in Section 5: At the time of or prior to finalization of the adoption, an adoptive parent and the cabinet shall negotiate and sign an adoption assistance agreement which shall:</p> <p>(b) Determine the nature and amount of the adoption subsidy;</p>
473(b)	d. specifies the child's eligibility for title XIX and title XX;	<p><a href="#">DPP-1258 Title IV-E Adoption Assistance Agreement:</a></p> <p>I. Section C. Medical Care</p> <p>1. State Funded and Title IV-E Eligible</p> <p>Medical benefits as provided under Title XIX of the Social Security Act (Medicaid) shall be available in accordance with the procedures of the Commonwealth of Kentucky. It is agreed that whenever possible the</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>child shall be included under the adoptive family's health insurance, which shall be utilized to the fullest extent possible.</p> <p>2. Title IV-E Eligible Only Medical reimbursement shall be provided by the Commonwealth of Kentucky if the child moves to another state and the cost of medical care provided under this agreement is not provided by Title XIX in the state in which the child resides.</p> <p>Section C. Social Services Social services as provided under Title XX of the Social Security Act shall be available in accordance with the procedures of the state of residence. Application for social services may be made at the local Social Services Office.</p>
475(3)(B)	e. specifies that the agreement remains in effect regardless of the State or Tribal service area of residence of the adoptive parents;	<p><a href="#"><u>DPP-1258 Title IV-E Adoption Assistance Agreement:</u></a></p> <p>I. Section C. Social Services This Adoption Assistance Agreement shall continue in force in the event the adoptive family lives in or moves to a state other than Kentucky. Kentucky is a member of the Interstate Compact on Adoption and Medical Assistance. All necessary documentation shall be forwarded to the receiving state upon notification of a pending move of an active assistance family. Detailed instructions shall be supplied to the family at the time of the move with regard to how and where to apply for medical care and social services. Adoption assistance payments shall continue from the Commonwealth of Kentucky.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
475(3)	f. contains provisions for the protection of the interests of the child in case the adoptive parents and child should move to another State or out of the Tribal service area while the agreement is in effect; and	<p><a href="#">DPP-1258 Title IV-E Adoption Assistance Agreement:</a></p> <p>I. Section C. Social Services</p> <p>Social services as provided under Title XX of the Social Security Act shall be available in accordance with the procedures of the state of residence. Application for social services may be made at the local Social Services Office.</p> <p>This Adoption Assistance Agreement shall continue in force in the event the adoptive family lives in or moves to a state other than Kentucky. Kentucky is a member of the Interstate Compact on Adoption and Medical Assistance. All necessary documentation shall be forwarded to the receiving state upon notification of a pending move of an active assistance family. Detailed instructions shall be supplied to the family at the time of the move with regard to how and where to apply for medical care and social services. Adoption assistance payments shall continue from the Commonwealth of Kentucky.</p>
1356.40(d)	g. if a needed service specified in the agreement is not available in the new State or Tribal service area of residence, the State/Tribal agency making the original adoption assistance payment remains financially responsible for providing the specified service(s).	<p><a href="#">DPP-1258 Title IV-E Adoption Assistance Agreement:</a></p> <p>I. Section C. Social Services</p> <p>This Adoption Assistance Agreement shall continue in force in the event the adoptive family lives in or moves to a state other than Kentucky. Kentucky is a member of the Interstate Compact on Adoption and Medical Assistance. All necessary documentation shall be forwarded to the receiving state upon notification of a pending move of an active assistance family. Detailed instructions shall be supplied to the family at the time of the move with regard to how and where to apply for medical</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>care and social services. Adoption assistance payments shall continue from the Commonwealth of Kentucky.</p> <p>II. Notification of Change B. Adjustments shall be made to the adoption assistance agreement if requested by the adoptive parents and considered by the Cabinet to be appropriate. Parents shall notify the Cabinet of changes of address or any other circumstances, which could make them...eligible for payments in a different amount.</p>
473(b)(1-4)	<p>D. MEDICAID AND SOCIAL SERVICES</p> <p>1. For the purposes of titles XIX and XX, any eligible child for whom there is an adoption assistance agreement in effect under section 473(a)(2) (whether or not adoption assistance payments are being made) is deemed to be a dependent child as defined in 406 of the Act and is deemed to be a recipient of AFDC under part A of title IV of the Act (as in effect 7/16/96) in the State in which such child resides.</p>	<p><a href="#">922 KAR 1:060 Federal Title IV-E adoption assistance</a> states in Section 2 Adoption Assistance Eligibility Criteria: (3) A special needs child shall: (a) Meet the eligibility criteria established in 42 U.S.C. 673 when the adoption proceedings are initiated including: 3. Status as a child: a. Born to a minor parent who is receiving Title IV-E foster care maintenance</p> <p><a href="#">907 KAR 20:005 Medicaid Technical Eligibility Requirements not related to a modified adjusted gross income standard or former foster care individuals</a></p> <p>Section 1 The Categorically Needy: (1) An individual receiving Title IV-E benefits, SSI benefits, or an optional or a mandatory state supplement shall be eligible for Medicaid as a categorically-needy individual.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>(2) The following classifications of persons shall be considered categorically needy and eligible for Medicaid participation as categorically needy:</p> <p>(a) A child in a foster family home or private child-caring facility dependent on a governmental or private agency;</p> <p>(c) A child in a subsidized adoption dependent on a governmental agency;</p> <p>(h) A child who:</p> <ol style="list-style-type: none"> <li>1. Was receiving SSI benefits on August 22, 1996; and</li> <li>2. Except for the change in definition of childhood disability would continue to receive SSI benefits;</li> </ol>
471(a)(21)(A)& (B)	<p>2. The State/Tribe will provide health insurance coverage (through one or more State/Tribal medical assistance programs), with the same type and kind of benefits as those which would be provided for children under title XIX, or a comparable medical plan, for any child who has been determined to be a child with special needs, for whom there is in effect an adoption assistance agreement between the State/Tribal agency and an adoptive parent or parents, and who the State/Tribal agency has determined cannot be placed with an adoptive parent or parents without medical assistance due to special needs for</p>	<p><a href="#">KRS 199.5955 Federal Medical and Adoption Assistance</a></p> <p>Consistent with federal law, the Cabinet for Health and Family Services, in connection with the administration of KRS 199.595 to 199.5955 and any compact pursuant hereto shall include in any state plan made pursuant to the Adoption Assistance and Child Welfare Act of 1980 (Pub. L. 96-272), Titles IV (e) and XIX of the Social Security Act, and any other applicable federal laws, the provision of adoption assistance and medical assistance for which the federal government pays some or all of the cost. The Cabinet for Health and Family Services shall apply for and administer all relevant federal aid in accordance with law.</p> <p><a href="#">907 KAR 20:005 Medicaid Technical Eligibility Requirements not related to a modified adjusted gross income standard or former foster care individuals</a> Section 1 The Categorically Needy (1) and (2): <u>An individual receiving Title IV-E benefits, SSI benefits, or optional or a mandatory</u></p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	medical, mental health or rehabilitative care.	<p>state supplement shall be eligible for Medicaid as categorically-needy individual. (2) The following classifications of persons shall be considered categorically needy and eligible for Medicaid participation as categorically needy:</p> <p>(a) <u>A child in a foster family home or private child-caring facility dependent on a governmental or private agency;</u></p> <p>(c) <u>A child in a subsidized adoption dependent on a governmental agency;</u></p> <p>(h) A child who:</p> <ol style="list-style-type: none"> <li>1. Was receiving SSI benefits on August 22, 1996; and</li> <li>2. Except for the change in definition of childhood disability would continue to receive SSI benefits;</li> </ol>
471(a)(21)(C)&(D)	3. In the event that the State/Tribe provides such coverage through a State/Tribe medical assistance program other than the program under title XIX, and the State/Tribe exceeds its funding for services under such other program, any such child is deemed to be receiving aid or assistance under the State/Tribal agency plan under this part for purposes of section 1902(a)(10)(a)(i)(1); and in determining cost-sharing requirements, the State/Tribal agency will take into consideration the circumstances of the adopting parent or parents and the needs of the child being	<p>N/A</p> <p>Kentucky provides assistance through its Medicaid Title XIX program.</p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	adopted to the extent coverage is provided through a State/Tribal medical assistance program, consistent with the rules under such program.	
473A(b)(3)	<p>E. ELIGIBILITY FOR ADOPTION INCENTIVE FUNDING</p> <p>(Not applicable to Tribes.)</p> <p>1. States that are eligible for adoption incentive funds must be in compliance with the data requirements in section 473A(b)(2) of the Act; and</p> <p>2. Provide health insurance coverage to any child with special needs (as determined under section 473(c)) for whom there is in effect an adoption assistance agreement.</p>	<p>E1 Kentucky will participate in the adoption incentive program as directed under Section 473A.</p> <p>E2 <a href="#">907 KAR 20:005 Medicaid Technical Eligibility Requirements not related to a modified adjusted gross income standard or former foster care individuals</a> Section 1 The Categorically Needy (1) and (2): <u>An individual receiving Title IV-E benefits, SSI benefits, or optional or a mandatory state supplement shall be eligible for Medicaid as a categorically-needy individual.</u> (2) The following classifications of persons shall be considered categorically needy and eligible for Medicaid participation as categorically needy:  (a) <u>A child in a foster family home or private child-caring facility dependent on a governmental or private agency;</u>  (c) <u>A child in a subsidized adoption dependent on a governmental agency;</u>  (h) A child who:</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ol style="list-style-type: none"> <li>1. Was receiving SSI benefits on August 22, 1996; and</li> <li>2. Except for the change in definition of childhood disability would continue to receive SSI benefits;</li> </ol>
471(a)(33)	<p>F. ADOPTION TAX CREDIT</p> <p>The State/Tribal agency informs every individual who is adopting or whom the State/Tribal agency is made aware is considering adopting, a child who is in foster care under the responsibility of the State/Tribal agency of the potential eligibility for a Federal tax credit under section 23 of the Internal Revenue Code of 1986.</p>	<p>Protection and Permanency Operating Manual:  <a href="#">Chapter 13-Adoption Services; Section: 13.39 Adoption Assistance:</a>          Adoptive families are given a copy of the <a href="#">Kentucky's Adoption Assistance Handbook</a>. [The adoption tax credit is described on page 21-22.]</p>
475(8)	<p>G. DEFINITION OF 'CHILD'</p> <p>For the purposes of the title IV-E adoption assistance program under section 473, the term 'child' means:</p> <ol style="list-style-type: none"> <li>1. an individual who has not attained 18 years of age; or</li> <li>2. at the option of the State/Tribal agency an individual</li> </ol>	<p><a href="#">600.020 Definitions for KRS Chapters 600 to 645:</a>          As used in KRS Chapters 600 to 645, unless the context otherwise requires: (98) "Child" means any person who has not reached his or her eighteenth birthday, unless otherwise provided;</p> <p><a href="#">620.140 Dispositional alternatives:</a>          (1) In determining the disposition of all cases brought on behalf of dependent, neglected, or abused children, the juvenile session of the District Court, in the best interest of the child, shall have, but shall not be limited to, the following dispositional alternatives:</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>a. with respect to whom an adoption assistance agreement is in effect under section 473 if the individual had attained age 16 before the adoption assistance agreement became effective;</p> <p>b. who has attained the age of 18, but has not attained 19, 20, or 21 years of age, as the title IV-E agency may elect; and</p> <p>c. who meets any of the following conditions:</p> <p>i. the child is completing secondary education or a program leading to an equivalent credential;</p> <p>ii. the child is enrolled in an institution which</p>	<p>(d) Commitment of the child to the custody of the cabinet for placement for an indeterminate period of time not to exceed his or her attainment of the age eighteen (18), unless the youth elects to extend his or her commitment beyond the age of eighteen (18) under paragraph (e) of this subsection. Beginning at least six (6) months prior to an eligible youth attaining the age of eighteen (18), the cabinet shall provide the eligible youth with education, encouragement, assistance, and support regarding the development of a transition plan, and inform the eligible youth of his or her right to extend commitment beyond the age of eighteen (18); or</p> <p>(e) Extend or reinstate and eligible youth's commitment up to the age of twenty-one (21) to receive transitional living support. The request shall be made by the youth prior to attaining nineteen (19) years of age. Upon receipt of the request and with the concurrence of the cabinet, the court may authorize commitment up to the age of twenty-one (21).</p> <p>Protection and Permanency Operating Manual:  <a href="#">Chapter 31-Standards of Practice Regarding Title IV-E, Medicaid and Other Applicable Benefits; Section: 31.2 Title IV-E Eligibility and Reimbursability</a>; Practice Guidance:  Age: <ul style="list-style-type: none"> <li>A child loses IV-E eligibility and reimbursability at the beginning of the month following the child's eighteenth (18th) birthday, unless the child is enrolled full-time in high school, or any equivalent course of study, and can be reasonably expected to graduate prior to the child's nineteenth (19th) birthday.</li> </ul> </p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>provides post-secondary or vocational education;</p> <p>iii. the child is participating in a program or activity designed to promote, or remove barriers to, employment;</p> <p>iv. the child is employed for at least 80 hours per month; or</p> <p>v. the child is incapable of doing any of the above described activities due to a medical condition.</p>	<ul style="list-style-type: none"> <li>• When the child meets this expectation, reimbursement may continue until the beginning of the month following the child's graduation but no later than the month following the child's nineteenth (19th) birthday.</li> <li>• The CBW discontinues IV-E when the child no longer meets the age requirements and notifies the SSW when the child is discontinued.</li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<b>SECTION 4. GENERAL PROGRAM REQUIREMENTS</b>	
471(a)(10) and (36)(B), (C) and (D)	<p><b>A. STANDARDS FOR FOSTER FAMILY HOMES AND CHILD CARE INSTITUTIONS</b></p> <p>The agency has established or designated a State/Tribal authority(ies) which is responsible for establishing and maintaining standards for foster family homes and child care institutions which are reasonably in accord with recommended standards of national organizations concerned with standards for such institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights and which shall permit use of the reasonable and prudent parenting standard.</p> <p>The standards so established are applied by the State/Tribe to any foster family home or child-care institution receiving funds under titles IV-E or IV-B. The standards shall require, as a condition of each contract entered into by a child care institution to provide foster care, the presence on-site of at least 1 official who, with respect to any child</p>	<p>[1] <a href="#">KRS 605.130 General duties of cabinet</a> Sections (1) and (7)...[T]he cabinet, through its authorized representatives, shall have general supervision and management of all matters contained in KRS 620.150 and 620.170 and shall, wherever possible: (1) Locate and plan for all children who are dependent, neglected, or abused; ... and (7) Perform such other services as may be deemed necessary for the protection of children.</p> <p>[2] The department certifies state foster homes under the regulation: <a href="#">922 KAR 1:350 Requirements for public child welfare agency foster parents, adoptive parents, and respite care providers.</a></p> <p>The department licenses child placing agencies to approve and oversee private foster homes under <a href="#">922 KAR 1:305</a> and <a href="#">922 KAR 1:310</a>.</p> <p>The department licenses child caring agencies to operate residential facilities for children in foster care under <a href="#">922 KAR 1:305</a> and <a href="#">922 KAR 1:300</a>.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>placed at the child care institution, is designated to be the caregiver who is authorized to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or developmentally-appropriate activities, and who is provided with training in how to use and apply the reasonable and prudent parent standard in the same manner as prospective foster parents are provided the training pursuant to paragraph 471(a)(24).</p> <p>The standards for foster family homes and child care institutions shall include policies related to the liability of foster parents and private entities under contract by the State involving the application of the reasonable and prudent parent standard, to ensure appropriate liability for caregivers when a child participates in an approved activity and the caregiver approving the activity acts in accordance with the reasonable and prudent parent standard.</p> <p>The State/Tribal agency may provide waivers of such standards only on a case-by-case basis for non-safety standards (as determined</p>	<p><a href="#"><u>KRS 605.102 Caregiver of committed child to use reasonable and prudent parent standard for child's participation in age or developmentally appropriate activities—Limitation of liability—Cabinet official's immunity not abrogated or diminished—Cabinet and caregiver to verify appropriateness of child's application for operator's license or permit—Request for cancellation—Administrative regulation.</u></a></p> <p>(1) For the purposes of this section, "caregiver" has the same meaning as in 42 U.S.C. sec. 675(10)(B).</p> <p>(2) In accordance with 42 U.S.C. sec. 671, a caregiver shall use the reasonable and prudent parent standard to determine whether to allow a child in the custody of the cabinet to participate in an age or developmentally appropriate extracurricular, enrichment, or social activity.</p> <p>(3) A caregiver shall not be liable as a result of the caregiver's approval of the participation of a child who is in the custody of the cabinet in an age or developmentally appropriate activity, so long as the caregiver acts in accordance with the reasonable and prudent parent standard. No provision in any agreement between the cabinet and a caregiver shall diminish the standard of care as set forth by this statute.</p> <p>(4) Nothing in this section is intended to abrogate or diminish the immunities of a cabinet official acting in the course and scope of the cabinet official's employment or create a legal duty on the part of a cabinet official.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>by the State/Tribe) in relative foster family homes for specific children in care. The State/Tribal agency must describe which standards it most commonly waives, or if the agency has elected not to waive the standards, the reason for not waiving these standards.</p> <p>State/Tribal agencies that provide such waivers must describe training provided to caseworkers to use the waiver authority and the state/tribal agency process or tools provided to assist caseworkers in waiving non-safety standards per the authority provided in 471(a)(10)(D) to quickly place children with relatives.</p> <p>The agency must describe any steps the agency is taking to improve caseworker training or the process.</p> <p>(Tribes, see section 7)</p>	<p>(5) The cabinet, in conjunction with the child's caregiver, shall utilize the reasonable and prudent parent standard to:</p> <p>(a) Verify that a child is in the custody of the cabinet and is age or developmentally appropriate to apply for an operator's license, motorcycle operator's license, intermediate license, or any instruction permit in accordance with KRS 186.450 or 186.470; or</p> <p>(b) Request that a child's operator's license, motorcycle license, intermediate license, or any instruction permit be cancelled in accordance with KRS 186.470.</p> <p>(6) The cabinet shall promulgate an administrative regulation to implement subsection (5) of this section.</p> <p>[3] N/A</p> <p>See ATTACHMENT X</p> <p><a href="#">922 KAR 1:350</a> is the administrative regulation that discusses the model licensing standards for Kentucky.</p> <p>The below can be found in <a href="#">SOP Chapter 12</a>, with most outlined in sections <a href="#">12.3</a> and <a href="#">12.13</a>.</p> <p><u>Foster Home Eligibility</u></p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ul style="list-style-type: none"> <li>• Threshold Requirements: Kentucky will meet all requirements related to this standard. <ul style="list-style-type: none"> <li>▪ Physical and Mental Health: Kentucky will file emergency regulations on 4/1/19 to include the following language to meet this standard, “All household members shall disclose mental health and substance abuse issues...”</li> <li>▪ Kentucky allows a religious exemption for immunizations related to birth children and adults in the home to accommodate religious freedom and cultural needs of families and, therefore, will deviate from this standard. When placing children in a home that has a religious exemption, <a href="#">SOP 12.3 Foster and Adoptive Home Applicant Assessment</a> directs that: Placement considerations for vulnerable populations coming into foster care are assessed for: <ul style="list-style-type: none"> <li>○ Children under the age of two (2);</li> <li>○ Children coming into care without current immunizations; and</li> <li>○ Children with existing complex health conditions.</li> </ul> </li> </ul> </li> </ul>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>*Children in OOHC receive immunizations as a part of routine health care even when placed in a resource home with an immunization exemption.</p> <ul style="list-style-type: none"> <li>• Background Checks: Kentucky meets this standard.</li> <li>• Home Study: Kentucky meets the majority of this standard, however, the regulatory amendments on 4/1/19 will change current requirements from three non-relative references to two non-relative and one relative reference.</li> </ul> <p><u>Foster Family Home Health and Safety</u></p> <ul style="list-style-type: none"> <li>• Living Space: Kentucky will file emergency regulations on 4/1/19 to include that the following be assessed in the foster home approval and re-evaluation: <ul style="list-style-type: none"> <li>▪ A properly operating kitchen;</li> <li>▪ At least one toilet, sink, and tub or shower in operating condition;</li> </ul> </li> <li>• Condition of Home: <ul style="list-style-type: none"> <li>▪ Requirements that weapons and ammunition be stored separately and unloaded have not been supported by Kentucky's legislature. 922 KAR 1:350 requires that firearms and ammunition are inaccessible to the child and refer KRS 527.100 and KRS 527.110, which require that handgun owners exercise firearm safety and reasonable discretion when around juveniles. Storing weapons and</li> </ul> </li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>ammunition in a location that is inaccessible to a child ensures this safety standard is met; therefore, Kentucky will not be revising language related to firearms and ammunition.</p> <ul style="list-style-type: none"> <li>▪ Kentucky will include in the emergency regulation filed on 4/1/19 language that includes assessing the safety around the use of swimming pools in the approval of foster homes. However, excessive restrictions such as requiring bolt locks and barriers will not be imposed due to the financial burden this could create for families. Additional language and training is accompanying the regulation amendment to support the increased safety awareness around swimming pools. SOP 12.13 will be effective on 4/1/2019 to capture these guidelines for swimming pools as well as hot tubs.</li> </ul> <p><u>Foster Family Home Capacity:</u> The regulation amendment filed on 4/1/19 will increase the number of children allowed to be placed in a foster home without an exception in Kentucky from five to six. Language is also being added to regulation and placement exception forms to mirror the federal language related to placement exceptions.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p><u>Foster Family Home Sleeping Arrangements:</u> Kentucky meets this standard.</p> <p><u>Emergency Preparedness, Fire Safety, and Evacuation Plans:</u> Kentucky added language to regulation that will be amended on 4/1/19 to require emergency preparedness plans for foster homes. However, this requirement does not necessitate posting the plans in the home. Kentucky maintains that this goes against normalcy for children in foster care. The emergency preparedness plans will meet all other requirements with the following exceptions:</p> <ul style="list-style-type: none"> <li>• State regulation does not require carbon monoxide detectors for all homes, unless the home has gas heating elements. In those cases, carbon monoxide detectors are required.</li> <li>• Kentucky does not require a home to have fire extinguishers.</li> </ul> <p><u>Transportation:</u> Kentucky meets this standard.</p> <p><u>Training:</u> Kentucky meets this standard.</p> <p><u>Foster Parent Assurances:</u> Prohibiting individuals from smoking in their own homes or vehicles would be a difficult requirement to implement and may affect the ability to recruit and retain foster families. Flexibility should be allowed in how a state ensures that</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>children in care are not exposed to second hand smoke. Kentucky is including in the emergency regulation amendment language stating that if a physician provides written documentation that a child is to be in a smoke-free environment, the foster parent will comply.</p>
471(a)(36)(A)	<p>The State/Tribal agency shall maintain licensing standards that are in accord with model standards identified by the Secretary, and if not, shall document the reason for the specific deviation and a description as to why having a standard that is reasonably in accord with the corresponding national model standards is not appropriate for the agency.</p>	<p>See ATTACHMENT X  <a href="#">922 KAR 1:350</a> is the administrative regulation that discusses the model licensing standards for Kentucky.</p> <p>The below can be found in <a href="#">SOP Chapter 12</a>, with most outlined in sections <a href="#">12.3</a> and <a href="#">12.13</a>.</p> <p><u>Foster Home Eligibility</u></p> <ul style="list-style-type: none"> <li>• Threshold Requirements: Kentucky will meet all requirements related to this standard. <ul style="list-style-type: none"> <li>▪ Physical and Mental Health: Kentucky will file emergency regulations on 4/1/19 to include the following language to meet this standard, “All household members shall disclose mental health and substance abuse issues...”</li> <li>▪ Kentucky allows a religious exemption for immunizations related to birth children and adults in the home to accommodate religious freedom and cultural needs of families and, therefore, will deviate</li> </ul> </li> </ul>

