



**KENTUCKY YMCA YOUTH ASSOCIATION
KENTUCKY YOUTH ASSEMBLY
Commonwealth Bill**

Blue | CW 44

**Referred to Committee:
House 5**

Authors: Belinda Cheng, Ivy Neal

School: Taylor Co. HS

City: Campbellsville

Action on the Bill

House

Senate

___ Passed

___ Passed

___ Defeated

___ Defeated

1 An act recognizing the intake of substance abuse during pregnancy as child abuse with the
2 consequence of revoked guardianship of newborn(s)
3

4 **Be it enacted by the Youth Assembly of the Commonwealth of Kentucky**
5

6 Section 1: Current Kentucky laws do not recognize the intake of explicit and illegal drug use by
7 pregnant individuals as child abuse. Furthermore, hospital staffs are not legally required to report
8 positive drug test results of highly illegal and addictive drugs found in the pregnant mother to social
9 services; thus a child experiencing substance withdrawals will be given back to the drug abusing
10 mother. This is a very grave issue as only 50% of parents that test positive for drug usage are able to
11 successfully quit previous drug addictions, ultimately causing infant deaths due to parental neglect. The
12 proper diagnosis of these drug induced babies is Neonatal Abstinence Syndrome, which consist of life
13 lasting effects for the child often including mental deficiencies.
14

15 Section 2: This bill will lawfully require hospital staffs to report positive drug test results of pregnant
16 mothers to Social Services. This state requirement of reported drug usage will allow for home
17 inspections for mothers who had positive drug test results and a following declaration of a safe or
18 unsafe living environment.
19

20 Section 3: If the newborn's home environment is deemed unsafe due to parental drug use, guardianship
21 will be revoked until further evaluation. The child will enter the foster care system. A second evaluation
22 will be conducted after the parental completion of state mandated drug rehabilitation for parents
23 seeking to regain the previous guardianship rights. According to 2015 Kentucky drug rehab data, 75%
24 of families who completed the rehabilitation program showed positive outcomes. After the completion
25 of rehab, with only slight to no relapse, multiple negative drug tests and overall positive outlooks of
26 being drug free, the parent will be reconsidered for guardianship. This bill's goal is not to split up
27 families but to simply prevent infanticide of Kentucky newborns due to drug induced guardians.
28

29 Section 4: The cost of implementing this bill and the said state mandated rehabilitation facilities for
30 mothers looking to regain guardianship status can be covered under a requested grant from the
31 Substance Abuse and Mental Health Services Administration. This federal government organization
32 allows institutions to request grants to carry out projects aimed towards helping substance abuse and
33 mental health across the nation. A grant requested from SAMHSA will provided for the said
34 rehabilitation programs under the act's legal doctrine.
35

36 Section 5: The required reporting of substance abuse by mothers during pregnancy should take effect
37 30 days after this bill has passed but the consequences mentioned in this bill will not be implemented
38 until 6 months has passed from the original approval date.