

Statement of Consideration (SOC)

PPTL 26-12 SOP A2.1 and A6.7. The following comments were received in response to SOP drafts sent for field review. Thanks to those who reviewed and commented. Comments about typographical and grammatical errors are excluded; these errors have been corrected as appropriate.

SOP A2.1

NO comments

SOP A6.7

- 1. Comment:** Respondent contact timing. Contact the respondent to initiate the assessment "no more than 30 calendar days before the court hearing". If no hearing is scheduled, initiate within 30 days of receiving the IDT request. This may differ from prior practice if workers began immediately upon receipt. It could create confusion when the court order is received more than 30 days before the hearing, or when records/collateral need to be gathered early. Some of the five-year reviews in XXX County are coming in MONTHS ahead of schedule. One comes to mind that was received in April, that the hearing is not until JULY 20, 2026. this could actually, if given earlier, which some are, put us outside the 90 day window for assessment validity.

Response:

For clarification, the section of SOP being referenced in the comment is not being changed. Rather, this is how the SOP currently exists.

The intent of the SOP is to ensure that guardianship evaluations are completed as close to the court hearing date as possible, to provide the most accurate assessment of the respondent. Therefore, the face-to-face assessment should occur within thirty (30) days of the initially scheduled court hearing.

If a court order is received more than thirty (30)days before the hearing date, you are not required to delay all work associated with

the evaluation. Tasks such as reviewing documentation, obtaining voluntarily provided records, and conducting collateral interviews may occur prior to the thirty (30) day window. However, the respondent's face-to-face assessment should be completed within thirty (30) days of the hearing.

Using the example in the comment, if the hearing is scheduled for July 20, 2026, the face-to-face assessment would occur within thirty (30) days of that hearing date.

Since record reviews have been mentioned in the comment, this is also an opportunity to clarify that APS may review records voluntarily provided for an IDT evaluation. The "APS HIPAA Letter for Release of Information" should not be used to obtain records for an IDT evaluation, as it's intended for active investigations of abuse, neglect, or exploitation. KRS 209.030(7) provides the cabinet access to records when conducting an investigation of abuse, neglect, or exploitation.

- 2. Comment:** The SOP states that respondent contact must be completed face-to-face and that virtual assessments may only be conducted if required by court order. This appears to be stricter than some current practices, where virtual assessments may occur due to interpreter availability, interpreter cost concerns, court coordination needs, or the need for all three evaluators to be present at the same time. The court in Jefferson, per my understanding is the GAL approves. Can the Cabinet clarify whether a virtual assessment is permissible when the court order does not specifically require or authorize it, but the court, GAL, interpreters, or evaluators are attempting to coordinate the assessment virtually for cost or scheduling reasons? Or specify if we use the Cabinet's and go out for a subsequent home visit. Additionally, if Cabinet interpreters are used during a virtual assessment instead of court-provided interpreters, should the GAL or court provide written approval before the assessment occurs? This may be important for documentation, cost responsibility, and potential testimony if the matter proceeds to a jury trial. A related clarification may be needed regarding whether staff should proceed with a virtual assessment in these circumstances or seek an amended/clarified court order before completing the assessment virtually.

Response:

The revised SOP establishes that guardianship assessments are expected to be conducted face-to-face, just as APS investigations require face-to-face contact with the adult. Virtual assessments should be viewed as a limited exception and may only be completed when specifically required by court order.

Virtual assessments are not used to address scheduling challenges, interpreter availability, interpreter costs, court coordination, or a desire for all evaluators to participate simultaneously. Staff should not seek a court order for a virtual assessment based on these circumstances.

The Cabinet has access to agency-approved interpreter services and is not dependent on court-appointed interpreters to complete an assessment. Staff should utilize available Cabinet interpreter resources when needed for an in-person assessment. Please reference [SOP G1.15 Access to Interpreters and Effective Communication for Those Who are Deaf or Hard of Hearing](#) or [G1.14 Limited English Proficiency](#). The Cabinet does not require court approval to utilize agency-approved interpreter services during the assessment process

Virtual assessments were temporarily adopted during the COVID-19 pandemic. Prior to that time, guardianship assessments were completed face-to-face, and this SOP revision re-establishes that expectation. Virtual assessments have limitations that can affect observation, engagement, and other variables in the assessment process.

An example of an exception where the court may order a virtual assessment: A respondent is located out of state, and the court determines a virtual assessment shall be completed rather than requiring the respondent to return to Kentucky for examination.

3. Comment: XXX County asks for both CPS and APS history in their court order to the Cabinet. SOP indicates the IDT may include DCBS case data no more than three months old, unless court directs otherwise. the court order does not specify if it's everything and SOP says three months. This should be clarified for workers so there is not a misunderstanding. This SOP seems to limit DCBS case data in the evaluation unless the court directs otherwise. Workers should be instructed specifically that older history may need to be framed carefully as background, not current assessment data.

Response:

For clarification, the section of SOP referenced in the comment is not being changed. Rather, this is how the SOP currently exists.

Absent a court order, SOP limits DCBS case data included in the IDT report to information no more than three (3) months old. This is consistent with [KRS 387.540\(4\)\(b\)](#), which provides that current evaluation may be based on prior evaluations not more than three (3) months old.

Additional DCBS case data may be provided when court-ordered. If a court requests records beyond the three (3) month time frame, workers should provide the information requested in the order.

If there are concerns regarding the scope or specificity of the records request, staff should seek clarification from the local court. For regions receiving court orders that require further discussion, consultation with OLS can be scheduled.