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		<p>from this standard. When placing children in a home that has a religious exemption, <a href="#">SOP 12.3 Foster and Adoptive Home Applicant Assessment</a> directs that:</p> <p>Placement considerations for vulnerable populations coming into foster care are assessed for:</p> <ul style="list-style-type: none"> <li>○ Children under the age of two (2);</li> <li>○ Children coming into care without current immunizations; and</li> <li>○ Children with existing complex health conditions.</li> </ul> <p>*Children in OOHC receive immunizations as a part of routine health care even when placed in a resource home with an immunization exemption.</p> <ul style="list-style-type: none"> <li>• Background Checks: Kentucky meets this standard.</li> <li>• Home Study: Kentucky meets the majority of this standard, however, the regulatory amendments on 4/1/19 will change current requirements from three non-relative references to two non-relative and one relative reference.</li> </ul> <p><u>Foster Family Home Health and Safety</u></p> <ul style="list-style-type: none"> <li>• Living Space: Kentucky will file emergency regulations on 4/1/19 to include that the following be assessed in the foster home approval and re-evaluation: <ul style="list-style-type: none"> <li>▪ A properly operating kitchen;</li> </ul> </li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ul style="list-style-type: none"> <li>▪ At least one toilet, sink, and tub or shower in operating condition;</li> <li>• Condition of Home: <ul style="list-style-type: none"> <li>▪ Requirements that weapons and ammunition be stored separately and unloaded have not been supported by Kentucky’s legislature. <a href="#">922 KAR 1:350</a> requires that firearms and ammunition are inaccessible to the child and refer <a href="#">KRS 527.100</a> and <a href="#">KRS 527.110</a>, which require that handgun owners exercise firearm safety and reasonable discretion when around juveniles. Storing weapons and ammunition in a location that is inaccessible to a child ensures this safety standard is met; therefore, Kentucky will not be revising language related to firearms and ammunition.</li> <li>▪ Kentucky <del>will</del> included <del>d</del> in the emergency regulation filed on 4/1/19 language that includes assessing the safety around the use of swimming pools in the approval of foster homes. However, excessive restrictions such as requiring bolt locks and barriers <del>will</del> not be imposed due to the financial burden this could create for families. Additional language and training <del>is</del> accompanied <del>ed</del> <del>ing</del> the regulation amendment to support the increased safety</li> </ul> </li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>awareness around swimming pools. <u>SOP 12.13</u> <del>will</del> <b>be was</b> effective on 4/1/2019 to capture these guidelines for swimming pools as well as hot tubs.</p> <p><u>Foster Family Home Capacity:</u> The regulation amendment filed on 4/1/19 <del>will</del> <b>increased</b> the number of children allowed to be placed in a foster home without an exception in Kentucky from five to six. Language <del>is was also being</del> added to regulation and placement exception forms to mirror the federal language related to placement exceptions.</p> <p><u>Foster Family Home Sleeping Arrangements:</u> Kentucky meets this standard.</p> <p><u>Emergency Preparedness, Fire Safety, and Evacuation Plans:</u>  <b>Kentucky added language to administrative regulation amended on 4/1/19 to require emergency preparedness plans for foster homes. However, this requirement does not necessitate posting the plans in the home. Kentucky maintains that this goes against normalcy for children in foster care. The emergency preparedness plans will meet all other requirements, with the following exceptions:</b></p> <ul style="list-style-type: none"> <li>• State regulation does not require carbon monoxide detectors for all homes, unless the home has gas heating elements. In those cases, carbon monoxide detectors are required.</li> </ul>

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		<ul style="list-style-type: none"> <li>• Kentucky does not require a home to have fire extinguishers.</li> </ul> <p><u>Transportation:</u> Kentucky meets this standard.</p> <p><u>Training:</u> Kentucky meets this standard.</p> <p><u>Foster Parent Assurances:</u> Prohibiting individuals from smoking in their own homes or vehicles would be a difficult requirement to implement and may affect the ability to recruit and retain foster families. Flexibility should be allowed in how a state ensures that children in care are not exposed to second hand smoke. Kentucky is including in the emergency regulation amendment language stating that if a physician provides written documentation that a child is to be in a smoke-free environment, the foster parent will comply.</p>
1355.20(a) 472(c)(1)	<p>1. Foster family home means, for the purpose of title IV-E eligibility, the home of an individual or family:</p> <p>a. that is licensed or approved by the State or Tribal service area in which it is situated as a foster family home (or with respect to foster family homes on or near Indian reservations, by the tribal licensing or approval authority(ies)), that as meets ing the</p>	<p>In Kentucky, family foster homes approved and foster homes approved through licensed programs are held to similar standards. The applicable regulations are:</p> <p><a href="#">922 KAR 1:310. Standards for child-placing agencies.</a></p> <p><a href="#">922 KAR 1:350. Requirements for public child welfare agency foster parents, adoptive parents, and respite care providers.</a></p> <p><a href="#">922 KAR 1:490 Background checks for foster and adoptive parents, caretaker relatives, kinship caregivers, fictive kin, and reporting requirements</a></p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>standards established for the licensing or approval; and</p> <p>b. in which a child in foster care has been placed in the care of an individual, who resides with the child and who has been licensed or approved by the State/Tribal agency to be a foster parent that the agency deems capable of adhering to the reasonable and prudent parent standard; that provides 24-hour substitute care for children placed away from their parents or other caretakers; and that provides the care for not more than six children in foster care.</p> <p>c. in which the number of foster children that may be cared for in a foster family home may not exceed six, except at the option of the State/Tribal agency, for any of the following reasons:</p> <p>(i) To allow a parenting youth in foster care to remain with the child of the parenting youth.</p>	<p><a href="#">SOP 12.11 Number Of Children in Foster Homes</a></p> <p>Practice Guidance: Unless an exception is approved as specified in SOP 12.11.1 Placement Exception Requests:</p> <ul style="list-style-type: none"> <li>○ No more than six (6) children (including children in the custody of the Cabinet and the foster parent's own children living at home), are to reside in a foster -home;</li> <li>○ No more than two (2) children under age two (2) (including children placed in out-of-home care by the Cabinet and the parent's own children), may reside at the same time in a foster home.</li> <li>• A medically complex foster home provides care for: <ul style="list-style-type: none"> <li>○ No more than one (1) medically complex child in a one-parent medically complex foster home;</li> <li>○ No more than two (2) medically complex children in a two-parent medically fragile foster home;</li> <li>○ No more than four (4) children, including the medically complex foster home's own children, reside in a medically complex home unless: <ul style="list-style-type: none"> <li>▪ An exception is granted as required in SOP 12.11.1 Placement Exception Requests; and</li> </ul> </li> </ul> </li> </ul>

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	<p>(ii) To allow siblings to remain together.</p> <p>(iii) To allow a child with an established meaningful relationship with the family to remain with the family.</p> <p>(iv) To allow a family with special training or skills to provide care to a child who has a severe disability.</p> <p>by the State/Tribal licensing or approval authority(ies) (or with respect to foster family homes on or near Indian reservations, by the tribal licensing or approval authority(ies)); that provides 24 hour out of home care for children. The term may include group homes, agency operated boarding homes or other facilities licensed or approved for the purpose of providing foster care by the State/Tribal agency responsible for approval or licensing of such facilities. Foster family homes that are approved must be held to the same standards as foster family homes that are licensed. Anything less than full licensure or approval is insufficient for meeting title IV-E</p>	<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>▪ The medically complex foster home has daily support staff to meet the needs of the medically complex child.</li> </ul> </li> <li>• A specialized medically complex foster home provides care for: <ul style="list-style-type: none"> <li>○ No more than one (1) specialized medically complex child in a one-parent specialized medically complex foster home;</li> <li>○ No more than two (2) specialized medically complex children in a two-parent specialized medically complex foster home;</li> <li>○ No more than four (4) children, including the specialized medically complex foster home's own children, reside in a specialized medically complex home unless: <ul style="list-style-type: none"> <li>▪ An exception is granted as required in SOP 12.11.1 Placement Exception Requests; and</li> <li>▪ The specialized medically complex foster home has daily support staff to meet the needs of the medically complex child.</li> </ul> </li> </ul> </li> <li>• A care plus foster home provides care for: <ul style="list-style-type: none"> <li>○ No more than one (1) care plus child in a one-parent care plus foster home;</li> <li>○ No more than two (2) care plus children in a two-parent care plus foster home;</li> </ul> </li> </ul>

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	eligibility requirements. (Tribes, see also section 7)	<ul style="list-style-type: none"> <li>○ No more than four (4) children, including the care plus home's own children, reside in a care plus foster home unless: <ul style="list-style-type: none"> <li>▪ An exception is granted as required in SOP 12.11.1 Placement Exception Requests; and</li> <li>▪ The care plus foster home has daily support staff to meet the needs of the care plus child.</li> </ul> </li> <li>• All exceptions follow procedures in SOP 12.11.1 Placement Exception Requests.</li> <li>• When making a placement in an adoptive home, refer to SOP 12.11.1 Footnotes for further guidance. Resources of the adoptive home should be thoroughly considered as well as the ability of the adoptive parent(s) to meet the needs of the child.</li> </ul>
1355.20(a)(2) 472(c)(2)	2. Child care institution means a private child care institution, or a public child care institution which accommodates no more than 25 children, and is licensed by the State/Tribe in which it is situated or has been approved by the agency of <del>such the</del> State or tribal licensing authority (with respect to child care institutions on or near Indian reservations) responsible for licensing or approval of institutions of this type as meeting the standards established for such licensing except, in the case of a child who	<a href="#">KRS 199.011 Definitions for Chapter</a> (4) "Child" means any person who has not reached his eighteenth birthday; (5) "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

