

AN ACT relating to tuition waivers for adopted children.

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

➔Section 1. KRS 164.2847 is amended to read as follows:

- (1) Tuition and mandatory student fees for any undergraduate program of any Kentucky public postsecondary institution, including all four (4) year universities and colleges and institutions of the Kentucky Community and Technical College System, shall be waived for a Kentucky foster or adopted child who is a full-time or part-time student if the student meets all entrance requirements and maintains academic eligibility while enrolled at the postsecondary institution, and if:
 - (a) The student's family receives state-funded adoption assistance under KRS 199.555;
 - (b) The student is currently committed to the Cabinet for Health and Family Services under KRS 610.010(5) and placed in a family foster home or is placed in accordance with KRS 605.090(3);
 - (c) The student is in an independent living program and the placement is funded by the Cabinet for Health and Family Services;
 - (d) The student who is an adopted child was in the permanent legal custody of and placed for adoption by the Cabinet for Health and Family Services. A student who meets the eligibility criteria of this paragraph and lives outside of Kentucky at the time of application to a Kentucky postsecondary institution may apply for the waiver up to the amount of tuition for a Kentucky resident;
or
 - (e) The Cabinet for Health and Family Services was the student's legal custodian on his or her eighteenth birthday.
- (2) Tuition and mandatory student fees for any undergraduate program of any Kentucky public postsecondary institution, including all four (4) year universities and colleges and institutions of the Kentucky Community and Technical College System, shall

be waived for a Department of Juvenile Justice foster child who is a full-time or part-time student if the student meets all entrance requirements and maintains academic eligibility while enrolled at the postsecondary institution and obtains a recommendation for participation from an official from the Department of Juvenile Justice, and if:

- (a) The student has not been sentenced to the Department of Juvenile Justice under KRS Chapter 640;
 - (b) The student has been committed to the Department of Juvenile Justice for a period of at least twelve (12) months;
 - (c) The student is in an independent living program and placement is funded by the Department of Juvenile Justice;
 - (d) The parental rights of the student's biological parents have been terminated; or
 - (e) The student was committed to the Cabinet for Health and Family Services prior to a commitment to the Department of Juvenile Justice.
- (3) *Tuition and mandatory student fees for any undergraduate program of any Kentucky public postsecondary institution, including all four (4) year universities and colleges and institutions of the Kentucky Community and Technical College System, shall be waived for a Kentucky adopted child who is a full-time or part-time student if the student meets all entrance requirements and maintains academic eligibility while enrolled at the postsecondary institution, and if the student:*
- (a) Was adopted by the child's grandparent, whether by blood or adoption, and permanent legal custody is not shared with a biological parent;*
 - (b) Was either adjudicated by a Kentucky court as an abused, neglected, or dependent child or the child's biological parents were deceased; and*
 - (c) Provides all documentation and information requested by the Cabinet for Health and Family Services needed to confirm eligibility status, including*

juvenile court, vital statistics, and other court records to which the student has legal access.

(4) Upon request of the postsecondary institution, the Cabinet for Health and Family Services shall confirm the eligibility status under subsections~~subsection~~ (1) and (3) of this section and the Department of Juvenile Justice shall confirm the eligibility status and recommendations under subsection (2) of this section of the student seeking to participate in the waiver program. Release of this information shall not constitute a breach of confidentiality required by KRS 199.570, 610.320, or 620.050.

(5)~~(4)~~ The student shall complete the Free Application for Federal Student Aid to determine the level of need and eligibility for state and federal financial aid programs. If the sum of the tuition waiver plus other student financial assistance, except loans and the work study program under 42 U.S.C. secs. 2751-2756b, from all sources exceeds the student's total cost of attendance, as defined in 20 U.S.C. sec. 10871l, the tuition waiver shall be reduced by the amount exceeding the total cost of attendance.

