

625.0403 Voluntary termination during pendency of proceedings under KRS Chapter 620 -- Parental election -- Consent form -- Definition.

- (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 This consent may be withdrawn only by written notification: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

- (1) 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.

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