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	<p>has attained 18 years of age, the term includes a supervised setting in which the individual is living independently.</p> <p>This definition must not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent.</p> <p>In addition to these requirements, a qualified residential treatment program must be accredited by any of the independent, not-for-profit organizations listed at 472(k)(4)(G) of the Act or any other independent, not-for-profit accrediting organization of a similar type and kind as those already identified in the Act approved by the Secretary (see Attachment XI).</p> <p>(Tribes, see also section 7 for requirements related to 471(a)(10).)</p>	<p>accreditation, or obtains accreditation within two (2) years of opening from a nationally recognized accrediting organization</p> <p>(11) "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;</p> <p>(12) "Institution" means a child-caring facility providing care or maintenance for nine (9) or more children</p> <p><a href="#">922 KAR 1:300 Standards for Child-Caring Facilities</a></p> <p>(6) "Child" is defined at KRS 199.011(4) and 600.020(8) and may include:</p> <p>(a) A person age eighteen (18) or older whose commitment to the cabinet has been extended or reinstated by a court in accordance with KRS 610.110(6) or 620.140(1)(d); or</p> <p>(b) A child who meets the exceptions to the age of majority in accordance with KRS 2.015.</p> <p>(7) "Child-caring facility" is defined at KRS 199.011(6).</p> <p>(9) "Child-caring program" means the method of delivering a child-caring service.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
471(a) (10)	3. Licensed residential family-based treatment facility for substance abuse, means a treatment facility provides, as part of the treatment for substance abuse, parenting skills training, parent education, and individual and family counseling; <del>and</del> under an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of a trauma-informed approach and trauma-specific interventions to address the consequences of trauma and facilitate healing.	<p>The department has made edits to the agency’s standards of practice (SOP) as outlined below to address the federal language as outlined in PI 18-07 stating that states <i>may</i> claim foster care maintenance and administration under title IV-E. However, at this time, the department continues to take this optional provision into consideration and will submit additional preprint addendums in the future, as necessary.</p> <p><a href="#">SOP 31.2 Title IV-E Eligibility and Reimbursability</a></p> <p>Practice Guidance:  Agencies may claim title IV-E foster care maintenance payments (FCMPs) for a child placed with a parent in a licensed residential family-based treatment facility for substance abuse for up to twelve (12) months in accordance with requirements in section 472(j) and 472(a)(2)(C) of the Act. Agencies may also claim administrative costs during the twelve (12) month period consistent with 45 CFR 1356.60(c) for the administration of the title IV-E program, which includes such things as case management. A licensed residential family-based treatment facility for substance abuse is not a child cares institution (CCI) as defined in section 472(c) of the Act. While the facility must be licensed, there is no requirement that it meet the title IV-E licensing and background check requirements for a CCI.</p>

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		<p>The agency may claim FCMPs in accordance with the definition in section 475(4)(A) of the Act, which includes such things as the cost of providing food, clothing, shelter, and daily supervision. However, because a licensed residential family-based treatment facility for substance abuse is not a CCI, the title IV-E agency may not include the costs of administration and operation of the facility in the child's title IV-E FCMP. Also see section 472(k)(1)(A) of the Act.</p> <p>AFDC RELATEDNESS TEST To be eligible for title IV-E (per section 472(a)), a child is required to have been removed from the home of a specified relative and to have met technical and financial AFDC eligibility that was in effect on July 16, 1996. However, if a child is placed with a parent who is residing in a licensed residential family-based substance abuse treatment facility, it is not required that a child meet the AFDC eligibility requirements if the child would otherwise be eligible for title IV-E foster care maintenance payments. (472 (j)(1) of the Social Security Act)</p> <p><a href="#">SOP 31.4 Reimbursability and Annual Redetermination Under Title IV-E Foster Care</a></p> <p>Practice Guidance:</p> <ul style="list-style-type: none"> <li>• The agency may claim title IV-E foster care maintenance payments (FCMPs) for a child placed with a parent in a licensed residential family-based treatment facility for</li> </ul>

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		<p>substance abuse for up to 12 months in accordance with requirements in sections 472(j) and 472(a)(2)(C) of the Act. The agency may also claim administrative costs during the 12 month period consistent with 45 CFR 1356.60(c) for the administration of the title IV-E program, which includes such things as case management. A licensed residential family-based treatment facility for substance abuse is not a child care institution (CCI) as defined in section 472(c) of the Act. While the facility must be licensed, there is no requirement that it meet the title IV-E licensing and background check requirements for a CCI.</p> <ul style="list-style-type: none"> <li>• The agency may claim FCMPs in accordance with the definition in section 475(4)(A) of the Act, which includes such things as the cost of providing food, clothing, shelter, and daily supervision. However, because a licensed residential family-based treatment facility for substance abuse is not a CCI, the agency may not include the costs of administration and operation of the facility in the child's title IV-E FCMP.</li> <li>• <b>For every qualified residential treatment program (Q RTP) where a child is placed for more than twelve (12) consecutive months or eighteen (18) nonconsecutive months (or, in the case of a child who has not attained age</b></li> </ul>

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		<p>thirteen (13), for more than six (6) consecutive or nonconsecutive months), the title IV-E agency must maintain the following documentation in the child's case plan:</p> <ul style="list-style-type: none"> <li>○ The most recent versions of the evidence and documentation specified in section 475A(c)(4) of the Act submitted at each status review and permanency hearing, (e.g., demonstrating that the assessments of the child support a continued QRTP, documenting treatment or service needs, and preparation for return home or other placement);</li> <li>○ The signed approval of the DCBS commissioner or designee for the continued placement of the child in that setting (section 475A(c)(5) of the Act);</li> <li>○ The agency must document in the child's case plan that the commissioner or designee approved the child's continued placement in the QRTP to claim title IV-E FCMPs after the first twelve (12) consecutive months or eighteen (18) nonconsecutive months of the placement (or, in the case of a child who has not attained age thirteen (13), the first six (6) consecutive or nonconsecutive months) (section 472(k)(1)(B) of the Act).</li> </ul>



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		<p><a href="#">SOP 31.8 IV-E Maintenance Payments and Expenditures</a></p> <p>Procedure:</p> <p>The CBW authorizes foster care maintenance payments to be made on behalf of an eligible child when the child is:</p> <p>4. Placed with a parent in a licensed residential family-based treatment facility for substance abuse for up to twelve (12) months in accordance with requirements in sections 472(j) and 472(a)(2)(C) of the Social Security Act. Agencies may also claim administrative costs during the 12 month period consistent with 45 CFR 1356.60(c) for the administration of the title IV-E program, which includes such things as case management. A licensed residential family-based treatment facility for substance abuse is not a child care institution (CCI) as defined in section 472(c) of the Act. While the facility must be licensed, there is no requirement that it meet the title IV-E licensing and background check requirements for a CCI.</p> <p>Contingencies and Clarifications:</p> <p>4. Agencies may also claim administrative costs during the twelve (12) month period consistent with 45 CFR 1356.60(c) for the administration of the title IV-E program, which includes such things as case management. A licensed residential family-based treatment facility for substance abuse is not a child care institution (CCI) as defined in section 472(c) of the Act. While the facility must</p>

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		be licensed, there is no requirement that it meet the title IV-E licensing and background check requirements for a CCI.
1356.21(m)(1)&(2) 471(a)(11)	<p><b>B. REVIEW OF PAYMENTS AND LICENSING STANDARDS</b></p> <p>The agency reviews at reasonable, specific, time-limited periods established by the State/Tribe:</p> <ol style="list-style-type: none"> <li>1. the amount of the payment made for foster care maintenance and adoption assistance to assure their continued appropriateness; and</li> <li>2. the licensing or approval standards for child care institutions and foster family homes.</li> </ol>	<ol style="list-style-type: none"> <li>1. <a href="#">KRS 605.120 Payments to Home Where Children are Placed</a> Section 3: The cabinet shall review reimbursement rates paid to foster parents <del>on a biennial basis</del> and shall issue a report <del>in October of each odd-numbered year</del> upon request comparing the rates paid by Kentucky to the figures presented in the Expenditures on Children by Families Annual Report prepared by the United States Department of Agriculture and the rates paid to foster parents by other states. <del>to the Child Welfare Oversight and Advisory Committee established in KRS 6.943</del> To the extent that funding is available, reimbursement rates paid to foster parents shall be increased on an annual basis to reflect cost of living increases.</li> <li>2. In Kentucky, licensing and approval standards are reviewed annually as part of the program administration carried out in the Department.</li> </ol>
471(a)(12)	<p><b>C. FAIR HEARINGS</b></p> <p>The State/Tribal agency has a system for granting an opportunity for a fair hearing (before the State/Tribal agency) to any</p>	<p><a href="#">922 KAR 1:320 Service Appeals</a></p> <p>Section 2(2): A foster parent approved by the department in accordance with 922 KAR 1:350 or an adoptive parent may request review of the following through an administrative hearing:</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	individual whose claim for benefits under this plan is denied or not acted upon with reasonable promptness.	<p>(a) Failure by the cabinet to:</p> <ol style="list-style-type: none"> <li>1. Process reimbursement to the home with reasonable promptness;</li> <li>3. Advise an adoptive parent of the availability of adoption assistance in accordance with 922 KAR 1:050, or</li> <li>4.(b) Determination of ineligibility for adoption assistance upon execution of an adoptive placement agreement under 922 KAR 1:050 or 922 KAR 1:060;</li> <li>(c) Denial of a request for a change in payment level due to a change in circumstances of an adoptive parent or child when the adoption assistance agreement is renewed under 922 KAR 1:050 or 922 KAR 1:060</li> </ol>
471(a)(13)	<p>D. INDEPENDENT AUDIT</p> <p>The State/Tribal agency will arrange for a periodic and independently conducted audit, no less frequently than once every three years, of the titles IV-E and IV-B programs.</p>	In Kentucky, the <a href="#">State Auditor of Public Accounts</a> conducts audits of the IV-E and IV-B programs annually.
471(a)(9)(A)	<p>E. CHILD ABUSE AND NEGLECT</p> <p>The State/Tribal agency will report to an appropriate agency or official known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child receiving aid under titles IV-B or IV-E</p>	<p>The department investigates allegations all types of child maltreatment, and collaborates with other agencies as appropriate.</p> <p>The department complies with reporting for NCANDS and AFCARS elements associated the IV-B and IV-E populations.</p>

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	under circumstances that indicate that the child's health or welfare is threatened.	
471(a)(25)&(26)	<p>F. TIMELY INTERSTATE PLACEMENT OF CHILDREN</p> <p>1. The State/Tribal agency shall have in effect procedures for the orderly and timely interstate placement of children which provides that:</p> <p>a. within 60 days after the State/Tribe receives from another State or Tribe a request to conduct a study of a home environment for purposes of assessing the safety and suitability of placing a child in the home, the State or Tribe shall, directly or by contract:</p> <p>i. conduct and complete the study; and</p> <p>ii. return to the other State or Tribe a report on the results of the study which shall address the extent to which placement in the home would meet the needs of the child;</p>	<p>a.</p> <p>Protection and Permanency Operating Manual:  <a href="#">Chapter 10-Interstate Compact on the Placement of Children;</a>  <a href="#">Section: 10.6 Request from Another State to Place a Child with a Parent or Relative in Kentucky;</a></p> <p>The SSW [social services worker]:</p> <p>1. Completes the home study within twenty (20) business days of receipt of the request from the ICPC office when a priority placement (Regulation 7) is requested;</p> <p>2. Completes the home study within forty-five (45) calendar days of receipt of the request from the ICPC office;</p> <p>6. Emails or mails (via regular mail), one (1) copy of the home study and background checks to the ICPC office (as requested on the cover letter), to include the child's placement date, if the parent or relative home is utilized.</p> <p>b.</p> <p>Protection and Permanency Operating Manual:  <a href="#">Chapter 10-Interstate Compact on the Placement of Children;</a>  <a href="#">Section: 10.7 Request from Another State to Place a Child for Foster Care or Adoption in Kentucky;</a></p> <p>The R&amp;C worker [recruitment and certification worker]:</p> <p>1) Follows procedures outlined in SOP 12.3 Resource Home Approval Process and:</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>b. the State or Tribe is not required to complete within the applicable time period the parts of the home study involving the education and training of the prospective foster or adoptive parents;</p> <p>c. the State or Tribe shall treat any such report that is received from another State or Tribe (or from a private agency under contract with another State/Tribe) as meeting any requirements imposed by the State or Tribe for the completion of a home study before placing a child in the home, unless, within 14 days after receipt of the report, the State or Tribe determines, based on grounds that are specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child; and</p> <p>d. the State or Tribe shall not impose any restriction on the ability of an agency administering, or supervising the administration of, a State or Tribal program operated under a plan approved under this</p>	<p>A. Notes that all the requirements outlined in SOP 12.3 must be completed for the foster care/adoptive home study with the exception of the required:</p> <ul style="list-style-type: none"> <li>i. Cabinet approved training; and</li> <li>ii. Fingerprint checks by the Kentucky State Police and Federal Bureau of Investigations;</li> </ul> <p>2) Completes the interstate foster care/adoptive home study within thirty (30) calendar days and may not exceed sixty (60) calendar days;</p> <p>3) Mails or emails the home study to the Kentucky ICPC office upon completion (excluding the required training and FBI fingerprint checks).</p> <p><a href="#">Chapter 10-Interstate Compact on the Placement of Children; Section: 10.1 Introduction to ICPC Home Studies:</a></p> <p>To remain eligible for IV-E funding, the cabinet does not impose any limitations on the receiving state's ability to contract with a private agency for the purpose of conducting the interstate study. The cabinet treats any home study received from another state, tribe, or private agency under contract with a state/tribe as meeting any cabinet requirement for the completion of the home study; unless, within fourteen (14) days after receipt of the report, the state determines, based on grounds specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child. The cabinet does not deny or delay the placement of a child for adoption when an approved</p>

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	part to contract with a private agency for the conduct of such a home study.	family is available outside the state (Title IV-E; Section 471(a)(23)(A)&(B) of the Social Security Act).
471(a)(25)	<p>2. The State shall have in effect procedures for the use of an electronic interstate case-processing system.</p> <p>(Not applicable to Tribes, Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and American Samoa)</p>	Not required until 10/1/2027
<p>471(a)(18)(A)&amp;(B)</p> <p>1355.38(a)(2)</p>	<p>G. REMOVAL OF BARRIERS TO INTERETHNIC ADOPTION</p> <p>1. A State/Tribal agency or any other entity in the State/Tribe that receives funds from the Federal Government and is involved in adoption or foster care placements may not:</p> <p>a. deny to any person the opportunity to become an adoptive or foster parent, on the basis of race, color, or national origin of the person, or of the child involved; or</p> <p>b. delay or deny the placement of a child for adoption or into foster care, on the basis of</p>	<p>(a-c)</p> <p><a href="#">KRS 199.471 Denial of Adoption on Religious, Ethnic, or Racial Grounds</a> applies to both private and public adoptions. The phrasing, “Petitions for adoption of children placed for adoption by the cabinet or a licensed child-placing institution or agency shall not be denied on the basis of the religious, ethnic, racial, or interfaith background of the adoptive applicant,” ensures compliance with the federal requirement.</p> <p>The statute contains additional phrasing, “unless contrary to the expressed wishes of the biological parent(s),” that permits biological parents to express their wishes as part of their interviews which are a mandated procedural component of the private adoption investigation prepared for the court. Public adoptions conducted by the IV-E agency are always done following a TPR, and</p>

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	<p>race, color, or national origin of the adoptive or foster parent or the child involved; and</p> <p>c. maintain any statute, regulation, policy, procedure or practice that, on its face, is a violation as defined in sections 471(a)(18)(A) and (B)).</p>	<p>procedurally, they do not include a bio-parent interview component, and thus this phrasing does not preclude the federal requirement. The related regulation for private, independent adoptions is provided as a further reference: <a href="#">922 KAR 1:010. Independent non relative adoptions:</a></p> <p>Section 8. Interviewing the Biological Parents.</p> <p>(1) If the biological or placing parents, legal father, or putative father reside in Kentucky, the adoption worker shall make a diligent effort to interview the custodial biological or placing parent of the child to be placed and the non-custodial biological parent, legal father, or putative father to: (a) Determine whether or not the biological parents are aware and accepting of the ethnic and religious background of the receiving parents; [and] (b) Determine whether or not they agree to the placement of the child with the proposed receiving parents...</p> <p><a href="#">Chapter 4-Out of Home Care Services (OOHC); 4.1 Consideration of Race or Ethnicity/Maintaining Cultural Connections</a></p> <p><a href="#">Chapter 12-Foster and Adoptive Family Recruitment, Certification and Reimbursement Section, 12.3 Foster and Adoptive Home Applicant Assessment:</a></p> <p>Practice Guidance</p> <p>The Cabinet may not deny any person the opportunity to become a foster or adoptive parent on basis of race, color or national origin</p>

