

CHAPTER 68

(HB 304)

AN ACT relating to international adoption.

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

SECTION 1. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

- (1) *The Commonwealth of Kentucky shall recognize a decree, judgment, or final order of adoption issued by a court or other governmental authority with appropriate jurisdiction in a foreign country when the child to be adopted has been approved for United States citizenship, or as otherwise provided by federal law.*
- (2) *Upon presentation of an original decree, judgment, or final order of adoption issued by a court or other governmental authority with appropriate jurisdiction in a foreign country, the secretary or his or her designee shall issue, within thirty (30) days, a certified notice that the foreign adoption is registered in the Commonwealth of Kentucky. The secretary or his or her designee may require a translated copy if the original decree, judgment, or final order is not in English. The cabinet shall maintain all records and notices of foreign adoptions in a manner similar to other adoption records.*
- (3) *A petition for adoption under KRS 199.470 shall be required for a child born outside the United States without a decree, judgment, or final order of adoption issued by a court or other governmental authority with appropriate jurisdiction in a foreign country, or for any child born outside of the United States who does not qualify for United States citizenship upon entry into the United States.*

Section 2. KRS 199.470 is amended to read as follows:

- (1) Any person who is eighteen (18) years of age and who is a resident of this state or who has resided in this state for twelve (12) months next before filing may file a petition for leave to adopt a child in the Circuit Court of the county in which the petitioner resides.
- (2) If the petitioner is married, the husband or wife shall join in a petition for leave to adopt a child unless the petitioner is married to a biological parent of the child to be adopted, except that if the court finds the requirement of a joint petition would serve to deny the child a suitable home, the requirement may be waived.
- (3) If a child is placed for adoption by the cabinet, by an agency licensed by the cabinet, or with written approval by the secretary of the cabinet, the petition may be filed at the time of placement. In all other adoptions, the petition shall not be filed until the child has resided continuously in the home of the petitioner for at least ninety (90) days immediately prior to the filing of the adoption petition.
- (4) No petition for adoption shall be filed unless prior to the filing of the petition the child sought to be adopted has been placed for adoption by a child-placing institution or agency, or by the cabinet, or the child has been placed with written approval of the secretary; but no approval shall be necessary in the case of:
 - (a) A child sought to be adopted by a stepparent, grandparent, sister, brother, aunt, or uncle; ~~or~~

- (b) A child received by the proposed adopting parent or parents from an agency without this state with the written consent of the secretary; *or*
 - (c) *A child adopted under the provisions of subsection (1) of Section 1 of this Act.*
- (5) Subsection (4) of this section shall not apply to children placed for adoption prior to June 14, 1962.

Approved March 16, 2005.