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PROTECTION AND PERMANENCY INFORMATION MEMORANDUM, 24-03

TO: Service Region Administrators
Service Region Administrator Associates
Service Region Clinical Associates
Regional Program Specialists
Family Services Office Supervisors

FROM: Kelli Root, Assistant Director II
Division of Protection and Permanency

DATE: November 22, 2024

SUBJECT: Guardianship

This memo is to remind all Department for Community Based Services (DCBS) staff to utilize the supportive living specialists (SLSs) when working with youth who have developmental or intellectual disabilities, or any issue related to those disabilities. Crystal Boston serves the western regions (Jefferson, Two Rivers, Salt River Trail, and The Lakes) and Jeana Bingham serves the eastern regions (Southern Bluegrass, Northern Bluegrass, Cumberland, Northeastern, and Eastern Mountain).

[SOP 4.29.2 Transition Planning for Youth Aging Out of OOHC or Extending Commitment](#) addresses working with this population. This standard of practice (SOP) guides different tasks that should be completed related to disability benefits, being put on the waiting list for waiver services, and the possible need to involve state guardianship. In addition, a workgroup has been formed to address issues and the SOP updates needed for this population. Please note the following immediate issues for staff to be aware of:

- All youth who are at least eighteen (18) years old, are currently on the supports for community living (SCL) waiting list, and are placed in an SCL placement will be allocated the actual SCL waiver while they are still in the Cabinet for Health and Family Services' (CHFS/Cabinet's) care. This is a

change from the previous practice. Previously youth were not allocated the SCL waiver until they were about to transition out of the Cabinet's care which may be close to age twenty-one (21). As a result, DCBS staff may need to complete additional tasks such as obtaining updated psychological and adaptive behavior testing for youth before the SCL waiver can be allocated.

If a youth is under dual commitment to guardianship (state guardianship appointed and recommitments youth into Cabinet's care), then guardianship should sign the SCL paperwork. If there is no guardian, the youth can sign the paperwork. An exception would be any paperwork regarding financial obligations as DCBS remains the payee for youth who do not have a guardian. These youth will remain committed to the Cabinet until age twenty-one (21). If guardianship is needed the process will continue to begin when the youth is around age twenty and a half (20.5) before they leave care at age twenty-one (21).

- DCBS staff should not automatically attempt to have youth dually committed with guardianship when they are approaching age eighteen (18) and extend their commitment with the Cabinet. For consistency throughout the state, youth should only be dually committed for the following two reasons:
 - If there is a serious threat that the youth will leave care at age eighteen (18) or older; or
 - If a judge determines that guardianship should be appointed due to the youth not being capable of deciding to extend commitment.
- Youth obtaining state guardianship is a last option as it is preferable for family or friends to attain that role. Therefore, DCBS staff will be asked to attempt to identify family members or other appropriate individuals who could potentially become a guardian before state guardianship is pursued. This includes conducting a LexisNexis search for family members. DCBS staff should always consult with the Division of Guardianship before pursuing dual commitment for a youth.

If you have questions regarding this memorandum or anything concerning working with youth who have developmental or intellectual disabilities, youth who receive disability benefits, or youth who have severe mental illness, etc., please contact:

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