

200.575 Family preservation services programs. (Effective January 1, 2023)

- (1) As used in this section, unless the context otherwise requires:
 - (a) "Department" means the Department for Community Based Services; and
 - (b) "Family preservation services" means programs that:
 1. Follow intensive, home-based service models with demonstrated effectiveness in reducing or avoiding the need for out-of-home placement;
 2. Provide such services that result in lower costs than would out-of-home placement; and
 3. Employ specially trained caseworkers who shall:
 - a. Provide at least half of their services in the family's home or other natural community setting;
 - b. Provide direct therapeutic services available twenty-four (24) hours per day for a family;
 - c. Aid in the solution of practical problems that contribute to family stress so as to effect improved parental performance and enhanced functioning of the family unit;
 - d. Arrange for additional assistance, including but not limited to housing, child care, education, and job training, emergency cash grants, state and federally funded public assistance, and other basic support needs; and
 - e. Supervise any paraprofessionals or "family aides" made available to provide specialized services or skills to manage everyday problems and better provide and care for children.
- (2) The department shall be the lead administrative agency for family preservation services and may receive funding for the implementation of these services. The department shall:
 - (a) Provide the coordination of and planning for the implementation of family preservation services;
 - (b) Provide standards for family preservation services programs;
 - (c) Monitor these services to ensure they meet measurable standards of performance as set forth in state law and as developed by the department; and
 - (d) Provide the initial training and approve any ongoing training required by providers of family preservation services.
- (3) The department may provide family preservation services directly or may contract to provide these services. In the event the department provides family preservation services with state caseworkers, those caseworkers and cases shall be excluded for the overall caseworker or case averages provided on a quarterly basis to the Legislative Research Commission and the Governor's office under KRS 199.461. Family preservation services caseworkers and cases shall be included in the report as a separate category.
- (4) If the department contracts to provide family preservation services, the contract shall include:

- (a) Requirements for acceptance of any client referred by the department for family preservation services;
 - (b) Caseload standards per caseworker;
 - (c) Provision of twenty-four (24) hour crisis intervention services to families served by the program;
 - (d) Minimum initial and ongoing training standards for family preservation services staff; and
 - (e) Internal programmatic evaluation and cooperation with external evaluation as directed by the department.
- (5) Family preservation services shall be provided only to those children at imminent or moderate risk of out-of-home placement:
- (a) Who are at risk of commitment as dependent, abused, or neglected;
 - (b) Who are emotionally disturbed; or
 - (c) Whose families are in conflict such that they are unable to exercise reasonable control of the child.
- (6) Families in which children are at risk of recurring sexual abuse perpetrated by a member of their immediate household who remains in close physical proximity to the victim or whose continued safety from recurring abuse cannot be reasonably ensured, shall not be eligible for family preservation services.
- (7) The implementation of family preservation services shall be limited to those situations where protection can be ensured for children, families, and the community.
- (8) The provision of family preservation services to a family shall constitute a reasonable effort by the Cabinet for Health and Family Services to prevent the removal of a child from the child's home under KRS 620.140, provided that the family has received timely access to other services from the Cabinet for Health and Family Services for which the family is eligible.
- (9) Acceptance of family preservation services shall not be considered an admission to any allegation that initiated the investigation of the family, nor shall refusal of family preservation services be considered as evidence in any proceeding except where the issue is whether the Cabinet for Health and Family Services has made reasonable efforts to prevent removal of a child.
- (10) No family preservation services program shall compel any family member to engage in any activity or refrain from any activity, which is not reasonably related to remedying any condition that gave rise, or which could reasonably give rise, to any finding of child abuse, neglect, or dependency.
- (11) The commissioner of the department shall conduct and submit to the Legislative Research Commission an annual evaluation of the family preservation services, which shall include the following:
- (a) The number of families receiving family preservation services, the number of children in those families, and the number of children in those families who would have been placed in out-of-home care if the family preservation services had not be available;
 - (b) Among those families receiving family preservation services, the number of children placed outside the home;

- (c) The average cost per family of providing family preservation services;
 - (d) The number of children who remain reunified with their families six (6) months and one (1) year after completion of the family preservation services; and
 - (e) An overall evaluation of the progress of family preservation services programs during the preceding year, recommendations for improvements in the delivery of this service, and a plan for the continued development of family preservation services to ensure progress towards statewide availability.
- (12) Nothing in this section shall prohibit the department from developing other in-home services in accordance with its statutory authority to promulgate administrative regulations in accordance with KRS Chapter 13A or to enter into contractual arrangements in accordance with KRS Chapter 45.

Effective: January 1, 2023

History: Amended 2022 Ky. Acts ch. 75, sec. 15, effective April 1, 2022; ch. 211, sec. 27, effective January 1, 2023; and ch. 223, sec. 11, effective January 1, 2023. -- Repealed and reenacted 2018 Ky. Acts ch. 159, sec. 10, effective July 14, 2018. -- Created 1990 Ky. Acts ch. 265, sec. 1, effective July 13, 1990.

Legislative Research Commission Note (1/1/2023). This statute was amended by 2022 Ky. Acts chs. 75, 211, and 223, which do not appear to be in conflict and have been codified together.