

Advocate and auditor raise concerns about Kentucky kinship care proposal

By McKenna Horsley and Sarah Ladd
Kentucky Lantern

During a public hearing on a proposed state regulation to change how kinship care placements are handled in Kentucky, an advocate raised concerns about how the revisions will play out.

Norma Hatfield, a longtime advocate for kinship care families who, like herself, are raising minor relatives, addressed officials with the Kentucky Cabinet for Health and Family Services Monday morning about the proposal. The regulation says the state must consult the child, if the child is able to communicate, on where they would like to go. It also says the child's custodian needs to provide a list of potential placements for children.

A representative for Republican Auditor Allison Ball also said during the hearing she has concerns about the proposal, believing it to be "unconstitutional."

Eligible families also get a once-per-placement stipend "to facilitate the child's placement," according to the regulation. A placement of one child would result in a \$350 stipend, two children would double that and so on.

Hatfield, who is the president of the Kinship Families Coalition of Kentucky,

told the cabinet the regulation should be clearer on conversations social workers should have with children about placement, saying that "there's inconsistency in the interpretation of policies from county to county, sometimes even social worker to social worker." Hatfield also added that she hopes social workers document a child's list of the people they would like to be placed with for future reference.

The purpose of the hearing was for the cabinet to accept feedback, rather than give an immediate response to those who spoke Monday.

The regulation added language required from Senate Bill 151, the unfunded 2024 law that was drafted to help kinship care families but hasn't been implemented due to a funding dispute between the legislature and the governor. The Beshear administration has said it cannot implement the law unless the legislature appropriates the needed funding.

"To the extent the General Assembly appropriates state general funds necessary for the cabinet to implement the services under (the law) within 120 days of receiving temporary custody or upon a verifiable qualifying event, a relative or fictive kin caregiver may submit a request to the cabinet for the purpose of

pursuing a change in custody of a child in his or her care," the regulation says. "Upon placement of the child in the custody of the cabinet, the relative or fictive kin caregiver shall pursue foster parent approval."

Hatfield said that she was "disappointed" after conversations with the cabinet in the fall of 2023 and early 2024 about the regulation and that ultimately there was "no coordination" with Kentucky Youth Advocates, a group that lobbies on children's and families' issues.

"My goal here is just to make sure that we do right by kinship families, and that we have the right policies in place, and that we follow the intent of the legislation," Hatfield said.

Alex Magera, the general counsel for Auditor Allison Ball, spoke on her behalf during the meeting. Ball, who has long fought Democratic Gov. Andy Beshear's administration over the issue, thinks the proposal is "unconstitutional, unlawful and just plain wrong," he said.

Magera said 6 percent of children in Kentucky are being raised by kinship caregivers, which is about twice the national average.

Magera accused Beshear and the cabinet of not properly helping kinship caregivers, saying that the adminis-

tration has had a "failure to properly inform caregivers of the benefits and drawbacks of their custodial options." He also referenced Ball's lawsuit against the Beshear administration that seeks to have the cabinet implement Senate Bill 151 and cooperate with an investigation. That's now in front of the Court of Appeals.

Ball believes the governor's administration has money to fund the state law, Magera said. The auditor previously urged Beshear to use funding from a study that did not take place to implement Senate Bill 151. Magera also added that the auditor's office has reviewed "at the very least questionable expenditures" that could have been used for kinship care as part of its review.

"We were hopeful that Gov. Beshear and the Cabinet were finally going to give Kentucky's kinship caregivers their legally entitled 120-day decision making window," Magera said. "But that help quickly dissipated after reading the proposed regulation itself."

The scope of the issue

In 2024, there were around 55,000 Kentucky children being raised with a non-parent relative, according to a report from Kentucky Youth Advocates. These fam-

ilies often make hasty decisions about taking in a minor that leaves them without needed financial support.

When the state removes a child from a home, grandparents and other family members often choose to take temporary custody rather than have the child go into state custody. State custody is the first step toward foster care. That first decision is permanent under current law which has excluded kinship caregivers who take temporary custody from ever receiving the \$750 a month that foster parents receive for each child, the Lantern has reported.

Senate Bill 151 is supposed to give kinship caregivers 120 days to apply to become foster parents for their minor relatives and allows children who are being removed from homes to request their preferred familial caregivers, if they are able.

Kentucky Youth Advocates in 2024 released a report that showed kinship care families need better assistance with food, clothing, school supplies, finances, housing, information technology, peer support, respite care, mental health care and legal assistance.

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