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		<p>of the person or of the child involved (Title IV-E of Section 471(a)(18)(A) of the Social Security Act).</p> <p><a href="#">Chapter 13-Adoption Services –Section: 13.13 Placement Resources</a> Practice Guidance The Cabinet may not delay or deny an otherwise appropriate placement on the basis of race, color or national origin of the person or of the child involved; however, compliance with the Indian Child Welfare Act (ICWA) of 1978 does not constitute a violation of Section of 471 (a)(18)(B) of the Social Security Act.</p> <p><a href="#">Chapter 4-Out of Home Care Services (OOHC); Section: 4.10 Placement in a DCBS Foster or Adoptive Home:</a> The Cabinet may not delay or deny an otherwise appropriate placement on the basis of race, color or national origin of the person or of the child involved; however, compliance with the Indian Child Welfare Act (ICWA) of 1978 does not constitute a violation of Section of 471 (a)(18)(B) of the Social Security Act.</p>
1355.38(a)(5)	2. Compliance with the Indian Child Welfare Act of 1978 (Pub.L.95-608) does not constitute a violation of section 471(a) (18).	<p><a href="#">Chapter 13-Adoption Services Effective: 12/28/2010 Section: 13.13 Placement Resources</a> Practice Guidance The Cabinet may not delay or deny an otherwise appropriate placement on the basis of race, color or national origin of the person or of the child involved; however, compliance with the</p>



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		<p>Indian Child Welfare Act (ICWA) of 1978 does not constitute a violation of Section of 471 (a)(18)(B) of the Social Security Act.</p> <p><a href="#">Chapter 4-Out of Home Care Services (OOHC); Section: 4.10 Placement in a DCBS Foster or Adoptive Resource Home:</a></p> <p>The Cabinet may not delay or deny an otherwise appropriate placement on the basis of race, color or national origin of the person or of the child involved; however, compliance with the Indian Child Welfare Act (ICWA) of 1978 does not constitute a violation of Section of 471 (a)(18)(B) of the Social Security Act.</p>
471(a)(19)	<p>H. KINSHIP CARE</p> <p>1. The State/Tribal agency considers giving preference to an adult relative over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant State/Tribal child protection standards.</p>	<p><a href="#">Chapter 4-Out of Home Care Services (OOHC); Section: 4.3 Relative and Absent Parent Search:</a></p> <p>When a child enters out of home care, exploration of possible relative placement-or relative foster care is an extremely important process. In order for states to receive federal payments for foster care and adoption assistance, federal law (42 USC 617(a)(19)) requires that the SSW "consider giving preference to an adult relative over a non-related caregiver when determining placement for a child, provided that the relative caregiver meets all relevant state child protection standards."</p> <p>P.L. 110.351 requires due diligence to identify and notify all adult relatives of a child within thirty (30) days of the child's removal and of the relative's option to become a placement resource for the child. More importantly, the child(ren) being placed are much more likely to have a significant attachment to the caregiver and other familial support as a result of being placed with a relative.</p>

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471(a)(29) 475(7)	<p>2. Within thirty days after the removal of a child from the custody of the parent or parents of the child, the State/Tribal agency shall exercise due diligence to identify and provide notice to the following relatives: all adult grandparents, all parents of a sibling of the child, where such parent has legal custody of such sibling, and other adult relatives of the child (including any other adult relatives suggested by the parents), subject to exceptions due to family violence, that:</p> <p>a. specifies that the child has been or is being removed from the custody of the parent or parents of the child;</p> <p>b. explains the options the relative has under Federal, State, and local law or Tribal law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice;</p> <p>c. describes the requirements under paragraph 471(a)(10) to become a foster family home and the additional services and</p>	<p><a href="#">922 KAR 1:140 Foster care and adoption permanency services:</a> Section 3 Permanency Planning (5) An absent parent search shall: (a) Be conducted within thirty (30) days of a child entering the custody of the cabinet; (b) Be conducted to gather as much information as possible related to the person and the person's location which may include: 1. Date of birth; 2. Social Security number; 3. Present or previous employers; and 4. Present or most recent address; and (c) Include a written record of all search attempts, written correspondence, and telephone contacts with any person to assist in locating a parent or relative. (6) If a relative or fictive kin placement is in the best interest of the child, the cabinet shall: (a) use an absent parent search to locate a relative.</p> <p><a href="#">Chapter 4-Out of Home Care Services (OOHC); Section: 4.3 Relative and Absent Parent Search:</a> The SSW [social service worker]: 1. Attempts to identify and notify all adult relatives by utilizing the <a href="#">DPP-1275A Notice to Relative of Removal of a Child</a> form within thirty (30) days of the temporary removal hearing, and of the relatives' options to become a placement resource for the child;</p>

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	<p>supports that are available for the children placed in such a home; and</p> <p>d. if the State/Tribal agency has elected to operate a kinship guardianship assistance program, describes how the relative guardian of the child may subsequently enter into an agreement with the State/Tribal agency under 473(d) to receive the payments.</p> <p>3. The legal guardianship means a judicially created relationship between the child and relative which is intended to be permanent and self-sustaining as evidenced by the transfer to the relative of the following parental rights with respect to the child:</p> <ul style="list-style-type: none"> <li>a. protection;</li> <li>b. education;</li> <li>c. care and control of the person;</li> <li>d. custody of the person; and</li> <li>e. decision making.</li> </ul>	<p>2. Includes the following people from the child’s family in the relative search and notification process:</p> <ul style="list-style-type: none"> <li>A. Parents;</li> <li>B. Grandparents;</li> <li>C. Adult aunts and uncles; <del>and</del></li> <li>D. Adult siblings; and</li> <li>E. All parents of a sibling of a child where such parent has legal custody of such sibling (471(a)(29) of the Social Security Act);</li> </ul> <p>3. Completes the <a href="#">DPP-1275 Relative Exploration form</a>, with the family at the ten (10) day conference (Refer to Ten Day Conference Checklist);</p> <p>4. Utilizes the <a href="#">Absent Parent Form</a>, the Absent Parent Search Handbook and/or other available search mechanisms to complete the relative search;</p> <p>5. Continues to search for relatives beyond the thirty (30) day period when attempts have been unsuccessful, and exploration should occur on an ongoing basis and/or at regularly scheduled case planning conferences every six (6) months to promote permanency for the child;</p>

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471(a)(31)	<p>I. SIBLING PLACEMENT</p> <p>The State/Tribal agency shall make reasonable efforts to:</p> <ol style="list-style-type: none"> <li>1. place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, unless the State documents that such a joint placement would be contrary to the safety or well-being of any of the siblings; and</li> <li>2. in the case of siblings removed from their home who are not so jointly placed, to provide for frequent visitation or other ongoing interaction between the siblings, unless that State/Tribal agency documents that frequent visitation or other ongoing interaction would be contrary to the safety or well-being of any of the siblings.</li> </ol>	<p><a href="#">Chapter 4-Out of Home Care Services (OOHC); Section: 4.18 Ongoing Case Planning:</a></p> <p>The SSW</p> <p>12. Ensures that the following components are always documented on the case plan documentation includes (in accordance with provisions of Title IV-E of Social Security Act):</p> <p>E. A schedule for visitation between separated siblings, as appropriate to the case circumstances, designed to enhance and support the relationship</p> <p><a href="#">922 KAR 1:100 Public agency adoption</a></p> <p>Section 2(4): If cabinet staff agree by consensus during a planning conference, a sibling may be separated from another sibling in adoption upon consideration of:</p> <p>(a) If age appropriate, each sibling’s understanding of the facts of the relationship, feelings, wishes, and ideas regarding options for placement;</p> <p>(b) The perception of the relationship of each child with the sibling; and</p> <p>(c) The recommendation of a:</p> <ol style="list-style-type: none"> <li>1. QMHP; or</li> <li>2. If applicable, a QMRP.</li> </ol> <p>Protection and Permanency Operating Manual: <a href="#">Chapter 13-Adoption Services; Section: 13.9 Sibling Relationship Decisions</a></p>

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471(a)(20)(A)	<p>J. SAFETY REQUIREMENTS</p> <p>1. Safety requirements for foster care, and adoptive home providers.</p> <p>a. The State/Tribal agency provides procedures for criminal records checks (including finger-print-based checks of national crime information databases (as defined in section 534(f) (3)(a) of title 28, United States Code) for any prospective foster and adoptive parent before the parent may be finally approved for placement of a child regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child.</p>	<p><a href="#">KRS 199.462 Criminal background investigation of applicant to provide foster care, relative caregiver services, fictive kin placement, 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--Rap back system</a></p> <p>Section (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:</p> <p>(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</p> <p>(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.</p> <p><a href="#">922 KAR 1:350 Requirements for public child welfare agency foster parents, adoptive parents, and respite care providers</a></p> <p>Section 2(17): A foster or adoptive parent applicant and any member of the applicant's household shall submit to the background checks in accordance with 922 KAR 1:490.</p>

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		<p><a href="#">922 KAR 1:490 Background Checks for Foster and Adoptive Parents, Caretaker Relatives, kinship caregivers, fictive kin, and Reporting Requirements</a> Section 2 Background Checks Required for Foster or Adoptive Parent Applicants.</p> <p>(1) An applicant, and each adult member of the household, shall complete <a href="#">a DPP-157, Background Checks for Applicants or Foster/Adoptive Parents and</a> submit to:</p> <p>(a) An in-state criminal records check, conducted pursuant to KRS 199.462(1), by the:</p> <ol style="list-style-type: none"> <li>1. Kentucky Justice and Public Safety Cabinet; or</li> <li>2. Administrative Office of the Courts;</li> </ol> <p>(b) A child abuse or neglect check conducted by the cabinet for each state of residence during the past five (5) years;</p> <p>(c) A criminal records check conducted by means of a fingerprint check of the Criminal History Record Information administered by the Federal Bureau of Investigation; and</p> <p>(d) An address check of the Sex Offender Registry.</p> <p>(2) Prior to approval of an applicant, each adolescent member of the household shall complete <a href="#">a DPP-157</a> and submit to a child abuse or neglect check conducted by the cabinet.</p> <p>(3) A Kentucky child abuse or neglect check conducted by the cabinet shall identify the name of each applicant, adolescent member of the household, or adult member of the household who has been found by the cabinet to have:</p> <ol style="list-style-type: none"> <li>1 Committed sexual abuse or sexual exploitation of a child;</li> </ol>

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		<p>2. Been responsible for a child fatality or near fatality related to abuse or neglect;</p> <p>3. Abused or neglected a child within the seven (7) year period immediately prior to the application;</p> <p>4. Had parental rights terminated; or</p> <p>(b) A matter pending administrative review.</p> <p>(4) An applicant shall not be approved if:</p> <p>(a) A criminal records check reveals that the applicant, or adult member of the household, has a:</p> <p>1. Felony conviction involving:</p> <p>a. A spouse, a child, sexual violence, or death as described by 42 U.S.C. 671(a)(20); or</p> <p>b. Physical abuse, battery, a drug, or alcohol within the five (5) year period prior to application;</p> <p>2. Criminal conviction relating to child abuse or neglect; or</p> <p>3. Civil judicial determination related to child abuse or neglect;</p> <p>(b) A child abuse or neglect check reveals that the applicant, adolescent member of the household, or adult member of the household, has been found to have:</p> <p>1. Committed sexual abuse or sexual exploitation of a child;</p> <p>2. Been responsible for a child fatality or near fatality related to abuse or neglect; or</p> <p>3. Had parental rights terminated involuntarily in accordance with KRS 625.050 through 625.120 or another state's laws; or</p>

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		<p>(c) An address check of the Sex Offender Registry and supporting documentation confirm that a sex offender resides at the applicant's home address.</p> <p><a href="#">922 KAR 1:130 Kinship Care Program</a>  Section 3 Initial Eligibility Determination Process for Child's Relative  (1): The caretaker relative of the child and each <del>an</del> adult member of the household shall:  (a) Undergo a  1. Criminal records check in accordance with 922 KAR 1:490;  2. Child abuse and neglect check conducted by the cabinet in accordance with 922 KAR 1:490; and  (b) Be approved in accordance with 922 KAR 1:490.</p>
1356.30(b) 471(a)(20)(A)(i)	b. The State/Tribe does not approve or license any prospective foster or adoptive parent, nor does the State/Tribal agency claim FFP for any foster care maintenance or adoption assistance payment made on behalf of a child placed in a foster home operated under the auspices of a child placing agency or on behalf of a child placed in an adoptive home through a private adoption agency, if the State/Tribal agency finds that, in any case involving a child on whose behalf such payments are to be made in which a criminal records check conducted in accordance with	<p><a href="#">922 KAR 1:490. Background checks for foster and adoptive parents, caretaker relatives, kinship caregivers, fictive kin, and reporting requirements:</a>  Section 2. Background Checks Required for Foster or Adoptive Parent Applicants.  (1) An applicant, and each adult member of the household, shall complete a <a href="#">DPP-157, Background Checks for Applicants or Foster/Adoptive Parents</a>, and submit to:  (a) An in-state criminal records check, conducted pursuant to KRS 199.462(1), by the:  1. Kentucky Justice and Public Safety Cabinet; or  2. Administrative Office of the Courts;</p>



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	<p>paragraph (a) of this section, a court of competent jurisdiction has determined that the prospective foster or adoptive parent has been convicted of a felony involving:</p> <ul style="list-style-type: none"> <li>i. child abuse or neglect;</li> <li>ii. spousal abuse;</li> <li>iii. a crime against a child or children (including child pornography); or</li> <li>iv. a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.</li> </ul>	<ul style="list-style-type: none"> <li>(b) A child abuse or neglect check conducted by the cabinet for each state of residence during the past five (5) years;</li> <li>(c) A criminal records check conducted by means of a fingerprint check of the Criminal History Record Information administered by the Federal Bureau of investigation; and .</li> <li>(d) An address check of the Sex Offender Registry</li> </ul> <p>(2) Prior to approval of an applicant, each adolescent member of the household shall complete a <a href="#">DPP-157</a> and submit to a child abuse or neglect check conducted by the cabinet.</p> <p>(3) A Kentucky child abuse or neglect check conducted by the cabinet shall identify the name of each applicant, adolescent member of the household, or adult member of the household who has :</p> <ul style="list-style-type: none"> <li>(a) Been found by the cabinet to have: <ul style="list-style-type: none"> <li>(1) Committed sexual abuse or sexual exploitation of a child;</li> <li>(2) Been responsible for a child fatality or near fatality related to abuse or neglect;</li> <li>(3) Abused or neglected a child within the seven (7) year period immediately prior to the application;</li> <li>4 Had parental rights terminated; or</li> </ul> </li> <li>(b) A matter pending administrative review.</li> </ul> <p>(4) An applicant shall not be approved if:</p> <ul style="list-style-type: none"> <li>(a) A criminal records check reveals that the applicant, or adult member of the household, has a: <ul style="list-style-type: none"> <li>1. Felony conviction involving:</li> </ul> </li> </ul>

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		<p>a. A spouse, a child, sexual violence, or death as described by 42 U.S.C. 671(a)(20); or</p> <p>b. Physical abuse, battery, a drug, or alcohol within the five (5) year period prior to application;</p> <p>2. Criminal conviction relating to child abuse or neglect; or</p> <p>3. Civil judicial determination related to child abuse or neglect;</p> <p>(b) A child abuse or neglect check reveals that the applicant, adolescent member of the household, or adult member of the household, has been found to have:</p> <p>1. Committed sexual abuse or sexual exploitation of a child;</p> <p>2. Been responsible for a child fatality or near fatality related to abuse or neglect; or</p> <p>3. Had parental rights terminated involuntarily in accordance with KRS 625.050 through 625.120 or another state's laws; or</p> <p>(c) An address check of the Sex Offender Registry and supporting documentation confirm that a sex offender resides at the applicant's home address.</p>
1356.30(c) 471(a)(20)(A)(ii)	c. The State/Tribe does not approve or license any prospective foster or adoptive parent, nor claim FFP for any foster care maintenance or adoption assistance payment made on behalf of a child placed in a foster family home operated under the auspices of a child placing agency or on behalf of a child placed in an adoptive home through a private adoption agency, if the State/Tribal agency	<p><a href="#">922 KAR 1:490. Background checks for foster and adoptive parents, caretaker relatives, kinship caregivers, fictive kin, and reporting requirements:</a></p> <p>Section 2. Background Checks Required for Foster or Adoptive Parent Applicants.</p> <p>(1) An applicant, and each adult member of the household, shall complete a <a href="#">DPP-157, Background Checks for Applicants or Foster/Adoptive Parents</a>, and submit to:</p>

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	<p>finds, in any case involving a child on whose behalf such payments are to be made in which a criminal records check conducted in accordance with paragraph (a) of this section, that a court of competent jurisdiction has determined that the prospective foster or adoptive parent has, within the last five years, been convicted of a felony involving:</p> <ul style="list-style-type: none"> <li>i. physical assault;</li> <li>ii. battery; or</li> <li>iii. a drug-related offense.</li> </ul>	<p>(a) An in-state criminal records check, conducted pursuant to KRS 199.462(1), by the:</p> <ul style="list-style-type: none"> <li>1. Kentucky Justice and Public Safety Cabinet; or</li> <li>2. Administrative Office of the Courts;</li> </ul> <p>(b) A child abuse or neglect check conducted by the cabinet for each state of residence during the past five (5) years;</p> <p>(c) A criminal records check conducted by means of a fingerprint check of the Criminal History Record Information administered by the Federal Bureau of investigation; and</p> <p>(d) An address check of the Sex Offender Registry</p> <p>(2) Prior to approval of an applicant, each adolescent member of the household shall complete a <u>DPP-157</u> and submit to a child abuse or neglect check conducted by the cabinet.</p> <p>(3) A Kentucky child abuse or neglect check conducted by the cabinet shall identify the name of each applicant, adolescent member of the household, or adult member of the household who has:</p> <p>(a) Been found by the cabinet to have:</p> <ul style="list-style-type: none"> <li>(1) Committed sexual abuse or sexual exploitation of a child;</li> <li>(2) Been responsible for a child fatality or near fatality related to abuse or neglect;</li> <li>(3) Abused or neglected a child within the seven (7) year period immediately prior to the application;</li> <li>(4) Had parental rights terminated; or</li> </ul> <p>(b) A matter pending administrative review.</p> <p>(4) An applicant shall not be approved if:</p>

