

CHAPTER 37

(HB 476)

AN ACT relating to termination of parental rights.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 625 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "voluntary and informed" means that at the time of the execution of the consent, the consenting person was fully informed of the legal effect of the consent, that the consenting person was not given or promised anything of value, that the consenting person was not coerced in any way to execute the consent, and that the consent was voluntarily and knowingly given. If at the time of the execution of the consent the consenting person was represented by independent legal counsel, there shall be a presumption that the consent was voluntary and informed.*
- (2) *Notwithstanding KRS 625.040, a parent may elect to voluntarily terminate his or her parental rights during the pendency of a proceeding under KRS Chapter 620 by signing a consent form prescribed by the Administrative Office of the Courts, which shall be filed with the court and contain the following:*
- (a) *Date, time, and place of the execution of the consent;*
 - (b) *Consenting person's relationship to the child;*
 - (c) *Name and place of residence of the parent;*
 - (d) *Name, sex, date of birth, and place of residence of the child;*
 - (e) *A concise statement of the factual basis for the termination of parental rights;*
 - (f) *A statement that the consent:*
 - 1. *Was voluntary and informed; and*
 - 2. *Will be final and irrevocable seventy-two (72) hours after the execution of the consent. This consent may be withdrawn only by written notification:*
 - a. *Filed with the court; and*
 - b. *Sent to the proposed adoptive parent or the attorney of the proposed adoptive parent, if any;*
on or before the expiration of the seventy-two (72) hours by certified or registered mail and also by first-class mail;
 - (g) *A statement that the parent has received a completed and signed copy of the consent at the time of the execution of the consent;*
 - (h) *Name and address of the individual or of the cabinet or authorized agency to which parental rights are sought to be transferred, if known;*
 - (i) *A statement that the individual, cabinet, or authorized agency to whom custody is to be given has facilities available, is willing to receive the custody of the child, and in the case of an individual, that he or she, if not excepted by KRS 199.470(4), has applied for the written approval of the secretary or the secretary's designee for the child's placement;*
 - (j) *A statement of acknowledgement and agreement waiving the parent's appearance at a hearing, signed by the parent, counsel for the parent, and the cabinet;*
 - (k) *Any address to which the parent requests the final judgment be served; and*
 - (l) *The parent's notarized signature. If the parent is a minor, the form shall also be signed by the guardian of the minor parent.*
- (3) *The parent seeking termination shall not be required to attend proceedings under this section.*

- (4) *A termination order under this section shall be entered only upon a finding by the court that termination would be in the best interest of the child.*
- (5) (a) *Proceedings under this section shall otherwise be governed by KRS 625.0405, 625.0407, 625.041, 625.042, 625.043, 625.044, 625.045, and 625.046, but any reference to a petition shall be considered a reference to a consent form under subsection (1) of this section, and any reference to the petitioner shall be considered a reference to the parent seeking termination under this section.*
- (b) *If proceedings under this section are in District Court, then any reference to the Circuit Court shall be considered a reference to the District Court, as applicable.*

→Section 2. KRS 625.020 is amended to read as follows:

The Circuit Court shall have jurisdiction of proceedings under this chapter. *In any case where the consent form under Section 1 of this Act is filed with the District Court, the District Court shall have jurisdiction of voluntary termination proceedings under this chapter.*

→Section 3. KRS 625.041 is amended to read as follows:

- (1) The parties to an action for voluntary termination of parental rights shall be the parent seeking termination, whose presence is not required if represented by counsel for the parent when an appearance-waiver and consent-to-adopt form is filed with the court, but the court shall appoint a guardian ad litem to represent the best interest of the child, *unless one has already been appointed in a proceeding under KRS Chapter 620.*
- (2) The guardian ad litem shall be paid a fee to be fixed by the court, not to exceed five hundred dollars (\$500), to be paid by the petitioner, except if the Cabinet for Health and Family Services receives custody of the child, the guardian ad litem shall be paid by the Finance and Administration Cabinet.
- (3) The parent may sign an appearance-waiver and consent-to-adopt form when the parent chooses not to attend a voluntary termination of parental rights proceedings. This form, prescribed by the Administrative Office of the Courts, shall:
- (a) Contain a statement of acknowledgment and agreement, regarding the appearance at the proceeding, signed by the parent, counsel for the parent, and the cabinet. If the parent is a minor, the form shall also be signed by the guardian of the minor parent;
- (b) Contain the parent's notarized signature;
- (c) Contain any address to which the parent requests the final judgment be served.
- (4) If a joint petition is filed, counsel shall be designated as attorney for both parties.

Signed by Governor April 4, 2024.