**PROTECTION AND PERMANENCY TRANSMITTAL LETTER, 14-08**

**TO:** Service Region Administrators

Service Region Administrator Associates

Service Region Clinical Associates

Regional Program Specialists

Family Services Office Supervisors

**FROM:** Tina Webb, Assistant Director

Division of Protection and Permanency

**DATE:**  June 16, 2014

**SUBJECT:** 2014Legislation Changes and Religious Affiliation Protocol for Children in OOHC

Please review the following legislative changes that affect the agency’s SOP and/or have an impact on DCBS clients or service providers:

1. **2014 Legislative Changes:**

* [Senate Bill 98](http://www.lrc.ky.gov/Statrev/ACTS2014RS/0110.pdf) establishes a central registry of “validated substantiated findings” for perpetrators of adult abuse, neglect and exploitation. A validated substantiated finding is determined after the Cabinet has substantiated and the finding has been upheld through administrative hearing or appeal. A Cabinet substantiation may become validated whether or not the perpetrator appeals. More information will be forthcoming regarding this matter.   
    
  A “vulnerable adult service provider,” a term defined in the legislation, would be required to request from the Cabinet whether the Cabinet has entered a finding against a prospective employee, contractor or volunteer on the adult abuse, neglect and exploitation registry.   
    
  As a result of the passage of SB 98, DCBS will develop administrative regulations, provide updates to training and i-TWIST and create a web-based portal for inquiries. The following SOP and documents have been revised/developed to reflect this change:
  + [20.2 General Interviewing Guidelines](https://manuals.sp.chfs.ky.gov/chapter20/Pages/202GeneralInterviewingGuidelines.aspx);
  + [20.5 Investigations in State Operated Facilities](https://manuals.sp.chfs.ky.gov/chapter20/Pages/205InvestigationsinStateOperatedFacilities.aspx);
  + [20.6 Investigations in Alternate Care Facilities](https://manuals.sp.chfs.ky.gov/chapter20/Pages/206InvestigationsinAlternateCareFacilities.aspx);
  + [20.7 Investigations in a Licensed Health Care Facility](https://manuals.sp.chfs.ky.gov/chapter20/Pages/207InvestigationsinaLicensedHealthCareFacility.aspx);
  + [20.11 Completion and Distribution of Substantiated Findings and Notification](https://manuals.sp.chfs.ky.gov/chapter20/Pages/2011CompletionandDistributionoftheNotificationofProtectiveServicesandInvestigativeFindingsReportForm.aspx) (New Name);
  + [DPP-247 Adult Protective Services Unsubstantiated Investigation Notification Letter](https://manuals.sp.chfs.ky.gov/Resources/sopFormsLibrary/DPP-247%20Adult%20Protective%20Services%20Unsubstantiated%20Investigation%20Notification%20Letter.doc) (New);
  + [DPP-248 APS Substantiated Investigation Notification](https://manuals.sp.chfs.ky.gov/Resources/sopFormsLibrary/DPP-248%20APS%20Substantiated%20Investigation%20Notification.docx) (New);
  + [DPP-249 APS Request for Appeal of an Adult Abuse Neglect or Exploitation Investigative Finding](https://manuals.sp.chfs.ky.gov/Resources/sopFormsLibrary/DPP-249%20APS%20Request%20for%20Appeal%20of%20an%20Adult%20Abuse%20Neglect%20or%20Exploitation%20Investigative%20Finding.doc) (New).
* [Senate Bill103](http://www.lrc.ky.gov/Statrev/ACTS2014RS/0046.pdf) permits the caregiver of an individual who has diabetes to administer or assist with self-administration of medication: 1) If the caregiver has been trained and has received written authorization from the individual's health care practitioner, and; 2) When signed by the individual or the guardian exempts the caregiver from liability unless an injury is the result of negligence or misconduct; exempt the trained and authorized caregiver from laws related to the practice of nursing; permit a health care practitioner to train a caregiver. The following SOP sections have been revised to reflect this change:
  + [4.26 Meeting Basic Health Care Needs](https://manuals.sp.chfs.ky.gov/chapter4/12/Pages/426MeetingBasicHealthCareNeeds.aspx); and
  + [12.18.3 Medically Fragile Home](https://manuals.sp.chfs.ky.gov/chapter%2012/23/Pages/12183MedicallyFragileHome.aspx).
* [Senate Bill 176](http://www.lrc.ky.gov/Statrev/ACTS2014RS/0069.pdf) includes an alternative for relative caregivers who are caring for minor children to seek educational and medical services for these children without having to seek court interventions. The following SOP section has been revised to include information for workers in referring families for this service:
  + [2.1 Receiving and Assigning the Report](https://manuals.sp.chfs.ky.gov/chapter2/02/Pages/21ReceivingtheReport.aspx).
* [Senate Bill 184](http://www.lrc.ky.gov/Statrev/ACTS2014RS/0070.pdf) allows confirmed victims of human trafficking to expunge their records if their offense was non-violent in nature and the offense was committed due to their being a victim of human trafficking. It would also allow them to use an affirmative defense to any prostitution or nonviolent charges. The bill offers criminal relief for clearly documented victims of human trafficking, both adults and children under the age of 18. This may afford the victim the increased opportunity to seek housing, employment, training, etc. that would have been more limited with the victim having a criminal conviction record.
* [Senate Bill 200](http://www.lrc.ky.gov/Statrev/ACTS2014RS/0132.pdf) modifies some of the state’s approaches to the management of status offenders. There are no SOP implications at this time; however, beginning in July of **2015**, DCBS plans to:
  + Serve on the newly established family accountability, intervention and response teams (FAIR teams). The FAIR teams are envisioned to complement coordination of services planned for regional and local councils working on behalf of children and youth with behavioral health needs (i.e., RIACs by ADD, LIACs);
  + Serve on the newly established Juvenile Justice Oversight Council;
  + Assess referrals from court-designated workers and FAIR teams for potential child abuse, neglect or dependency after other community-based alternatives have been exhausted with the child and his/her family;
  + Receive runaway youth for services and care through court order as an alternative to their prolonged detention;
  + Enhance technology systems and supports for improved case work, tracking and reporting within DCBS and amongst child-serving agencies; and
  + Access an enhanced array of community-based service options for youth committed to or receiving services through DCBS.

