

CHAPTER 14

(HB 167)

AN ACT relating to involuntary termination of parental rights and declaring an emergency.

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

➔Section 1. KRS 625.060 is amended to read as follows:

- (1) In addition to the child, the following shall be the parties in an action for involuntary termination of parental rights:
 - (a) The petitioner;
 - (b) The cabinet, if not the petitioner; *and*
 - (c) The biological parents, if known and if their rights have not been previously terminated. It shall not be necessary to make the putative father a party if he is exempted by KRS 625.065~~}; and~~
 - ~~(d) A foster parent of a child who is currently placed with the foster parent, and the child is part of the involuntary termination of parental rights action that is related to an allegation of dependency, neglect, or abuse pursuant to KRS Chapter 620, unless the judge determines this involvement is inappropriate].~~
- (2) Any party other than the child who is not the petitioner shall be a respondent.
- (3) *A foster parent of a child who is currently placed with the foster parent may intervene as a matter of right in any action for the involuntary termination of parental rights involving a child who is placed with the foster parent. Such intervention may be made anonymously or in the true name of the foster parent. If proceeding anonymously, the foster parent shall be identified by initials and shall receive service through his or her counsel or, if not represented by counsel, by providing a preferred mailing address to receive notices from the court and other parties.*

➔Section 2. KRS 625.070 is amended to read as follows:

- (1) In any action for involuntary termination of parental rights, service upon the parties shall be accomplished by personal service where possible or constructive service where personal service is not possible, pursuant to the Kentucky Rules of Civil Procedure.
- (2) No service shall be necessary if a disclaimer of paternity or a petition for voluntary termination of parental rights has been executed by a parent or alleged parent and filed in the record, or an order terminating parental rights has been entered by a Circuit Court of competent jurisdiction.
- (3) Notwithstanding the provisions of the Kentucky Rules of Civil Procedure, appointment of a guardian ad litem for a child in an action for termination of parental rights, and service of the petition upon the guardian ad litem shall be sufficient for personal jurisdiction over the child in the action.
- (4) *Within five (5) days of filing a petition for involuntary termination of parental rights, the petitioner shall send a courtesy copy of the petition to the foster parent, if the child is currently placed with a foster parent, by certified mail or hand delivery. Upon request of the court, the petitioner shall provide documentation of sending through either a copy of a signed mailing receipt or an affidavit verified by the foster parent. If the foster parent's name and address are unknown to the petitioner, then the courtesy copy shall be served on the secretary of the Cabinet for Health and Family Services, who shall cause it to be delivered in any manner provided by the Rules of Civil Procedure to the foster parent.*

➔Section 3. Whereas the consideration of terminating the rights of a parent is of the highest importance to the welfare of children in the Commonwealth, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor March 16, 2020.