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		<p>(a) A criminal records check reveals that the applicant, or adult member of the household, has a:</p> <ol style="list-style-type: none"> <li>1. Felony conviction involving: <ol style="list-style-type: none"> <li>a. A spouse, a child, sexual violence, or death as described by 42 U.S.C. 671(a)(20); or</li> <li>b. Physical abuse, battery, a drug, or alcohol within the five (5) year period prior to application;</li> </ol> </li> <li>2. Criminal conviction relating to child abuse or neglect; or</li> <li>3. Civil judicial determination related to child abuse or neglect;</li> </ol> <p>(b) A child abuse or neglect check reveals that the applicant, adolescent member of the household, or adult member of the household, has been found to have:</p> <ol style="list-style-type: none"> <li>1. Committed sexual abuse or sexual exploitation of a child;</li> <li>2. Been responsible for a child fatality or near fatality related to abuse or neglect; or</li> <li>3. Had parental rights terminated involuntarily in accordance with KRS 625.050 through 625.120 or another state's laws; or</li> </ol> <p>(c) An address check of the Sex Offender Registry and supporting documentation confirm that a sex offender resides at the applicant's home address.</p>
1356.30(f) 471(a)(20)(D)	d. In order for a child to be eligible for title IV-E funding, the licensing file for a child care institution must contain documentation which verifies that safety considerations with respect to the staff of the institution have been addressed. State/Tribal agency shall	<p>Not required until 10/1/18 unless a legislative delay or title IV-E waiver delay is approved by the Secretary</p> <p>Kentucky has requested a legislative delay through Attachment B. Certification of Required Legislation signed on 8/9/2018 and</p>

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	<p>provide procedures for any child care institution, including a group home, residential treatment center, shelter, or other congregate care setting, to conduct criminal record checks, including fingerprint-based checks of national crime information databases (as defined in section 534(f)(3)(A) of title 28, United States Code), and checks described in subparagraph (B) of this paragraph, on any adult working child-care institution, including a group home, residential treatment center, shelter, or other congregate care setting, unless the State reports to the Secretary the alternative criminal records checks and child abuse registry checks the State conducts on any adult working in a child-care institution, including a group home, residential treatment center, shelter, or other congregate care setting, and why the checks specified in this subparagraph are not appropriate for the State.</p>	<p>submitted to the Children’s Bureau on 8/9/2018. Per the signed certification, upon approval, the delayed effective date is the first day of the first calendar quarter beginning after the close of the first regular session of the legislature that begins after the date of enactment of FFPSA.</p> <p>For Kentucky, the first regular session of the legislature that begins after February 9, 2018 begins on January 2019 and closes on March 2019. The calendar quarter that begins after the close date above is April-June. The delayed effective date of the checked requirement(s) above will be April 1, 2019 (The first date of the calendar quarter above).</p> <p><a href="https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=50203">https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=50203</a></p> <p>See ATTACHMENT IX</p> <p><b><u>922 KAR 1:305. Licensure of child-caring facilities and child-placing agencies</u></b></p> <p>Section 2. Initial Application.</p> <p>(1) An applicant for a license shall submit to the division a:</p> <p>    (a) Completed Application for Licensure to Operate a Child-Caring Facility or a Child-Placing Agency, Form OIG 136;</p> <p>(2) A license issued by the division shall be:</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>(e) Awarded if an on-site inspection, described in Section 6 of this administrative regulation, results in:</p> <ol style="list-style-type: none"> <li>1. A determination that the applicant qualifies for licensure as established in 922 KAR 1:300 or 922 KAR 1:310</li> </ol> <p>Section 3. Renewal Licensure. Re-licensure shall be in accordance with KRS 199.640(3), and shall require the following procedures:</p> <p>(1) The applicant shall submit a:</p> <ol style="list-style-type: none"> <li>(a) Completed Application for Licensure to Operate a Child-Caring Facility or a Child Placing Agency, Form OIG 136</li> <li>(6) A renewal license shall be issued by the division if the division determines the applicant qualified for renewal licensure in accordance with 922 KAR 1:300 or 922 KAR 1:310.</li> </ol> <p><a href="#"><u>922 KAR 1:300 Standards for child caring facilities:</u></a></p> <p>Section 3 Administration and Operation</p> <p>(6) Personnel policy</p> <ol style="list-style-type: none"> <li>(a) A child-caring facility shall have and comply with a written personnel policy and procedure.</li> <li>(c) The employment of an individual shall be governed by KRS 17.165, with regard to a criminal record check.</li> <li>(d) A new criminal record check shall be completed at least every two (2) years on each employee or volunteer.</li> <li>(e) An employee under indictment or legally charged with a violent or sex crime as defined in KRS 17.165 shall be immediately</li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>removed from contact with a child within the child-caring facility until the employee is cleared of the charge.</p> <p>(f) Each employee or volunteer shall submit to a check of the central registry described by 922 KAR 1:470. An individual listed on the central registry shall not be a volunteer at or be employed by a child-caring facility.</p> <p>(g) Each licensee shall report to the cabinet and each child-caring facility employee or volunteer shall report to the licensee or facility's director, an incident that occurs subsequent to the most recent central registry check, if the employee or volunteer:</p> <ol style="list-style-type: none"> <li>1. Is the subject of a cabinet child abuse or neglect investigation;</li> <li>2. Has been found by the cabinet or a court to have abused or neglected a child; or</li> <li>3. Has been indicted for or charged with a violent or sex crime as defined in KRS 17.165.</li> </ol> <p>(h) An individual shall not be left alone in the presence of a child if a central registry check has not been completed.</p> <p>(i) Determination by the cabinet of risk of potential harm by an employee to a child in a child-caring facility shall result in:</p> <ol style="list-style-type: none"> <li>1. Investigation of the employee for evidence of child abuse or neglect; and</li> <li>2. The removal of the employee from direct contact with a child: <ol style="list-style-type: none"> <li>a. For the duration of the investigation; and</li> <li>b. Pending completion of the administrative appeal process in accordance with 922 KAR 1:320.</li> </ol> </li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>(j) A current personnel record shall be maintained for each employee, that includes the following:</p> <ol style="list-style-type: none"> <li>1. Name, address, Social Security number, date of employment, and date of birth;</li> <li>2. Evidence of a current registration, certification, licensure, and college credentials, if required by the position;</li> <li>3. Record of ongoing participation in an agency staff development program as specified in paragraphs (n) and (o) of this subsection;</li> <li>4. Record of performance evaluation;</li> <li>5. Criminal records check as established in paragraph (c) of this subsection;</li> <li>6. Documentation of a central registry check completed every two (2) years in accordance with 922 KAR 1:470;</li> <li>7. Personnel action; and</li> <li>8. Application for employment, resume, or contract.</li> </ol> <p>(k) A child-caring facility shall retain an employee personnel record for at least five (5) years after termination of employment.</p>
471(a)(20)(B)	e. The State/Tribal agency shall check any child abuse and neglect registry for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless	<p><a href="#">922 KAR 1:490 Background checks for foster and adoptive Parents, caretaker relatives, kinship caregivers, fictive kin, and reporting requirements</a></p> <p>Section 2 Background Checks Required for Foster or Adoptive Parent Applicants.</p> <p>(1) An applicant, and each adult member of the household, shall complete a <a href="#">DPP-157, Background Checks for Applicants or Foster/Adoptive Parents</a>, and submit to:</p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child:</p> <p>i. the State/Tribal agency shall check any child abuse and neglect registry it maintains for such information;</p> <p>ii. the State/Tribal agency shall request any other State/Tribe in which any such prospective parent or other adult has resided in the preceding 5 years, to check any child abuse and neglect registry maintained by such other State or Tribe for such information; and</p> <p>iii. the State/Tribal agency shall comply with any such request to check its child abuse and neglect registry that is received from another State or Tribe.</p>	<p>(a) An in-state criminal records check, conducted pursuant to KRS 199.462(1)...</p> <p>(b) A child abuse or neglect check conducted by the cabinet for each state of residence during the past five (5) years;</p> <p>(c) A criminal records check conducted by means of a fingerprint check of the Criminal History Record Information administered by the Federal Bureau of Investigation; and .</p> <p>(d) An address check of the Sex Offender Registry</p> <p>(2) Prior to approval of an applicant, each adolescent member of the household shall complete a <u>DPP-157</u> and submit to a child abuse or neglect check conducted by the cabinet.</p> <p>(3) A Kentucky child abuse or neglect check conducted by the cabinet shall identify the name of each applicant, adolescent member of the household, or adult member of the household who has:</p> <p>(a) Been found by the cabinet to have:</p> <p>(1) Committed sexual abuse or sexual exploitation of a child;</p> <p>(2) Been responsible for a child fatality or near fatality related to abuse or neglect;</p> <p>(3) Abused or neglected a child within the seven (7) year period immediately prior to the application;</p> <p>(4) Had parental rights terminated; or-</p> <p>(5) A matter pending administrative review.</p> <p>(6) An applicant shall not be approved if:</p> <p>(7) A criminal records check reveals that the applicant, or adult member of the household, has a:</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>1. Felony conviction involving:</p> <ul style="list-style-type: none"> <li>a. A spouse, a child, sexual violence, or death as described by 42 U.S.C. 671(a)(20); or</li> <li>b. Physical abuse, battery, a drug, or alcohol within the five (5) year period prior to application;</li> </ul> <p>2. Criminal conviction relating to child abuse or neglect; or</p> <p>3. Civil judicial determination related to child abuse or neglect; or</p> <p>(b) A child abuse or neglect check reveals that the applicant, adolescent member of the household, or adult member of the household, has been found to have:</p> <ul style="list-style-type: none"> <li>1. Committed sexual abuse or sexual exploitation of a child;</li> <li>2. Been responsible for a child fatality related to abuse or neglect;</li> </ul> <p>or</p> <p>3. Had parental rights terminated involuntarily in accordance with KRS 625.050 through 625.120 or another state's laws; or-</p> <p>(c) An address check of the Sex Offender Registry and supporting documentation confirm that a sex offender resides at the applicant's home address.</p> <p><a href="#"><u>922 KAR 1:470 Central Registry</u></a></p> <p>Section 2(2) Each name shall:</p> <ul style="list-style-type: none"> <li>(a) Remain on the central registry for a period of at least seven (7) years; and</li> <li>(b) Be removed from the central registry after a period of seven (7) years if:</li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>1. No additional incident of child abuse or neglect has been substantiated by the cabinet since the time of the incident for which the individual's name was placed on the registry; and</p> <p>2. Cabinet records indicate that the incident for which the individual's name was placed on the registry did not relate to:</p> <ul style="list-style-type: none"> <li>a. Sexual abuse or sexual exploitation of a child;</li> <li>b. A child fatality related to abuse or neglect;</li> <li>c. A near fatality related to abuse or neglect; or</li> <li>d. Involuntary termination of parental rights in accordance with KRS 625.050 through 625.120.</li> </ul>
471(a)(23)(A)&(B)	<p><b>K. INTERJURISDICTIONAL ADOPTIONS</b></p> <p>The State/Tribal agency will not:</p> <ul style="list-style-type: none"> <li>1. deny or delay the placement of a child for adoption when an approved family is available outside of the jurisdiction with responsibility for handling the case of the child; or</li> <li>2. fail to grant an opportunity for a fair hearing, as described in section 471(a)(12), to an individual whose allegation of a violation of part (1) of this subsection is denied by the State/Tribal agency or not acted upon by the</li> </ul>	<p>1.</p> <p><a href="#">Chapter 13-Adoption Services Effective: 12/28/2010 Section: 13.13 Placement Resources</a></p> <p>Practice Guidance</p> <p>The cabinet treats any home study received from another state, tribe, or private agency under contract with a state/tribe as meeting any cabinet requirement for the completion of the home study; unless, with 14 days after receipt of the report, the state determines, based on grounds specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child. The cabinet does not deny or delay the placement of a child for adoption when an approved family is available outside the state (Title IV-E; Section 471(a)(23)(A)&amp;(B) of the Social Security Act).</p> <p>2.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	State/Tribal agency with reasonable promptness.	<a href="#">922 KAR 1:320. Service appeals</a> Section 2. Right to Appeal. (3) An approved and available adoptive parent outside the jurisdiction with responsibility for handling the case of an adoptive child may request an administrative hearing for the cabinet's denial or delay in placement of the child for adoption pursuant to 42 U.S.C. 671(a)(23).
471(a)(22)	L. QUALITY STANDARDS  1. The State/Tribal agency has developed and implemented standards to ensure that children in foster care placements in public or private agencies are provided quality services that protect the safety and health of the children.	<a href="#">KRS 199.640 Licensing of child-caring and child-placing agencies or facilities – License fees – Standards – Recordkeeping and reporting – Use of corporal punishment – Prohibition against hiring convicted sex offender – Confidentiality of records. (Effective until July 1, 2019)</a> (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;

