GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2016 REGULAR SESSION

SENATE BILL NO. 225

WEDNESDAY, MARCH 9, 2016

The following bill was reported to the House from the Senate and ordered to be printed.

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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K. Adler

1 AN ACT relating to homelessness prevention.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 194A.735 is amended to read as follows:

4 (1) Subject to sufficient funding, the Cabinet for Health and Family Services and the
5 Justice and Public Safety Cabinet, in consultation with any other state agency as
6 appropriate, shall develop and implement ***the Homelessness Prevention Project,***
7 ***which***[~~a homelessness prevention pilot project that~~] offers institutional discharge
8 planning on a voluntary basis to***:***

9 ***(a) Persons with serious mental illness, persons between the ages of eighteen***
10 ***(18) and twenty-five (25) who may be at risk of developing serious mental***
11 ***illness who are being released from a mental health facility operated or***
12 ***contracted by the cabinet, or persons with a history of multiple utilizations***
13 ***of health care, mental health care, or judicial systems;***

14 ***(b) Persons who are being released after serving out a sentence from any state-***
15 ***operated prison or persons who are being paroled from any state-operated***
16 ***prison; or***

17 ***(c) Persons who will be aging out of foster care or who have aged out of foster***
18 ***care***[~~persons exiting from state-operated or supervised institutions involving~~
19 ~~mental health and foster care programs, and persons serving out their~~
20 ~~sentences in any state-operated prison in Oldham County~~].

21 (2) The primary goal of the project shall be to prepare a limited number of persons in a
22 foster home under supervision by the Cabinet for Health and Family Services, state-
23 operated ***prisons***[~~prison in Oldham County~~]under supervision by the Justice and
24 Public Safety Cabinet, and mental health ***facilities operated or contracted***[~~facility~~
25 ~~under supervision~~] by the Cabinet for Health and Family Services for return or
26 reentry into the community, and to offer information about any necessary linkage of
27 the person to needed community services and supports.

1 (a) The [~~pilot~~]project shall be jointly supported by each of the cabinets ***and***
2 ***managed under the direction of the Cabinet for Health and Family***
3 ***Services, Department for Behavioral Health, Developmental and***
4 ***Intellectual Disabilities, Division of Behavioral Health***.
5 ***(b) Subject to sufficient funding as provided by an executive branch budget bill,***
6 ***the Division of Behavioral Health shall select the Homelessness Prevention***
7 ***Project sites. These sites shall be in addition to and integrated with the site***
8 ***located in and serving Jefferson County and the site located in a community***
9 ***mental health center serving Clinton, Cumberland, McCreary, and Wayne***
10 ***Counties***[~~One (1) office for the pilot project shall be located in a family~~
11 ~~resource center or Department for Community Based Services building in~~
12 ~~Jefferson County, due to its urban population, and one (1) office shall be~~
13 ~~located in Clinton, Cumberland, McCreary, or Wayne County, due to its rural~~
14 ~~population. The pilot project office in Jefferson County shall serve persons~~
15 ~~intending to locate in Jefferson County who are being released from a mental~~
16 ~~health facility under supervision by the Cabinet for Health and Family~~
17 ~~Services and persons intending to locate in Jefferson County who are being~~
18 ~~released after serving out their sentences from any state operated prison in~~
19 ~~Oldham County. The pilot project office in Clinton, Cumberland, McCreary,~~
20 ~~or Wayne County shall serve persons intending to locate in Clinton,~~
21 ~~Cumberland, McCreary, or Wayne County who are aging out of the foster care~~
22 ~~program following placement in Clinton, Cumberland, McCreary, or Wayne~~
23 ~~County~~].
24 ***(c)***[~~(b)~~] Within thirty (30) days ***of the effective date of this Act***[~~following July~~
25 ~~13, 2004~~], the cabinets shall supply ***the***[~~each pilot~~] project director ***at each***
26 ***site*** with the collection of information on available employment, social,
27 housing, educational, medical, mental health, and other community services in