These revisions will be rolled out in several phases and staff will be made aware of the changes as they come about.

* [House Bill 157](http://www.lrc.ky.gov/Statrev/ACTS2014RS/0006.pdf): In 2010, KRS 199.464 became effective to require a variety of professional groups to receive training in pediatric abusive head trauma. House Bill 157 adds pediatricians to the list of required pediatric abusive head trauma trainees.
* [House Bill 235](http://www.lrc.ky.gov/Statrev/ACTS2014RS/0117.pdf): The budget was adjusted for Private Child Caring (PCC) and Private Child Placing (PCP) agency reimbursement rates beginning July 1, 2014. Included in the new appropriations are an increase in rates to PCCs for children leveled IV and V, and an increase in reimbursement rates for PCP therapeutic foster care services to support a reduction of children in residential care and increase community-based treatment in more home-like settings. Additional details will be forthcoming.
* [House Bill 359](http://www.lrc.ky.gov/Statrev/ACTS2014RS/0141.pdf) adds an alternative means by which the court may monitor and restrict alcohol consumption by moderate and high risk offenders as a condition of pretrial release. Any monitoring costs will be at the expense of the defendant.

The house and senate bills will be listed in SOP until the KRS has been updated online. At that time the new KRS citations will be updated in the manual. The SOP revisions made as a result of this legislation will be made effective on July 15, 2014.

Additionally, as a result of changes made to [922 KAR 1:330](http://www.lrc.ky.gov/kar/922/001/330.htm) during the 2013 session, the following SOP revisions have been made to more closely following the language of the regulation and were made effective on May 2, 2014:

* [2.3 Acceptance Criteria](https://manuals.sp.chfs.ky.gov/chapter2/02/Pages/23AcceptanceCriteria.aspx);
* [2.5 Reports that are Not Accepted](https://manuals.sp.chfs.ky.gov/chapter2/02/Pages/25CriteriaforReportsthatareNotAccepted.aspx);
* [2.13 Notification of Finding and Case Disposition](https://manuals.sp.chfs.ky.gov/chapter2/03/Pages/213CaseDisposition-DeterminationWhethertoOpenaCase.aspx); and
* [30.2 CAPTA Appeals](https://manuals.sp.chfs.ky.gov/chapter30/32/Pages/302CAPTAAppeals.aspx).

Please review the following SOP revisions based on a new out of home care protocol.

1. **Religious Affiliation of Children in Out of Home Care:**

* In an effort to ensure that children in out of home care are free to practice the religion of their choice, and are protected from proselytization or coercion related to religion, the following SOP sections have been revised and several documents have been revised/created. The revisions are specifically related to PCC/PCP placements and include procedures to assist staff in carrying out the new protocol.
  + [4.9 Initial Placement Considerations](https://manuals.sp.chfs.ky.gov/chapter4/10/Pages/49InitialPlacementConsiderations.aspx);
  + [4.11 Private Child Placing (PCP) or Child Caring (PCC) Agency](https://manuals.sp.chfs.ky.gov/chapter4/10/Pages/411PrivateChildPlacing(PCP)orChildCaring(PCC)Agency.aspx);
  + [4.17 Preparation for and Five (5) Day Conference](https://manuals.sp.chfs.ky.gov/chapter4/11/Pages/417preparationforandcompletionoftheten(10)dayconference.aspx);
  + [4.24 SSW’s Ongoing Contact with the Birth Family and Child, Including the Medically Fragile Child](https://manuals.sp.chfs.ky.gov/chapter4/12/Pages/424SSW'sOngoingContactwiththeBirthFamilyandChild,IncludingtheMedicallyFragileChild.aspx);
  + [Five Day Conference Checklist](https://manuals.sp.chfs.ky.gov/Resources/Related%20Resources%20Library/Ten%20Day%20Conference%20Checklist.doc);
  + [Placement Decision Making Matrix](https://manuals.sp.chfs.ky.gov/Resources/Related%20Resources%20Library/Placement%20Decision%20Making%20Matrix.docx);
  + [Case Manager Survey Concerning Religious Activities](https://manuals.sp.chfs.ky.gov/Resources/Related%20Resources%20Library/Case%20Manager%20Survey%20Concerning%20Religious%20Activities.docx) (New); and
  + [Informational Pamphlet](https://manuals.sp.chfs.ky.gov/Resources/Related%20Resources%20Library/Informational%20Pamphlet.pdf) (New).

Additionally, a PowerPoint presentation and web based training have been created by the training branch to guide staff in completing, the previously released requirement, to document the religious affiliation of a child in TWIST. The presentation has been linked in the e-mail connected to this release and the web based training may be accessed through [TRIS](http://tris.eku.edu/).

The SOP revisions made as a result of this new protocol will be made effective on July 1, 2014.

If you have questions regarding the legislative revisions, please contact:

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