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>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;</p> <p>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;</p> <p>4. The facility or agency develops an integrated, outcomes-based treatment plan that meets the health, mental health, education, safety, and security needs of each child in its care;</p> <p>5. The facility or agency has procedures in place to include parents, family, and other caregivers in a child's treatment program;</p> <p>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;</p> <p>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;</p> <p>8. The facility or agency initiates discharge planning at admission and provides sufficient aftercare; and</p> <p>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.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>(c) The secretary may promulgate administrative regulations creating separate licensure standards for different types of facilities.</p> <p>(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.</p> <p><a href="#"><u>922 KAR 1:350 Requirements for public child welfare agency foster parents, adoptive parents, and respite care providers.</u></a></p> <p>Section 2 General Requirements for a Foster or Adoptive Parent.</p> <p>(1)(a) Unless an exception is approved pursuant to paragraph (b) of this subsection by designated cabinet staff, a foster or adoptive parent applicant shall be at least twenty-one (21) years of age.</p> <p>(b) A foster or adoptive parent applicant between eighteen (18) to twenty-one (21) years of age may be approved as a foster or adoptive parent if:</p> <ol style="list-style-type: none"> <li>1. The foster or adoptive parent applicant is related to the child under the custodial control of the cabinet;</li> <li>2. The foster or adoptive parent applicant can meet the needs of the child; and</li> <li>3. Cabinet staff determines the placement is in the best interest of the child.</li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>(2b) A foster or adoptive parent applicant shall provide proof of the applicant's United States citizenship or legal immigrant status, as described in 8 U.S.C. 1151, 8 U.S.C. 1181, and 42 C.F.R. 435.407.</p> <p>(3) A department employee who provides protection and permanency services may apply to adopt a child in the care and custody of the cabinet if the commissioner approves the employee to adopt and the adoption is in the best interest of the child.</p> <p>(4) A department employee who provides protection and permanency services shall be prohibited from becoming a respite care provider or foster parent for a child in the care and custody of the cabinet, regardless of the child's residence, unless it is approved by the commissioner in writing because the employee was a foster parent or respite care provider for the child when employment with the department protection and permanency services began.</p> <p>(5) A married couple may apply to become foster or adoptive parents.</p> <p>(6) A single, unmarried person may apply to become a foster or adoptive parent.</p> <p>(7) The decision to foster or adopt a child shall be agreed to by each adult member of the applicant's household.</p> <p>(8)-Each foster or adoptive applicant and adult member of the applicant's family shall submit a <u>DPP-107</u>, Health Information Required for Foster or Adoptive Parents, Applicants, or Adult Household Members, completed...</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>(10) A foster or adoptive parent applicant shall have a source of income:</p> <p>(a) Sufficient to meet the applicant's household expenses; and</p> <p>(b) Separate from:</p> <ol style="list-style-type: none"> <li>1. Foster care reimbursement; or</li> <li>2. Adoption assistance.</li> </ol> <p>(13) A foster or adoptive applicant shall provide to the cabinet:</p> <p>(a) The names of three (3) personal references who:</p> <ol style="list-style-type: none"> <li>1. Are not related to the applicant; and</li> <li>2.a. Shall be interviewed by cabinet staff in person or by telephone; or</li> <li>b. Shall provide letters of reference for the applicant; and</li> </ol> <p>(b) Two (2) credit references.</p> <p>(14) Unless a documented exception exists and is approved by designated cabinet staff due to inaccessibility, each adult child of the foster or adoptive applicant who does not live in the home shall be interviewed by cabinet staff in person or by telephone regarding the applicant's parenting history.</p> <p>(16) A foster or adoptive parent applicant who does not have custody of his or her own biological child shall provide:</p> <ol style="list-style-type: none"> <li>(a) A copy of the visitation order, if applicable;</li> <li>(b) A copy of the child support order; and</li> <li>(c) Proof of current payment of child support.</li> </ol> <p>(17) A foster or adoptive parent applicant and any member of the applicant's household shall submit to the background checks in accordance with 922 KAR 1:490.</p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		(18) The cabinet shall perform background checks in accordance with criteria established in 922 KAR 1:490.
471(a)(24)	2. The State/Tribal agency will ensure that prospective foster parents are adequately trained with the appropriate knowledge and skills to provide for the needs of the child and that the preparation will be continued, as necessary, after the placement of the child and that the preparation shall include knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally-appropriate activities, including knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child, and knowledge and skills relating to applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural, and social activities, including sports, field trips, and overnight activities lasting 1 or more days, and to decisions involving the signing of permission slips and arranging of transportation for the child to and from	<p><a href="#">922 KAR 1:310 Standards for child-placing agencies</a></p> <p>Section 4 Evaluation of an Applicant: (11) If an applicant is approved as a foster home, adoptive home, or respite care provider by a state agency or another child-placing agency, a child-placing agency shall:</p> <p>(a) Conduct a home study in accordance with subsections (2), (3), and (5) of this section; and</p> <p>(b) Document that the applicant meets training requirements in accordance with Section 5, 7, 10, 13, or 18 of this administrative regulation. If an applicant lacks training in accordance with this paragraph, the child-placing agency shall, prior to placement of a child in the home:</p> <p>1. Provide training in accordance with Section 5, 7, 10, 13, or 18 of this administrative regulation; or</p> <p>2.a. Develop an individualized curriculum to fulfill unmet training needs; and</p> <p>b. Document the applicant’s compliance with the individualized curriculum</p> <p>Section 5. Orientation and Preparation of a Foster Home. (1) With the exception of training requirements specified in 922 KAR 1:495 for a foster home that cares for a child in the custody of the cabinet, a child-placing agency shall:</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	extracurricular, enrichment, and social activities.	<p>(a) Develop and maintain an orientation and preparation curriculum to be kept on file;</p> <p>(b) Provide a minimum of twenty-four (24) hours of orientation and preparation to a prospective foster parent, to include the following:</p> <ol style="list-style-type: none"> <li>1. Child-placing agency program description with mission statement;</li> <li>2. Information about the rights and responsibilities of the home;</li> <li>3. Background information about the foster child and the child's family, including information in accordance with KRS 605.090(1)(b);</li> <li>(4) An example of an actual experience from a foster parent that has fostered a child;</li> <li>(5) Information regarding: <ol style="list-style-type: none"> <li>a. The stages of grief;</li> <li>b. Identification of the behavior linked to each stage;</li> <li>c. The long-term effect of separation and loss on a child;</li> <li>d. Permanency planning for a child, including independent living services;</li> <li>e. The importance of attachment on a child's growth and development and how a child may maintain or develop a healthy attachment;</li> <li>f. Family functioning, values, and expectations of a foster home;</li> <li>g. Cultural competency;</li> <li>h. How a child enters and experiences foster care, and the importance of achieving permanency; and</li> </ol> </li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>i. The importance of birth family and culture and helping children leave foster care;</p> <p>(6) Identification of changes that may occur in the home if a placement occurs, to include:</p> <ul style="list-style-type: none"> <li>a. Family adjustment and disruption;</li> <li>b. Identity issues; and</li> <li>c. Discipline issues and child behavior management; and</li> </ul> <p>(7e) Specific requirements and responsibilities of a foster parent; and-</p> <p>(c) Maintain an ongoing foster home preparation and training program that:</p> <ul style="list-style-type: none"> <li>(1) Provides a minimum of six (6) hours of foster home training annually; and</li> <li>(2) Maintains a record of preparation and training completed.</li> </ul> <p><a href="#"><u>922 KAR 1:350 Requirements for public child welfare agency foster parents, adoptive parents, and respite care providers</u></a> Section 6.</p> <p>Preparation and Selection of a Foster or Adoptive Home:</p> <ul style="list-style-type: none"> <li>(1) The cabinet shall recruit a foster or adoptive home and approve the home prior to the placement of a child.</li> <li>(2) Prior to approval as a foster or adoptive parent, an applicant shall complete training requirements in accordance with 922 KAR 1:495.</li> <li>(3) If a new adult moves into an approved foster or adoptive home where a child is already placed by the cabinet, the child may remain and additional children may be placed if the new adult:</li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>(a) Completes training in accordance with subsection (2) of this section within six (6) months of entering the home; and</p> <p>(b) Meets the requirements specified in Sections 2 and 3 of this administrative regulation.</p> <p>(4) An adult child or incapacitated person who resides in the foster or adoptive home shall not be required to complete training in accordance with 922 KAR 1:495 if that individual will not be responsible for routine daily care of a child placed in the home by the cabinet.</p> <p>(8) Following initial training as specified in 922 KAR 1:495, if cabinet staff determines that an applicant or adult household member lacks the necessary skills to become a foster or adoptive parent, an individualized training curriculum shall be developed to fulfill unmet training needs.</p> <p>(9)(a) A foster or adoptive parent shall request the recommendation of cabinet staff prior to enrolling in training specified in 922 KAR 1:495, Section 4(1) or 6(1); and</p> <p>(b) Cabinet staff may recommend the foster or adoptive parent to receive training specified in 922 KAR 1:495, Section 4(1) or 6(1) if the parent possesses the aptitude to care for a child described in Section 4(1)(b) or 5(1)(b) of this administrative regulation.</p>
471(a)(30)	<p>M. COMPULSORY SCHOOL ATTENDANCE</p> <p>The State/Tribal agency has a system for assuring that each child who has attained the minimum age for compulsory school</p>	<p><a href="#">KRS 620.230 Case permanency plans</a></p> <p>(2) The case permanency plan shall include, but need not be limited to:</p> <p>(g) A description of the type of home, child-caring facility, child-placing agency or facility in which the child is to be placed or has</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>attendance under State/Tribal law and with respect to whom there is eligibility for a payment under the plan is a full-time elementary or secondary school student or has completed secondary school, and for purposes of this paragraph, the term 'elementary or secondary school student' means, with respect to a child, that the child is--</p> <ol style="list-style-type: none"> <li>1. enrolled (or in the process of enrolling) in an institution which provides elementary or secondary education, as determined under the law of the State or other jurisdiction in which the institution is located;</li> <li>2. instructed in elementary or secondary education at home in accordance with a home school law of the State or other jurisdiction in which the home is located;</li> <li>3. in an independent study elementary or secondary education program in accordance with the law of the State or other jurisdiction in which the program is located, which is administered by the local school or school district; or</li> </ol>	<p>been placed, and a statement why the placement is appropriate for the child, including but not limited to:</p> <ol style="list-style-type: none"> <li>1. Age;</li> <li>2. Educational needs;</li> <li>3. Medical needs;</li> <li>4. Emotional needs;</li> <li>5. Relationship with parents; and</li> <li>6. Number of children the home is authorized to care for and the number of children currently residing in the home;</li> </ol> <p><a href="#">Chapter 4-Out of Home Care Services (OOHC); Section: 4.18 Ongoing Case Planning:</a></p> <p>The SSW [social services worker]:</p> <ol style="list-style-type: none"> <li>12. Ensures that the following components are always documented on the case plan documentation includes (in accordance with provisions of Title IV-E of Social Security Act):</li> <li>J. Objectives, tasks or other notes that constitute a plan for the child's educational stability (reference <a href="#">SOP 4.28 Meeting Educational Needs</a>) as required by Sec 475 (1)(g) and Sec 471 (a)(30) of the Social Security Act, including: <ol style="list-style-type: none"> <li>iv. Verification that a child, who has attained the minimum age for compulsory school attendance, is attending school in accordance with state law;</li> </ol> </li> </ol>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	4. incapable of attending school on a full-time basis due to the medical condition of the child, which incapability is supported by regularly updated information in the case plan of the child.	Kentucky law regarding compulsory attendance is located at <a href="#">KRS 159.010</a> . Exceptions to the requirement are available at <a href="#">KRS 159.030</a> .
471(a)(27)	<p>N. VERIFICATION OF CITIZENSHIP OR IMMIGRATION STATUS</p> <p>1. The State/Tribal agency will have in effect procedures for verifying the citizenship or immigration status of any child in foster care under the responsibility of the State/Tribal agency under title IV-E or part B, and without regard to whether foster care maintenance payments are made under section 472 on behalf of the child.</p>	
472(a)(4)	2. For the purposes of meeting the requirements of the section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), children must meet the definition of "qualified alien" (as defined in section 431(b) of PRWORA) to be eligible for Federal foster care maintenance or adoption assistance (except that children receiving	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	adoption assistance pursuant to agreements signed before August 22, 1996 may continue to receive such assistance).	
475(9), (10), (11) and (12)	<p>O. DEFINITIONS</p> <p>For the purposes of the titles IV-B and IV-E of the Act:</p> <p>1. The term ‘sex trafficking victim’ means a victim of-</p> <p>a. sex trafficking (as defined in section 103(10) of the Trafficking Victims Protection Act of 2000); or</p> <p>b. a severe form of trafficking in persons described in section 103(9)(A) of such Act.</p> <p>2. The term ‘reasonable and prudent parent standard’ means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under</p>	<p>1.</p> <p><a href="#">529.010 Definitions</a></p> <p>(5) "Human trafficking" refers to criminal activity whereby one (1) or more persons are subjected to engaging in:</p> <p>(a) Forced labor or services; or</p> <p>(b) Commercial sexual activity through the use of force, fraud, or coercion, except that if the trafficked person is under the age of eighteen (18), the commercial sexual activity need not involve force, fraud, or coercion;</p> <p>2. <a href="#">KRS 199.011 Definitions for chapter</a></p> <p>(15) "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C. sec. 675(10);</p> <p><a href="#">KRS 600.020 Definitions for KRS chapters 600 to 645</a></p> <p>(2) "Age or developmentally-appropriate" has the same meaning as in 42 U.S.C. sec. 675(11);</p> <p>(53) "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C. sec. 675(10);</p> <p>3.</p>

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	<p>the responsibility of the State/Tribe to participate in extracurricular, enrichment, cultural, and social activities. In this context, ‘caregiver’ means a foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed.</p> <p>3. The term ‘age or developmentally-appropriate’ means—</p> <p>a. activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and</p> <p>b. in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.</p>	<p><a href="#">KRS 600.020 Definitions for KRS chapters 600 to 645</a></p> <p>(2) "Age or developmentally-appropriate" has the same meaning as in 42 U.S.C. sec. 675(11);</p> <p>(53) "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C. sec. 675(10);</p> <p><u>Placement Decision Making Matrix</u></p> <p>...a relative includes:</p> <ul style="list-style-type: none"> <li>• A child’s natural or adoptive parent;</li> <li>• A blood relative of the child including a relative of the half-blood;</li> <li>• Legally adopted or natural children of the adoptive parent and other relatives of such parents;</li> <li>• The alleged parent or a relative of the alleged parent may be determined a blood relative through the administrative establishment of paternity; or</li> <li>• A relative by marriage of any persons listed in bullet points 2-4 above even if the marriage has ended. This is true as long as the marriage ended after the child’s birth.</li> </ul>



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	<p>4. The term ‘sibling’ means individual who satisfies at least one of the following conditions with respect to a child:</p> <p>a. The individual is considered by state/tribal law to be a sibling of the child.</p> <p>b. The individual would have been considered a sibling of the child under State/Tribal law but for a termination or other disruption of parental rights, such as the death of a parent.</p>	
471(a)(9)(C)	<p>P. SEX TRAFFICKING VICTIMS AND MISSING CHILDREN</p> <p>1. The State/Tribal agency has developed, in consultation with State and local law enforcement, juvenile justice, health care providers, education agencies, and organizations with experience in dealing with at-risk youth, policies and procedures (including relevant training for caseworkers) for identifying, documenting in agency records, and determining appropriate services for:</p>	<p>1a  <a href="#">2.3 Acceptance Criteria and Reports that do not Meet</a>  XI. Exploitation (Neglect)  1. The intake SSW accepts a report of neglect if the reporting source alleges the following:</p> <ul style="list-style-type: none"> <li>A. A caretaker is/has used a child or a child’s financial resources for personal gain, such as money or drugs;</li> <li>B. A caretaker is/has enticed a child to become involved in criminal activities; or</li> <li>C. A child victim of human trafficking, meaning one (1) or more child(ren) have been subjected to engage in criminal activity involving forced labor services or commercial sexual activity regardless of whether or</li> </ul>

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	<p>a. any child or youth over whom the State/Tribal agency has responsibility for placement, care, or supervision and who the agency has reasonable cause to believe is, or is at risk of being, a sex trafficking victim (including children for whom an agency has an open case file but who have not been removed from the home, children who have run away from foster care and who have not attained 18 years of age or such older age as the State has elected under section 475(8) of the Act, and youth who are not in foster care but are receiving services under section 477 of the Act); and</p> <p>b. at the option of the State/Tribal agency, any individual who has not attained 26 years of age, without regard to whether the individual is or was in foster care under the responsibility of the agency;</p>	<p>not force, fraud or coercion is involved (Refer to the Human Trafficking of Minors Tip Sheet);</p> <p>2. Reports of sexual exploitation of child(ren) are accepted following the procedures outlined in sexual abuse criteria.</p> <p><a href="#">2.15.9 Investigations of Human Trafficking</a></p>
471(a)(35)(B)	<p>2. For each child and youth described in 471(a)(9)(C)(i)(I) of the Act, the State/Tribal agency shall report immediately, and in no case later than 24 hours after receiving, information on missing or abducted children to the law enforcement authorities for entry</p>	<p><a href="#">4.67 Locating Missing Children—Including Runaways</a></p> <p>The SSW:</p> <p>1. Files a missing persons report with the local law enforcement agency (city, county or state) for any missing child that is committed to the Cabinet, no later than twelve</p>

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	into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, and to the National Center for Missing and Exploited Children.	<p>(12) hours after receiving notification that a child has gone missing;</p> <p>2. Notifies the following agencies about the missing child immediately, but no later than twenty-four (24) hours after a child has gone missing:</p> <p>A. Local law enforcement:</p> <p>i. Provide law enforcement any information that could aid in locating the child, at the time of the initial report, and any time new information becomes available;</p> <p>ii. Provide a complete description of the child;</p> <p>iii. Provide a recent photo (if available);</p> <p>iv. Provides child's possible whereabouts, known places or locations the child frequents, and known habits of the child;</p> <p>v. Provide the child's date of birth, school, and grade;</p> <p>vi. Describe the circumstances surrounding the disappearance/AWOL;</p> <p>vii. Provide medical and/or dental providers' names;</p> <p>viii. Provide the complete name and description of (if applicable) the abductor, or the last person with whom the child was seen, or vehicle involved;</p> <p>ix. Record the name and badge number of the officer who takes the report. Find out who will follow up the initial investigation. Also, be sure to request the case number of the missing person's report;</p> <p>x. Ask that all data regarding the missing child be entered into the Law Information Network of Kentucky (LINK) computer, National</p>

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		<p>Crime Information Center (NCIC) 2 computer, and the Kentucky Missing and Exploited Children Unit;</p> <p>xi. Double check to make sure that the Kentucky Missing and Exploited Children Unit receives a KSP 261 Missing Persons Report and a current photo so that a flyer can be distributed statewide and to surrounding states;</p> <p>xii. Wait 24 hours and then check with the police to determine that the information has been entered. Ask to receive a copy of the printout, if desired. If the information has not been entered into the LINK and NCIC computers, then contact the Kentucky Missing and</p> <p>xiii. Exploited Children Unit and sign an affidavit that the local agency is in noncompliance with the law; and</p> <p>xiv. Request that you be kept informed on a regular basis of the status of the investigation; and</p> <p>B. National Center for Missing and Exploited Children (NCMEC):</p> <p>i. During office hours a web report to NCMEC may be made through the NCMEC microsite under the Report a Missing Child Here tab</p> <p>ii. If urgent or after business hours call: 1-800-THE-LOST (1-800-843-5678)</p> <p>iii. Basic information you will always be asked to provide</p> <ol style="list-style-type: none"> <li>Child's full name</li> <li>Child's date of birth</li> <li>Date child went missing</li> <li>City and state from where child went missing</li> </ol>