1 the county. The information shall include but not be limited to the service area
2 of each public and private provider of services, the capacity of each provider
3 to render services to persons served by the [~~pilot~~]project, the fees of each
4 provider, contact names and telephone numbers for each provider, and an
5 emergency contact for each provider.
6 ***(d)***[~~(c)~~] Within thirty (30) days ***of the effective date of this Act***[~~following July~~
7 ~~13, 2004~~], the cabinets and directors shall begin a program of education for
8 each of the cabinet and foster home and mental health and appropriate state-
9 operated prison facility staff who will participate in the development of a
10 discharge plan for volunteer participants under this section.
11 (3) The [~~pilot~~]project shall operate on a voluntary basis. ***Persons***[~~One (1) of each five~~
12 ~~(5) persons~~] eligible for discharge or completing their sentence ***or who are being***
13 ***paroled from any state-operated prison*** shall be offered the opportunity to
14 participate in the ***project***[~~pilot program~~]. This offer shall be made at least six (6)
15 months prior to discharge. There shall be a cap on the number of persons served in
16 each ***Homelessness Prevention Project*** office, to be determined by available
17 funding and staffing requirements.
18 (a) The staff member designated as the homelessness prevention coordinator for
19 each foster home or mental health facility shall maintain a file for each
20 volunteer participant in the foster home or mental health facility, relating to
21 the participant's employment, social, housing, educational, medical, and
22 mental health needs. This file shall be updated from time to time as
23 appropriate and pursuant to an administrative regulation promulgated by the
24 cabinet in accordance with KRS Chapter 13A that establishes standards for
25 the discharge summary. The staff member designated as the homelessness
26 prevention coordinator for the appropriate state-operated prison participating
27 in the [~~pilot~~]project shall maintain a file containing appropriate forms

1 completed and updated by each person voluntarily participating in the ~~[pilot~~
2 ~~]~~project, relating to the information provided under subsection (6) of this
3 section. All applicable privacy and confidentiality laws shall be followed in
4 assembling and maintaining this file.
5 (b) Six (6) months prior to the expected date of discharge, the discharge
6 coordinator for each foster home and mental health and state-operated prison
7 facility shall contact the homelessness prevention director for ***the appropriate***
8 ***site where the volunteer participant chooses to locate following***
9 ***discharge***~~[Jefferson County or the homelessness prevention director for~~
10 ~~Clinton, Cumberland, McCreary, or Wayne County, as appropriate,]~~ about the
11 pending release of the volunteer participant who is eligible for discharge from
12 a foster home or mental health facility, ~~[or]~~who will have served out his or
13 her sentence in a state-operated prison facility***, or who is being paroled from***
14 ***any state-operated prison*** that is participating in the ~~[pilot]~~project. The
15 director shall visit the home or facility, as appropriate, to assist with the
16 preparation of the final comprehensive discharge plan.
17 (c) The ***homelessness prevention*** director ***from the site where the participant***
18 ***chooses to locate*** and the discharge coordinator for each participating foster
19 home and mental health and state-operated prison facility shall work together
20 to develop a final comprehensive discharge plan that addresses the
21 employment, health care, educational, housing, and other needs of the person
22 to be released, subject to the consent of the person and the funding and
23 staffing capabilities of the director. Information provided by the coordinator
24 may include and be limited to, subject to the staffing and funding capabilities
25 of the coordinator, information provided by the person to be released on a
26 form or forms made available by the foster home or mental health or state-
27 operated prison facility. The discharge plan shall contain but not be limited to

1 the following:

2 1. Estimated discharge date from the foster home, state-operated prison
3 facility, or mental health facility***, or identification by a social service***
4 ***provider of a person who meets the criteria listed in subsection (1) of***
5 ***this section***;

6 2. Educational background of the person to be released, including any
7 classes completed or skills obtained by the person while in the foster
8 home, state-operated prison facility, or mental health facility;

9 3. The person's medical and mental health needs;

10 4. Other relevant social or family background information;

11 5. A listing of previous attempts to arrange for post-release residence,
12 employment, medical and mental health services, housing, education,
13 and other community-based services for the person; and

14 6. Other available funding and public programs that may reimburse any
15 services obtained from a provider listed in the discharge plan. Every
16 effort shall be made in the discharge plan to refer the person to a
17 provider that has agreed to an arranged public or private funding
18 arrangement.

19 No discharge plan shall be completed unless the written consent, consistent
20 with state and federal privacy laws, to compile the information and prepare the
21 plan has been given by the person eligible for release who has volunteered to
22 participate in the ***project***~~[pilot program]~~.

23 (4) The ***homelessness prevention*** director ***from the site where the participant chooses***
24 ***to locate*** shall assist with the completion of a final comprehensive discharge plan
25 that may include but need not be limited to the following:

26 (a) Availability of appropriate housing, including but not limited to a twenty-four
27 (24) month transitional program, supportive housing, or halfway house.

