

## **922 KAR 1:560. Putative father registry and operating procedures.**

RELATES TO: KRS 194A.060, 199.011, 199.480, 199.505, 199.990, 620.020(13), 625.065

STATUTORY AUTHORITY: KRS 194A.050(1), 199.472, 199.503(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to promulgate, administer, and enforce administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet. KRS 199.472(1) requires the cabinet to promulgate administrative regulations that establish criteria to be followed for the adoption of children. KRS 199.503(3) requires the cabinet to establish a putative father registry and promulgate administrative regulations to administer the registry. This administrative regulation establishes the putative father registry and operating procedures.

### Section 1. Definitions.

- (1) "Cabinet" is defined by KRS 199.011(3).
- (2) "Child-placing agency" is defined by KRS 199.011(6).
- (3) "Department" is defined by KRS 199.011(7).
- (4) "Putative father" is defined by KRS 199.503(2).
- (5) "Reasonable efforts" is defined by KRS 620.020(13).

### Section 2. Registry Standards.

- (1) The cabinet shall establish and maintain a putative father registry in accordance with KRS 199.503, 199.505, and 199.990.
- (2) Information received and recorded by the cabinet shall be kept confidential in accordance with KRS 194A.060 and 199.503(11).
- (3) An adoption involving a foreign-born child, initiated out-of-state, or obtained through a public agency shall not be subject to this administrative regulation pursuant to KRS 199.505(7).

### Section 3. Submission of Registration.

- (1) A putative father shall request registration on the putative father registry by completing the DPP-1304, Putative Father Registration Form.
- (2) A putative father shall submit a DPP-1304 to the cabinet by:
  - (a) Mail to the Department for Community Based Services, attention: Putative Father Registry, 275 East Main Street, mail-stop 3C-E, Frankfort, Kentucky 40621;
  - (b) Electronic submission through the online registration system located on the department's Web site once the online function is available; or
  - (c) Electronic mail to [putativefather@ky.gov](mailto:putativefather@ky.gov).
- (3) A putative father shall provide the following information on the DPP-1304 prior to the cabinet accepting and processing a registration request:
  - (a) The putative father's full name;
  - (b) The putative father's date of birth;
  - (c) The putative father's place of birth;
  - (d) The putative father's place of residence;
  - (e) An address where the putative father may be served with notice of a petition for termination of parental rights or adoption;
  - (f) The first and last name of the birth mother;
  - (g) The birth mother's date of birth, if known;
  - (h) The birth mother's place of birth, if known;
  - (i) The birth mother's place of residence, if known;
  - (j) The birth mother's mailing address, if known;
  - (k) The child's name, if known;

- (l) The child's date of birth, if known; and
- (m) The child's place of birth, if known.
- (4) A putative father shall sign the DPP-1304 verifying that the information in his registration is accurate subject to penalty in accordance with KRS 199.990.
- (5) A putative father who is registered shall submit an amended DPP-1304 each time information about the father changes in accordance with KRS 199.503(4)(b)2.
- (6) The cabinet shall not accept and shall attempt to return a DPP-1304 that:
  - (a) Does not contain the information required by subsection (3) of this section; or
  - (b) Is not accepted in accordance with subsection (8) of this section.
- (7) The cabinet shall:
  - (a) Accept a DPP-1304 that contains information required by subsection (3) of this section and is submitted within the timeframe specified in subsection (8) of this section; and
  - (b) Provide the putative father with a copy of his registration, including:
    - 1. A registration number; and
    - 2. The date the registration was processed and made effective by the cabinet.
- (8) The cabinet shall not accept a registration request that is electronically submitted, electronically mailed, or postmarked more than twenty-one (21) days after the birth of the child subject to the registration in accordance with KRS 199.480(1)(b)2. and 625.065(1)(b).

#### Section 4. Search of the Putative Father Registry.

- (1) An individual or entity authorized by KRS 199.503(8) or 199.505, to receive a certified copy of a putative father's registration shall:
  - (a) Complete the DPP-1305, Putative Father Registry Search Request;
  - (b) Include a copy of the birth mother's consent or adoption petition with the DPP-1305; and
  - (c) Submit the DPP-1305 to the cabinet in accordance with Section 3(2)(a) through (c) of this administration regulation.
- (2) Unless the entity requesting a certified copy of a putative father's registration is a court, a DPP-1305 shall include a twenty-five (25) dollar fee in accordance with KRS 199.503(10), paid by:
  - (a) Certified or cashier's check or money order made payable to the Kentucky State Treasurer if the DPP-1305 is mailed to the cabinet;
  - (b) A prepaid account established with the cabinet; or
  - (c) Credit or debit card through the online registration system once the function becomes available.
- (3) Upon submission of a completed DPP-1305 in accordance with this section, KRS 199.503 and 199.505, the cabinet shall issue a DPP-1302, Kentucky Putative Father Registry Affidavit of Diligent Search.
- (4) The cabinet may request at any time a search of the putative father registry to establish:
  - (a) Reasonable efforts in a child protective services case in accordance with 922 KAR 1:330; or
  - (b) Permanency services in accordance with 922 KAR 1:140.
- (5) Pursuant to KRS 199.505, a search of the putative father registry shall not be required for a public agency adoption in accordance with 922 KAR 1:100.

#### Section 5. Registration Revocation.

- (1) A putative father registrant may revoke his registration at any time using the DPP-1304.
- (2) The cabinet shall revoke a registration that is found to have been filed with error or false information.

- (3) The cabinet shall provide notice of:
  - (a) Revocation of a registration; and
  - (b) Appeal rights in accordance with 922 KAR 1:320 if the revocation is performed by the cabinet in accordance with subsection (2) of this section.

Section 6. Notice by a Mother.

- (1) A mother may notify the cabinet of a potential putative father by completing, at a minimum, Part 1 of the DPP-1303, Birth Mother Notification of Putative Father, and submitting it to the cabinet in accordance with Section 3(2)(a) through (c) of this administrative regulation.
- (2) Upon receipt of a completed DPP-1303, the cabinet shall provide the putative father with information regarding the putative father registry by:
  - (a) Mail to his mailing address; or
  - (b) Delivery to his place of residence.
- (3) The cabinet shall take no action on a DPP-1303 that is received after a putative father's ability to register has expired in accordance with Section 3(8) of this administrative regulation.

Section 7. Incorporation by Reference.

- (1) The following material is incorporated by reference:
    - (a) "DPP-1302, Kentucky Putative Father Registry Affidavit of Diligent Search", 11/2019;
    - (b) "DPP-1303, Birth Mother Notification of Putative Father", 11/2019;
    - (c) "DPP-1304, Putative Father Registration Form", 11/2019; and
    - (d) "DPP-1305, Putative Father Registry Search Request", 11/2019.
  - (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Cabinet for Health and Family Services, Department for Community Based Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.
- (45 Ky.R. 600; 1294; 1682; eff. 12-12-2018; 46 Ky.R. 771; 1173; eff. 11-1-2019; TAm eff. 11-7-2019.)