

**199.572 Inspection of adoption records -- Limitations.**

- (1) (a) At the time the biological parents give up the child for adoption, they shall be asked by the cabinet whether they consent to the inspection of the adoption records by an adult person described in subsection (3) of this section, to personal contact by the child when he or she becomes an adult, or to both. If consent is given at that time, it can later be revoked. If consent is withheld at that time, the biological parents may give consent at any later time.
- (b) The initial written statement of consent or refusal of consent to inspection of records or personal contact shall be filed with the Circuit Court not later than the date of finalization of the adoption proceedings. When a written consent is on file, the records shall be available to an adult person described in subsection (3) of this section, upon his or her request therefor in writing.
- (2) When any adult adopted person applies in person or in writing to the Circuit Court for authorization to inspect all papers and records pertaining to the adoption proceedings of that adult adopted person as provided in KRS 199.570(1), the court shall, if satisfied as to the identity of the adult adopted person, authorize the adult adopted person to inspect the papers and records.
- (3) When any adult person who is the child, grandchild, or sibling of a deceased biological parent who gave a child up for adoption under this chapter, or who is the child, grandchild, or sibling of a deceased adoptee who was given up for adoption under this chapter, applies in person or in writing to the Circuit Court for authorization to inspect all papers and records pertaining to the adoption proceedings of that deceased biological parent or deceased adoptee who was part of an adoption proceeding in accordance with KRS 199.570, the court may, if satisfied as to the identity of the adult person and that each biological parent who gave a child up for the adoption listed in the petition is deceased or has given consent to the inspection pursuant to this section, authorize the adult person to inspect the papers and records.
- (4) (a) The Circuit Court shall, within seven (7) working days of the receipt of the request, direct the secretary of the cabinet to notify each biological parent identified on the adult adopted person's original birth certificate that the adult adopted person or other adult person described in subsection (3) of this section has applied to the court for information identifying the biological parent. Within six (6) months of receiving the notice of the request, the secretary of the cabinet shall make complete and reasonable efforts to notify each biological parent identified on the adult adopted person's original birth certificate.
- (b) The secretary may charge a reasonable fee not to exceed two hundred fifty dollars (\$250) for making this search. Every child-caring facility and child-placing agency in the Commonwealth shall cooperate with the secretary in his or her efforts to notify these biological parents.
- (5) If the cabinet utilizes the services of another person or entity to perform a search under subsection (4) of this section, the cabinet shall enter into a formal contract with that person or entity. A person or entity contracted to perform a search shall be licensed under the provisions of KRS Chapter 329A.

- (6) The notification of the biological parents shall not be by mail and shall be by personal and confidential contact by the cabinet. The notification shall be done without disclosing the identity of the adult adopted person or other adult person described in subsection (3) of this section. The personal and confidential contact with the biological parents shall be evidenced by filing with the Circuit Court an affidavit of notification executed by the person who notified each parent and certifying each parent was given the following information:
- (a) The nature of the information requested;
  - (b) The date of the request;
  - (c) The right of the biological parent to file, within sixty (60) days of receipt of the notice, an affidavit with the Circuit Court stating that an adult person described in subsection (3) of this section shall be authorized to inspect all papers and records pertaining to the adoption proceedings;
  - (d) The right of the biological parent to file at any time an affidavit authorizing an adult person described in subsection (3) of this section to inspect all papers and records pertaining to the adoption proceedings; and
  - (e) The right of a biological parent to file an affidavit with the Circuit Court stating that all papers and records pertaining to the adoption proceedings shall not be open for inspection by an adult person described in subsection (3) of this section.
- (7) If after diligent and reasonable effort, the secretary of the cabinet certifies that both biological parents identified in the original birth certificate are deceased or the secretary is unable to locate said parents, then a judge of the Circuit Court, upon motion of an adult person described in subsection (3) of this section, may order that all papers and records of the cabinet and those of the Circuit Court pertaining to the adoption shall be open for inspection to that person.

**Effective:** July 15, 2024

**History:** Amended 2024 Ky. Acts ch. 43, sec. 1, effective July 15, 2024. -- Amended 2005 Ky. Acts ch. 99, sec. 183, effective June 20, 2005. -- Amended 2004 Ky. Acts ch. 186, sec. 9, effective July 13, 2004. -- Amended 1998 Ky. Acts ch. 426, sec. 146, effective July 15, 1998. -- Created 1986 Ky. Acts ch. 43, sec. 4, effective July 15, 1986.