1 Planning discharge to an emergency shelter is not appropriate to meet the
2 housing needs of the person being discharged from foster care, a state-
3 operated prison facility, or a mental health facility;
4 (b) Access to appropriate treatment services for participants who require follow-
5 up treatment;
6 (c) Availability of appropriate employment opportunities, including assessment of
7 vocational skills and job training; and
8 (d) Identification of appropriate opportunities to further education.
9 (5) Discharge planning shall be individualized, comprehensive, and coordinated with
10 community-based services.
11 (a) Each discharge plan shall create a continuous, coordinated, and seamless
12 system that is designed to meet the needs of the person.
13 (b) Staff of the foster home or facility and staff of community-based services
14 providers shall be involved in the planning.
15 (c) Each facility shall utilize, wherever possible, community-based services
16 within the facility to establish familiarity of the person residing in the facility
17 with the community services.
18 (6) The Department of Corrections shall, through an administrative regulation
19 promulgated in accordance with KRS Chapter 13A, develop a discharge plan that
20 addresses the education; employment, technical, and vocational skills; and housing,
21 medical, and mental health needs of a person who is to be released after serving out
22 his or her sentence in a state-operated prison facility participating in the ~~[pilot~~
23 ~~]~~project.
24 (7) Appropriate data about discharge placements and follow-up measures shall be
25 collected and analyzed. The analysis shall be included in the interim and final
26 reports of the ***project***~~[pilot program]~~ specified in subsection (8) of this section.
27 (8) Each homelessness prevention director shall have regular meetings with appropriate

1 state cabinet and agency staff to review the ~~[pilot]~~project and make
2 recommendations for the benefit of the ***project***~~[program]~~. Each director shall be
3 assisted by a local advisory council composed of local providers of services and
4 consumer advocates who are familiar with homelessness prevention issues. Priority
5 for membership on the advisory council shall be given to existing resources and
6 regional mental health and substance abuse advisory councils at the discretion of the
7 director.
8 (9) Each cabinet shall collect data about the discharge plans, referrals, costs of services,
9 and rate of recidivism related to the homelessness prevention ***project***~~[program]~~, and
10 shall submit an annual report to the Governor and the Legislative Research
11 Commission no later than October 1 that summarizes the data and contains
12 recommendations for the improvement of the ***project***~~[program]~~. The annual report
13 also shall be forwarded to the Kentucky ***Interagency Council on***
14 ***Homelessness***~~[Commission on Services and Supports for Individuals with an~~
15 ~~Intellectual Disability and Other Developmental Disabilities, Kentucky Commission~~
16 ~~on Services and Supports for Individuals with Mental Illness, Alcohol and Other~~
17 ~~Drug Abuse Disorders, and Dual Diagnoses, and the Kentucky Housing Corporation~~
18 ~~Homelessness Policy Council]~~.
19 ***(10) (a) The Kentucky Interagency Council on Homelessness is hereby established***
20 ***to plan, develop, coordinate, and implement programs for the purpose of***
21 ***improving the well-being of homeless Kentuckians. The council shall be***
22 ***attached to the Homeless and Housing Coalition of Kentucky for***
23 ***administrative purposes.***
24 ***(b) The council shall include but not be limited to the following members:***
25 ***1. The secretary of the Cabinet for Health and Family Services;***
26 ***2. The executive director of the Homeless and Housing Coalition of***
27 ***Kentucky;***

1 *3. The chief executive officer of the Kentucky Housing Corporation;*
2 *4. The commissioner of the Kentucky Department for Veterans' Affairs;*
3 *5. The secretary of the Justice and Public Safety Cabinet;*
4 *6. The secretary of the Education and Workforce Development Cabinet;*
5 *7. The secretary of the Transportation Cabinet;*
6 *8. The executive director of the Administrative Office of the Courts;*
7 *9. The state budget director;*
8 *10. A representative from the Kentucky Housing Association, representing*
9 *public housing authorities, appointed by the Governor for a two (2)*
10 *year term; and*
11 *11. An individual who has previously experienced homelessness and*
12 *addiction, appointed by the Governor for a two (2) year term.*
13 *(c) The chair of the council shall be appointed by the Governor for a two (2)*
14 *year term and the vice chair shall be elected by the members of the council*
15 *for a two (2) year term.*
16 *(d) Members of the council who are not state employees shall be reimbursed for*
17 *actual expenses incurred in the performance of their duties in accordance*
18 *with KRS 45.101 and administrative regulations promulgated thereunder.*
19 *(e) The council shall have the following functions and duties:*
20 *1. To serve as the single statewide homeless planning and policy*
21 *development resource for the Commonwealth of Kentucky;*
22 *2. To review, update, and recommend changes to Kentucky's Ten-Year*
23 *Plan to End Homelessness and monitor its implementation;*
24 *3. To serve as a state clearinghouse for information on services and*
25 *housing options for the homeless population;*
26 *4. To conduct other activities as appropriate and necessary; and*
27 *5. To report to the Governor and General Assembly as requested.*

President of Senate

Speaker-House of Representatives

Attest: Chief Clerk of Senate

Approved Governor

Date