

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.

- (1) For the purposes of this section, "caregiver" has the same meaning as in 42 U.S.C. sec. 675(10)(B).
- (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.
- (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.
- (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.
- (5) The cabinet, in conjunction with the child's caregiver, shall utilize the reasonable and prudent parent standard to:
 - (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
 - (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.
- (6) The cabinet shall promulgate an administrative regulation to implement subsection (5) of this section.

Effective: June 29, 2017

History: Amended 2017 Ky. Acts ch. 11, sec. 4, effective June 29, 2017. -- Created 2016 Ky. Acts ch. 115, sec. 4, effective July 15, 2016.

Legislative Research Commission Note (7/15/2016). 2016 Ky. Acts ch. 115, sec. 4 directed that a new section of KRS Chapter 600 be created for the text of this statute. The subject matter of KRS Chapter 600 relates to introductory matters of the Unified Juvenile Code, KRS Chapters 600 to 645. Since this statute specifically addresses the standard of judgment a caregiver of a committed child must exercise in allowing participation in age or developmentally appropriate activities, in codification the Reviser of Statutes created a new section of KRS Chapter 605, which addresses administrative matters pertaining to committed children, as a more appropriate statutory designation under the authority of KRS 7.136(1)(a).