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		<p>e. Guardian information including agency name, and telephone</p> <p>f. Law enforcement information including agency name and telephone</p> <p>g. A recent photo of the child (if available)</p> <p>iv. NCMEC also requests comprehensive information regarding the child in order to be able to effectively assist in locating the child. If it is available, physical descriptive information (e.g. height, weight, hair and eye color, clothing worn), any risks or endangerments to the child, circumstances surrounding the incident, and description of any person who may be with the child;</p> <p>3. Provides notice to the court of the child's disappearance within twenty-four (24) hours and requests a pickup order. The SSW will request that the pickup order explicitly asks that the child be returned to DCBS or directly to a placement.</p> <p>4. Documents the details of their activities in case contacts.</p>
471(34)(A)	<p>3. For each child or youth described in 471(a)(9)(C)(i)(I), the state/tribal agency shall report immediately, and in no case later than 24 hours after receiving information on children or youth who have been identified as being a sex trafficking victim, to local law enforcement.</p>	<p><a href="#">2.15.9 Investigations of Human Trafficking</a></p> <p>Procedure:</p> <p>The SSW:</p> <ol style="list-style-type: none"> <li>1. Initiates the report within twenty four (24) hours of receipt unless there are high risk factors that need to be addressed sooner;</li> <li>2. Investigates the report jointly with law enforcement: <ol style="list-style-type: none"> <li>A. Interviews the perpetrator, only with law enforcement; and</li> </ol> </li> </ol>

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		B. Shares information throughout the investigation;

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	<b>SECTION 5. GENERAL PROVISIONS</b>	
471(a)(5)	<p>A. PERSONNEL ADMINISTRATION</p> <p>The State/Tribal agency will, in administration of its programs under this part, certify in Attachment VII that it established and will maintain personnel standards on a merit basis as found necessary</p>	see Attachment VII

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	by the Secretary for proper and efficient operation of the programs.	
471(a)(8)	<p>B. SAFEGUARDING INFORMATION</p> <p>1. Subject to section 471(c), the State/Tribal agency has safeguards restricting use of or disclosure of information concerning individuals assisted under this plan to purposes directly connected with:</p>	
471(a)(8)(A)	a. the administration of the title IV-E plan or any of the plans or	<p><a href="#">KRS 194A.010 Cabinet for Health and Family Services – Functions:</a></p> <p>(1) The cabinet is the primary state agency for operating the public health, Medicaid, certificate of need and licensure, and mental health and</p>

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	<p>programs under Parts A, B or D of title IV or under titles I, V, X, XIV, XVI (as in effect in Puerto Rico, Guam, and the Virgin Islands), XIX or XX, or the supplemental security income program under title XVI; and</p>	<p>intellectual disability programs in the Commonwealth. The function of the cabinet is to improve the health of all Kentuckians, including the delivery of population, preventive, reparative, and containment health services in a safe and effective fashion, and to improve the functional capabilities and opportunities of Kentuckians with disabilities. The cabinet is to accomplish its function through direct and contract services for planning and through the state health plan and departmental plans for program operations, for program monitoring and standard setting, and for program evaluation and resource management.</p> <p><a href="#"><u>KRS 194A.060 Confidentiality of record and reports</u></a>  (1) The secretary shall develop and promulgate administrative regulations that protect the confidential nature of all records and reports of the cabinet that directly or indirectly identify a client or patient or former client or patient of the cabinet and that insure that these records are not disclosed to or by any person except as, and insofar as:  (a) The person identified or the guardian, if any, shall give consent; or  (b) Disclosure may be permitted under state or federal law.  (2) The cabinet shall share pertinent information from within the agency's records on clients, current</p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>and former clients, recipients, and patients as may be permitted by federal and state confidentiality statutes and regulations governing release of data with other public, quasi-public, and private agencies involved in providing services to current or former clients or patients subject to confidentiality agreements as permitted by federal and state law if those agencies demonstrate a direct, tangible, and legitimate interest in the records. In all instances, the individual's right to privacy is to be respected.</p> <p><a href="#">KRS 194.250 Protection of records, files, and information</a></p> <p>All reports, documents, surveys, books, records, files, papers, or other writing in the possession of the Department of Child Welfare, the Department of Economic Security, the Department of Health, the Department of Mental Health, the Commission on Aging, the Commission on Children and Youth, the Commission for Handicapped Children, the Office of Economic Opportunity, the Division of Disability Determination of the Department of Education, and the Employment Agency Licensure Program of the Department of Labor and in the possession of all instrumentalities within or attached thereto shall remain in the custody of the cabinet. All confidential records, files, or information maintained in accordance with state or federal law or regulations</p>

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		or rules of court shall be retained in accordance with present law, regulations, or rules of court until modified or repealed or until the secretary establishes appropriate regulations to protect these records, files, and information.
471(a)(8)(B)	b. any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any such plan or program; and	<a href="#">KRS 194A.060 Confidentiality of record and reports</a> (2) The cabinet shall share pertinent information from within the agency's records on clients, current and former clients, recipients, and patients as may be permitted by federal and state confidentiality statutes and regulations governing release of data with other public, quasi-public, and private agencies involved in providing services to current or former clients or patients subject to confidentiality agreements as permitted by federal and state law if those agencies demonstrate a direct, tangible, and legitimate interest in the records. In all instances, the individual's right to privacy is to be respected.
471(a)(8)(C)	c. the administration of any other Federal or federally assisted program which provides assistance (in-cash or in-kind) or services	Public Assistance Program: <a href="#">KRS 205.175 Confidential treatment of information and records -- Persons to whom furnished</a> (1) 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 this chapter which have been written, sent, or made in connection with the requirements and

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	<p>directly to individuals on the basis of need; and</p>	<p>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.</p> <p>(2) Information received or transmitted shall not be published or be open for public inspection, including instances in which the agency determines reasonable cause to believe evidence of domestic violence or child abuse and the disclosure of the information could be harmful to the custodial parent or the child of the parent, except that necessary information and records may be furnished to:</p> <p>(a) Public employees in the performance of their duties in connection with the administration of the public assistance or child support enforcement program pursuant to Part D of Title IV of the Social Security Act;</p> <p>(b) All law enforcement agencies including county attorneys, Commonwealth's attorneys, District and Circuit Judges and grand juries in discovering and prosecuting cases involving fraud;</p> <p>(c) Duly elected members of the General Assembly of the Commonwealth of Kentucky and the Congress of the United States in connection with their duties as members of such legislative bodies, but such information shall be limited to cases of individual</p>

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		<p>constituents of the legislator, who have requested information regarding their application or grant, as specified in the inquiry by such legislator;</p> <p>(d) Any interested party at a hearing before the secretary or his duly authorized representative to the extent necessary for the proper presentation of his case; provided, that any names or information obtained through access to such records shall not be used for any commercial or political purposes; and</p> <p>(e) Any bank, savings and loan association, credit union, or other financial institution to the extent necessary to ascertain or confirm information submitted by the applicant or recipient and used to make eligibility or benefit determinations.</p> <p>(3) Information regarding a public assistance applicant or recipient may also be released, in the discretion of the secretary or those he may designate, to such individuals or agencies as meet the requirements of regulations promulgated by the secretary and who are supplying or cooperating in securing services, employment, or training for the applicant or recipient of public assistance.</p> <p>(4) The unauthorized use by any employee of the cabinet of information obtained pursuant to KRS 205.835 is prohibited.</p>
471(a)(8)(D)	d. any audit or similar activity conducted in	<p><a href="#"><u>KRS 194A.060 Confidentiality of record and reports</u></a></p> <p>(2) The cabinet shall share pertinent information from within the agency's records on clients, current</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	connection with the administration of any such plan or program by any governmental agency authorized by law to conduct such audit or activity;	and former clients, recipients, and patients as may be permitted by federal and state confidentiality statutes and regulations governing release of data with other public, quasi-public, and private agencies involved in providing services to current or former clients or patients subject to confidentiality agreements as permitted by federal and state law if those agencies demonstrate a direct, tangible, and legitimate interest in the records. In all instances, the individual's right to privacy is to be respected.
471(a)(9)(A)	e. the disclosure of information pursuant to 471(a)(9)(A) to appropriate authorities with respect to known or suspected child abuse or neglect;	<a href="#">KRS 620.050 Immunity for Good Faith Actions or Reports—Investigations – Confidentiality of Reports – Exceptions – Parent’s Access to Records – Sharing of Information by Children’s Advocacy Centers – Confidentiality of Interview With Child – Exceptions – Confidentiality of Identifying Information Regarding Reporting Individual – Internal Review and Report—Waiver—Medical diagnostic procedures—Sharing information with relatives-- Interaction among siblings who are not jointly placed.</a> The report of suspected child abuse, neglect, or dependency and all information obtained by the cabinet or its delegated representative, as a result of an investigation or assessment made pursuant to this chapter, except for those records provided for in

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>subsection (6) of this section, shall not be divulged to anyone except:</p> <ul style="list-style-type: none"> <li>(a) Persons suspected of causing dependency, neglect, or abuse;</li> <li>(b) The custodial parent or legal guardian of the child alleged to be dependent, neglected, or abused;</li> <li>(c) Persons within the cabinet with a legitimate interest or responsibility related to the case;</li> <li>(d) A licensed child-caring facility or child-placing agency evaluating placement for or serving a child who is believed to be the victim of an abuse, neglect, or dependency report;</li> <li>(e) Other medical, psychological, educational, or social service agencies, child care administrators, corrections personnel, or law enforcement agencies, including the county attorney's office, the coroner, and the local child fatality response team, that have a legitimate interest in the case;</li> <li>(f) A noncustodial parent when the dependency, neglect, or abuse is substantiated;</li> <li>(g) Members of multidisciplinary teams as defined by KRS 620.020 and which operate pursuant to KRS 431.600;</li> <li>(h) Employees or designated agents of a children's advocacy center;</li> <li>(i) Those persons so authorized by court order; or</li> <li>(j) The external child fatality and near fatality review panel established by KRS 620.055.</li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
471(a)(34)(A) and 471(a)(35)(B)	<p>f. the disclosure of information pursuant to 471(a)(34)(A) to the appropriate authorities with respect to children or youth identified in 471(a)(9)(C)(i)(I) of the Act who have been identified as being a sex trafficking victim; and</p> <p>g. the disclosure of information pursuant to 471(a)(35)(B) to appropriate authorities with respect to children identified in 471(a)(9)(C)(i)(I) of the Act who</p>	<p><a href="#">KRS 620.050 Immunity for Good Faith Actions or Reports—Investigations – Confidentiality of Reports – Exceptions – Parent’s Access to Records – Sharing of Information by Children’s Advocacy Centers – Confidentiality of Interview With Child – Exceptions – Confidentiality of Identifying Information Regarding Reporting Individual – Internal Review and Report—Waiver—Medical diagnostic procedures—Sharing information with relatives-- Interaction among siblings who are not jointly placed.</a></p> <p>(5) The report of suspected child abuse, neglect, or dependency and all information obtained by the cabinet or its delegated representative, as a result of an investigation or assessment made pursuant to this chapter, except for those records provided for in subsection (6) of this section, shall not be divulged to anyone except:</p> <p>(a) Persons suspected of causing dependency, neglect, or abuse;</p> <p>(b) The custodial parent or legal guardian of the child alleged to be dependent, neglected, or abused;</p> <p>(c) Persons within the cabinet with a legitimate interest or responsibility related to the case;</p> <p>(d) A licensed child-caring facility or child-placing agency evaluating placement for or serving a child who is believed to be the victim of an abuse, neglect, or dependency report;</p>

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	are missing or abducted.	<p>(e) Other medical, psychological, educational, or social service agencies, child care administrators, corrections personnel, or law enforcement agencies, including the county attorney's office, the coroner, and the local child fatality response team, that have a legitimate interest in the case;</p> <p>(f) A noncustodial parent when the dependency, neglect, or abuse is substantiated;</p> <p>(g) Members of multidisciplinary teams as defined by KRS 620.020 and which operate pursuant to KRS 431.600;</p> <p>(h) Employees or designated agents of a children's advocacy center;</p> <p>(i) Those persons so authorized by court order; or</p> <p>(j) The external child fatality and near fatality review panel established by KRS 620.055.</p>
471(a)(8)(E)	<p>2. The safeguards provided will prohibit disclosure to:</p> <p>a. any individuals or entities not included in paragraph 1 above; and</p>	<p><a href="#"><u>KRS 620.050 Immunity for Good Faith Actions or Reports—Investigations – Confidentiality of Reports – Exceptions – Parent’s Access to Records – Sharing of Information by Children’s Advocacy Centers – Confidentiality of Interview With Child – Exceptions – Confidentiality of Identifying Information Regarding Reporting Individual – Internal Review and Report—Waiver—Medical diagnostic procedures—Sharing information with relatives-- Interaction among siblings who are not jointly placed.</u></a></p>



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	<p>b. any committee or legislative body (other than an agency referred to in section 471(a)(8)(D) with respect to an activity referred to in such clause) of any information which identifies by name or address any applicant for or recipient of assistance under title IV-E of the Act.</p>	<p>(5) The report of suspected child abuse, neglect, or dependency and all information obtained by the cabinet or its delegated representative, as a result of an investigation or assessment made pursuant to this chapter, except for those records provided for in subsection (6) of this section, shall not be divulged to anyone except:</p> <ul style="list-style-type: none"> <li>(a) Persons suspected of causing dependency, neglect, or abuse;</li> <li>(b) The custodial parent or legal guardian of the child alleged to be dependent, neglected, or abused;</li> <li>(c) Persons within the cabinet with a legitimate interest or responsibility related to the case;</li> <li>(d) A licensed child-caring facility or child-placing agency evaluating placement for or serving a child who is believed to be the victim of an abuse, neglect, or dependency report;</li> </ul> <p>Other medical, psychological, educational, or social service agencies, child care administrators, corrections personnel, or law enforcement agencies, including the county attorney's office, the coroner, and the local child fatality response team, that have a legitimate interest in the case;</p> <ul style="list-style-type: none"> <li>(f) A noncustodial parent when the dependency, neglect, or abuse is substantiated;</li> <li>(g) Members of multidisciplinary teams as defined by KRS 620.020 and which operate pursuant to KRS 431.600;</li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>(h) Employees or designated agents of a children's advocacy center;</p> <p>(i) Those persons so authorized by court order; or</p> <p>(j) The external child fatality and near fatality review panel established by KRS 620.055.</p>
471(a)(20)(B)(iii)	<p>3. The State/Tribal agency shall have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State/Tribe, and to prevent any such information obtained pursuant to section 471(a)(20)(B) from being used for a purpose</p>	<p><a href="#"><u>KRS 620.050 Immunity for Good Faith Actions or Reports Child – Exceptions – Confidentiality of Identifying Information Regarding Reporting Individual – Internal Review and Report—Waiver—Medical diagnostic procedures—Sharing information with relatives --Interaction among siblings who are not jointly placed.</u></a></p> <p>(5) The report of suspected child abuse, neglect, or dependency and all information obtained by the cabinet or its delegated representative, as a result of an investigation or assessment made pursuant to this chapter, except for those records provided for in subsection (6) of this section, shall not be divulged to anyone except:</p> <p>(a) Persons suspected of causing dependency, neglect, or abuse;</p> <p>(b) The custodial parent or legal guardian of the child alleged to be dependent, neglected, or abused;</p> <p>(c) Persons within the cabinet with a legitimate interest or responsibility related to the case;</p> <p>(d) A licensed child-caring facility or child-placing agency evaluating placement for or serving a child</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	other than the conducting of background checks in foster and adoptive placement cases.	<p>who is believed to be the victim of an abuse, neglect, or dependency report;</p> <p>(e) Other medical, psychological, educational, or social service agencies, child care administrators, corrections personnel, or law enforcement agencies, including the county attorney's office, the coroner, and the local child fatality response team, that have a legitimate interest in the case;</p> <p>(f) A noncustodial parent when the dependency, neglect, or abuse is substantiated;</p> <p>(g) Members of multidisciplinary teams as defined by KRS 620.020 and which operate pursuant to KRS 431.600;</p> <p>(h) Employees or designated agents of a children's advocacy center;</p> <p>(i) Those persons so authorized by court order; or</p> <p>(j) The external child fatality and near fatality review panel established by KRS 620.055.</p> <p>(7) Nothing in this section shall prohibit a parent or guardian from accessing records for his or her child providing that the parent or guardian is not currently under investigation by a law enforcement agency or the cabinet relating to the abuse of a child.</p>
471(c)	4. In the use of child welfare records in court proceedings, section 471(a)(8)	<a href="#">KRS 620.050 Immunity for Good Faith Actions or Reports -- Investigations -- Confidentiality of reports -- Exceptions --Parent's access to records -- Sharing of information by children's advocacy centers -- Confidentiality of interview with child -- Exceptions --</a>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>of the Act shall not be construed to limit the flexibility of a State/Tribe in determining policies relating to public access to court proceedings to determine child abuse and neglect or other court hearings held pursuant to title IV-B or title IV-E of the Act, except that such policies shall, at a minimum, ensure the safety and well-being of the child, parents, and family.</p>	<p><a href="#"><u>Confidentiality of identifying information regarding reporting individual -- Internal review and report -- Waiver -- Medical diagnostic procedures -- Sharing information with relatives -- Interaction among siblings who are not jointly placed.</u></a></p> <p>(5) The report of suspected child abuse, neglect, or dependency and all information obtained by the cabinet or its delegated representative, as a result of an investigation or assessment made pursuant to this chapter, except for those records provided for in subsection (6) of this section, shall not be divulged to anyone except:</p> <p>(a) Persons suspected of causing dependency, neglect, or abuse;</p> <p>(b) The custodial parent or legal guardian of the child alleged to be dependent, neglected, or abused;</p> <p>(c) Persons within the cabinet with a legitimate interest or responsibility related to the case;</p> <p>(d) A licensed child-caring facility or child-placing agency evaluating placement for or serving a child who is believed to be the victim of an abuse, neglect, or dependency report;</p> <p>(e) Other medical, psychological, educational, or social service agencies, child care administrators, corrections personnel, or law enforcement agencies, including the county attorney's office, the coroner, and the local child fatality response team, that have a legitimate interest in the case;</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>(f) A noncustodial parent when the dependency, neglect, or abuse is substantiated;</p> <p>(g) Members of multidisciplinary teams as defined by KRS 620.020 and which operate pursuant to KRS 431.600;</p> <p>(h) Employees or designated agents of a children's advocacy center;</p> <p>(i) Those persons so authorized by court order; or</p> <p>(j) The external child fatality and near fatality review panel established by KRS 620.055.</p> <p>(7) Nothing in this section shall prohibit a parent or guardian from accessing records for his or her child providing that the parent or guardian is not currently under investigation by a law enforcement agency or the cabinet relating to the abuse of a child.</p>
471(a)(6)	<p>C. REPORTING</p> <p>The State/Tribal agency makes reports in such form and containing such information on the title IV-E program as are required by the Secretary of the Department of</p>	<p>The statute submits reports, including AFCARS submissions and federal financial reports, as required by the Department of Health and Human Services.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>Health and Human Services (HHS), and the State/Tribal agency will comply with such provisions as the Secretary may from time to time find necessary to assure the correctness and verification of such reports.</p>	
471(a)(7)	<p>D. MONITORING</p> <p>The State/Tribal agency monitors and conducts evaluations of activities carried out in the title IV-E program.</p>	<p>In Kentucky, the <a href="#">State Auditor of Public Accounts</a> conducts audits of the IV-E and IV-B programs annually. Audits are reviewed internally and program changes are made as directed by leadership.</p> <p>Specific elements of IV-E service provision around case planning, face to face contacts, ASFA guidelines, sibling contacts, consideration of relatives for placement, appropriateness of placement selection, etc. are also embedded into the agency's quality case review process. On a monthly basis, the agency conducts case reviews on a variety of casework principles that have been cross-walked with the</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		CFSR instrument. The data collected from these case reviews are used to guide program evaluation and program improvement planning down to the office and worker level.
1355.30	<p>E. APPLICABILITY OF DEPARTMENT-WIDE REGULATIONS</p> <p>The State/Tribal agency will comply with all of the requirements of applicable regulations.</p>	The state complies with statute, administrative regulations, and the standard of practice on a statewide basis.
13565.21(c)	<p>F. AVAILABILITY OF PLANS</p> <p>Plans and amendments for titles IV-E and IV-B are made available by the State/Tribal agency for public</p>	<p>The state's most recent IV-B plan and APSR materials are publicly available at: <a href="https://chfs.ky.gov/ChildandFamilyServicesPlan-CabinetforHealthandFamilyServices/dcbs/dpp/cpb/Pages/cfsp.aspx">https://chfs.ky.gov/Child and Family Services Plan - Cabinet for Health and Family Services/dcbs/dpp/cpb/Pages/cfsp.aspx</a></p> <p>The state's most recent IV-E plan will be posted upon approval.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	review and inspection.	
1355.33(b) 1355.33(e) 1355.35(a)	<p>G. OPPORTUNITY FOR PUBLIC INSPECTION OF CFSR MATERIALS</p> <p>(Not applicable to Tribes.)</p> <p>The State agency makes available for public review and inspection all statewide assessments, report of findings, and program improvement plans developed as a result of a full or partial child and family services review.</p>	<p>The state's CFSR materials including links to the statewide assessment, final reports, PIP, and PIP products are publicly available at:</p> <p><a href="https://chfs.ky.gov/Child%20and%20Family%20Services%20Plan%20-%20Cabinet%20for%20Health%20and%20Family%20Services/dcbs/dpp/cpb/Pages/cfsp.aspx">https://chfs.ky.gov/Child and Family Services Plan - Cabinet for Health and Family Services/dcbs/dpp/cpb/Pages/cfsp.aspx</a></p>



