

### **199.521 Posthumous adoption.**

- (1) In any pending adoption proceeding under this chapter, the court may enter a judgment of adoption after a child's death upon the motion of the petitioner or petitioners if:
  - (a) The child dies during the time the child is placed in the home of the petitioner or petitioners;
  - (b) Prior to the hearing, the court has received the report of the guardian ad litem, if any, for the child and the report required by KRS 199.510;
  - (c) A hearing has been scheduled and notice has been given as required under KRS 199.515; and
  - (d) The court determines after hearing the case that the requirements of KRS 199.520(1) have been met.
- (2) Any judgment of adoption under this section shall:
  - (a) Change the name of the child to conform with the prayer of the petition;
  - (b) Ensure that the judgment and all orders required to be entered and recorded in the order book, including the caption, shall contain only the names of the petitioners and the proposed adopted name of the child, without any reference to the child's former name or the names of the birth parents; and
  - (c) Establish that upon entry of the judgment of adoption, from and after the date of the filing of the petition the child shall be deemed the child of petitioners and, except as provided in subsection (4) of this section, for the purpose of legal considerations, the natural child of the parents adopting the child the same as if born of their bodies, and all legal relationship between the adopted child and the biological parents shall be terminated except the relationship of a biological parent who is the spouse of an adoptive parent.
- (3) The clerk of the court shall notify the cabinet of the adoption as required in KRS 199.520.
- (4) Notwithstanding any other law to the contrary, nothing in this section shall entitle the petitioner or petitioners proceeding under this section to any present or future interest in property or inheritance of the deceased child, or to any other benefit, whether governmental or otherwise, that would have become payable had the judgment of adoption been entered prior to the death of the child.

**Effective:** June 27, 2025

**History:** Created 2025 Ky. Acts ch. 16, sec. 1, effective June 27, 2025.

**Legislative Research Commission Note** (6/27/2025). 2025 Ky. Acts ch. 16, sec. 2, provides that the Act, which created this statute, may be cited as Braylon's Law.