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
471(a)(32)	<p>H. NEGOTIATION WITH INDIAN TRIBES.</p> <p>(Not applicable to Tribes.)</p> <p>The State negotiates in good faith with any Indian tribe, tribal organization or tribal consortium in the State that requests to develop an agreement with the State to administer all or part of the program on behalf of Indian children who are under the authority of the tribe, organization, or consortium,</p>	<p>Kentucky reports its ongoing interaction with Indian Tribes as part of its annual APSR submission. As part of the most recent [2018] submission, Kentucky noted two state-recognized tribes, the Southern Cherokee nation of Kentucky and the Ridgetop Shawnee. Only the Southern Cherokee Nation has filed a petition seeking federal status. As neither state tribe has attained federal status, the department did not make specific efforts to share its CFSP or APSR. However, a tribal representative is consistently invited to participate in the department stakeholder meeting held three times a year.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>including foster care maintenance payments on behalf of children who are placed in State or tribally licensed foster family homes, adoption assistance payments, and, if the State has elected to provide such payments, kinship guardianship assistance payments under section 473(d), and tribal access to resources for administration, training, and data collection under title IV-E.</p>	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<b>SECTION 6. GUARDIANSHIP ASSISTANCE PROGRAM OPTION</b>	
473(d)(3)(A) 473(d)(3)(C)	<p>A. ELIGIBILITY</p> <p>1. A child is eligible for a kinship guardianship assistance payment if the State/Tribal agency determines that:</p> <p>a. the child has been--</p> <p style="padding-left: 40px;">i. removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; and</p> <p style="padding-left: 40px;">ii. eligible for foster care maintenance payments under section 472 while residing for at least 6 consecutive months in the home of the prospective relative guardian;</p> <p>b. being returned home or adopted are not appropriate permanency options for the child;</p> <p>c. the child demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child; and</p>	N/A

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>d. with respect to a child who has attained 14 years of age, the child has been consulted regarding the kinship guardianship arrangement; or</p> <p>2. The child has been placed with a successor guardian named in the guardianship agreement in accordance with 473(d)(3)(C).</p>	
473(d)(3)(B)	<p>3. Siblings.</p> <p>a. The child and any sibling of the eligible child may be placed in the same kinship guardianship arrangement, in accordance with section 471(a)(31), if the State/Tribal agency and the relative agree on the appropriateness of the arrangement for the siblings; and</p> <p>b. Kinship guardianship assistance payments may be paid on behalf of each sibling so placed.</p>	N/A
471(a)(28)	<p>B. PAYMENTS</p> <p>1. The State/Tribal agency provides kinship guardianship assistance payments on behalf of children to grandparents and other relatives who assume legal guardianship of the child for whom they have cared as foster parents and for whom they have committed to care on a permanent basis, as provided in 473(d).</p>	N/A
473(d)(2)	<p>2. A kinship guardianship assistance payment on behalf of a child shall not exceed the foster care maintenance</p>	N/A

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	payment which would have been paid on behalf of the child if the child had remained in a foster family home.	
473(a)(4)(A)	<p>3. Payments are terminated when the State/Tribal agency determines that:</p> <p>a. the child has attained the age of 18, or such greater age as the State/Tribal agency may elect under section 475(8)(B)(iii); or</p> <p>b. the child has attained 21 years of age, and the child has a mental or physical disability which warrants the continuation of assistance to age 21; or</p> <p>c. the child has not attained 18 year of age, and the relative guardians are no longer legally responsible for the support of the child; or</p> <p>d. the child is no longer receiving any support from the relative guardians.</p>	<ul style="list-style-type: none"> <li>• <u><b>922 KAR 1:050. State funded adoption assistance.</b></u></li> <li>• <u><b>922 KAR 1:060. Federal Title IV-E adoption assistance</b></u></li> </ul> <p><b>Federal title IV-E funded adoption assistance:</b></p> <ul style="list-style-type: none"> <li>• <b>At the request of the adoptive parent;</b></li> <li>• <b>When the child reaches age:</b> <ul style="list-style-type: none"> <li>▪ <b>Eighteen (18); or 1</b></li> <li>▪ <b>Twenty-one (21) if the state determines that the child has a mental or physical disability that warrants continuation of assistance;</b></li> </ul> </li> <li>• <b>The Cabinet for Health and Family Services (CHFS/Cabinet) determines:</b> <ul style="list-style-type: none"> <li>▪ <b>The adoptive parent is no longer legally responsible for the support for the child (i.e. termination of parental rights);</b></li> </ul> </li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ul style="list-style-type: none"> <li>▪ The child is no longer receiving support from the adoptive parents; 2</li> <li>▪ No adoptive parent who signed the adoption assistance agreement remains living; or</li> <li>▪ In the event of a new adoption assistance agreement.</li> <li>• State funded adoption assistance: <ul style="list-style-type: none"> <li>• When the child reaches age eighteen (18);</li> <li>• If the child is enrolled in school, upon high school graduation or the child's nineteenth (19th) birthday, whichever comes first; 3</li> <li>• Upon the death of the adoptive parents;</li> <li>• The Cabinet determines that the child is no longer receiving support from the adoptive parents;</li> <li>• The Cabinet determines that the adoptive parent is no longer legally responsible for the support for the child (i.e. termination of parental rights);</li> </ul> </li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ul style="list-style-type: none"> <li>• Upon the child's death, full-time employment, marriage or military service;</li> <li>• When the child is considered an emancipated minor;</li> <li>• In the event the state legislature fails to appropriate funds to support the adoption assistance program; or</li> <li>• In the event of a new adoption assistance agreement.</li> <li>• Temporary discontinuance of state funded adoption assistance may occur during periods of time in which the adopted child: <ul style="list-style-type: none"> <li>• Is placed in foster care;</li> <li>• Is placed in a residential treatment facility;</li> <li>• Is placed in a psychiatric residential treatment facility (PRTF);</li> <li>• Is placed in a psychiatric hospitalization exceeding thirty (30) consecutive calendar days;</li> <li>• Is placed in a detention center outside of the home for a period of thirty (30) consecutive calendar days; or</li> </ul> </li> </ul>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ul style="list-style-type: none"> <li>• Is absent from the home for a period of thirty (30) consecutive calendar days, unless the child is absent due to medical care or school attendance.</li> <li>• The adoptive parent is responsible for notifying the Cabinet of any circumstances that would cause a change or discontinuance.</li> </ul>
473(a)(4)(B)	4. The relative guardians are required to inform the State/Tribal agency of circumstances that would make them ineligible for guardianship assistance payments or eligible for guardianship assistance payments in a different amount.	N/A
473(d)(1)(A)	C. Agreements  1. The State/Tribe must:  a. negotiate and enter into a written, binding kinship guardianship assistance agreement with the prospective relative guardian of a child who meets the requirements of 473(d); and  b. provide the prospective relative guardian with a copy of the agreement.	N/A
473(d)(1)(B) & 473(d)(1)(C)	2. The agreement must specify, at a minimum-	N/A



Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>a. the amount of, and manner in which, each kinship guardianship assistance payment will be provided under the agreement, and the manner in which the payment may be adjusted periodically, in consultation with the relative guardian, based on the circumstances of the relative guardian and the needs of the child;</p> <p>b. the additional services and assistance that the child and relative guardian will be eligible for under the agreement;</p> <p>c. the procedure by which the relative guardian may apply for additional services as needed;</p> <p>d. that the State/Tribal agency will pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of the child, to the extent the total cost does not exceed \$2,000; and</p> <p>e. that the agreement shall remain in effect without regard to the State/Tribal service area residency of the relative guardian.</p>	
471(a)(20)(C)	<p>D. SAFETY</p> <p>State/Tribal agency provides procedures for criminal records checks, including fingerprint-based checks of national crime information databases (as defined in</p>	N/A

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	section 534(f)(3)(A) of title 28, United States Code), on any relative guardian, and for checks described in 471(a)(20) on any relative guardian and any other adult living in the home of any relative guardian, before the relative guardian may receive kinship guardianship assistance payments on behalf of the child under this plan option.	
473(b)(1) to (4); 479B(c)(1)(C)(ii)(II) )	E. MEDICAID AND SOCIAL SERVICES  For the purposes of titles XIX and XX, any eligible child for whom there is a kinship guardianship assistance payment being made under section 473(d) is deemed to be a dependent child as defined in 406 of the Act and is deemed to be a recipient of AFDC under part A of title IV of the Act (as in effect 7/16/96) in the State in which such child resides.	N/A
471(a)	F. TITLE IV-E GUARDIANSHIP ASSISTANCE PROGRAM PLAN REQUIREMENTS  1. Title IV-E plan requirements 471(a)(2) through (9), (12), (13), (20)(C), (25), (26), and (28) through (32) are applicable to the guardian assistance program.	N/A
475(1)(F)	2. Case plan requirements.  For a child with respect to whom the permanency plan is placement with a relative and receipt of kinship guardian	N/A

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>assistance payments, the State/Tribal agency shall include in the case plan a description of:</p> <ul style="list-style-type: none"> <li>a. the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted;</li> <li>b. the reasons for any separation of siblings during placement;</li> <li>c. the reasons why a permanent placement with a fit and willing relative through a kinship guardianship assistance arrangement is in the child's best interests;</li> <li>d. the ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment;</li> <li>e. the efforts the State/Tribal agency has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons; and</li> <li>f. the efforts made by the State/Tribal agency to discuss with the child's parent or parents the kinship guardianship assistance arrangement, or the reasons why the efforts were not made.</li> </ul>	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
475(8)	<p>G. DEFINITION OF ‘CHILD’</p> <p>For the purposes of the title IV-E guardianship assistance program under section 473(d), the term ‘child’ means</p> <ol style="list-style-type: none"> <li>1. an individual who has not attained 18 years of age; or</li> <li>2. at the option of the State/Tribal agency an individual <ol style="list-style-type: none"> <li>a. with respect to whom a guardianship assistance agreement is in effect under section 473(d) if the individual had attained age 16 before the guardianship assistance agreement became effective;</li> <li>b. who has attained the age of 18, but has not attained 19, 20 or 21 years of age, as the title IV-E agency may elect; and</li> <li>c. who meets any of the following conditions: <ol style="list-style-type: none"> <li>i. the child is completing secondary education or a program leading to an equivalent credential;</li> </ol> </li> </ol> </li> </ol>	N/A

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>ii. the child is enrolled in an institution which provides post-secondary or vocational education;</p> <p>iii. the child is participating in a program or activity designed to promote, or remove barriers to, employment;</p> <p>iv. the child is employed for at least 80 hours per month; or</p> <p>v. the child is incapable of doing any of the above described activities due to a medical condition.</p>	

Federal Regulatory/ Statutory References	Requirement	Regulatory, Statutory, and Policy References and Citations for Each
	<b>SECTION 7. TRIBE OPERATED IV-E PROGRAM REQUIREMENTS</b>	
471(a) 479B(b)	A. GENERAL PROGRAM REQUIREMENTS	N/A

Federal Regulatory/ Statutory References	Requirement	Regulatory, Statutory, and Policy References and Citations for Each
	Title IV-E plan requirements 471(a)(1) through (27), (29) through (31), and (33) through (375) are mandatory requirements applicable to Tribes operating a title IV-E program.	
479B(c)(1)(B)	<p>B. SERVICE AREA AND POPULATIONS</p> <p>For purposes of complying with section 471(a)(3), this plan is in effect in all service areas and for all populations served by the Tribe and identified in Attachment V.</p>	N/A
479B(c)(1)(C)(ii)	<p>C. NUNC PRO TUNC AND FOSTER CARE ELIGIBILITY REQUIREMENTS</p> <p>For purposes of determining whether a child whose placement and care are the responsibility of an Indian tribe, tribal organization, or tribal consortium satisfies the requirements of section 472(a), the following shall apply:</p> <ol style="list-style-type: none"> <li>1. Notwithstanding 472(a)(1), Tribes may use affidavits or nunc pro tunc orders as verification documents in support of the reasonable efforts and contrary to the welfare of the child judicial determinations required under that paragraph for the first 12 months for which this plan is in effect.</li> <li>2. The State plan approved under section 402 (as in effect on July 16, 1996) of the State in which the child</li> </ol>	N/A

Federal Regulatory/ Statutory References	Requirement	Regulatory, Statutory, and Policy References and Citations for Each
	resides at the time of removal from the home shall apply to the determination of whether the child satisfies section 472(a)(3).	
479B(c)(2)  471(a)(36)	<p>D. LICENSING STANDARDS FOR TRIBAL FOSTER FAMILY HOMES AND CHILD CARE INSTITUTIONS</p> <p>For purposes of complying with section 471(a)(10), an Indian Tribe, Tribal organization, or Tribal consortium shall establish and maintain a tribal authority or authorities which shall be responsible for establishing and maintaining tribal licensing standards for tribal foster family homes and tribal child care institutions in accordance with section 471(a)(36) of the Act.</p>	N/A