(6)~~(5)~~ The student shall be eligible for the tuition waiver:

- (a) For entrance to the institution for a period of no more than four (4) years after the date of graduation from high school; and
- (b) For a period of five (5) years after first admittance to any Kentucky institution if satisfactory progress is achieved or maintained, except when extended in accordance with subsection (7)~~(6)~~ of this section.

(7)~~(6)~~ The expiration of a student's five (5) year eligibility under subsection (6)~~(5)~~(b) of this section shall be extended upon a determination by the institution that the student was unable to enroll for or complete an academic term due to serving:

- (a) On active duty status in the United States Armed Forces;

- (b) As an officer in the Commissioned Corps of the United States Public Health Service; or
- (c) On active service in the Peace Corps Act or the Americorps.

The original expiration date shall be extended by the total number of years during which the student was on active duty status. The number of months served on active duty status shall be rounded up to the next higher year to determine the maximum length of eligibility extension allowed.

~~(8)~~~~(7)~~ The Cabinet for Health and Family Services shall report the number of students participating in the tuition waiver program under subsections~~[subsection]~~ (1) and (3) of this section and the Department of Juvenile Justice shall report the number of students participating in the tuition waiver program under subsection (2) of this section on October 1 each year to the Council on Postsecondary Education and the Legislative Research Commission.

~~(9)~~~~(8)~~ The Council on Postsecondary Education shall report nonidentifying data on graduation rates of students participating in the tuition waiver program by November 30 each year to the Legislative Research Commission.

~~(10)~~~~(9)~~ Nothing in this section shall be construed to:

- (a) Guarantee acceptance of or entrance into any postsecondary institution for a foster or adopted child;
- (b) Limit the participation of a foster or adopted student in any other program of financial assistance for postsecondary education;
- (c) Require any postsecondary institution to waive costs or fees relating to room and board; or
- (d) Restrict any postsecondary institution, the Department of Juvenile Justice, or the Cabinet for Health and Family Services from accessing other sources of financial assistance, except loans, that may be available to a foster or adopted student.

➔Section 2. KRS 199.520 is amended to read as follows:

- (1) After hearing the case, the court shall enter a judgment of adoption, if it finds that the facts stated in the petition were established; that all legal requirements, including jurisdiction, relating to the adoption have been complied with; that the petitioners are of good moral character, of reputable standing in the community and of ability to properly maintain and educate the child; and that the best interest of the child will be promoted by the adoption and that the child is suitable for adoption. **The court shall also determine if the child meets the tuition waiver eligibility requirements described in subsection (3)(a) and (b) of Section 1 of this Act and include its findings in the judgment.** In the judgment, the name of the child shall be changed to conform with the prayer of the petition. 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 its former name or the names of its birth parents.
- (2) 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 shall be considered for purposes of inheritance and succession and for all other legal considerations, the natural child of the parents adopting it the same as if born of their bodies. Upon granting an adoption, 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 any action of the court with respect to entering a judgment granting an adoption, the amendment of an adoption, or the denial or dismissal of a petition for adoption.
- (4) (a) The health history and other nonidentifying background information of biological parents and blood relatives of the adopted person, in writing, on a standardized form, provided by the cabinet, if known, shall be given by the cabinet or child-placing agency which has the information to the adoptive

parents and to the Circuit Court not later than the date of finalization of the adoption proceedings. This information shall include the results of any tests for HIV or hepatitis A, B, and C; and

- (b) The information provided for in paragraph (a) of this subsection, if known, shall, upon the request in person or in writing of the adult adopted person be made available in writing to that person. The information shall not be made available if it is of a nature that would tend to identify the biological parents of the adopted person except as provided in KRS 199.570 and 199.572.

→Section 3. KRS 199.570 is amended to read as follows:

- (1) (a) The files and records of the court during adoption proceedings shall not be open to inspection by persons other than parties to the proceedings, their attorneys, and representatives of the cabinet except under order of the court expressly permitting inspection.
- (b) Upon the entry of the final order in the case, the clerk shall place all papers and records in the case in a suitable envelope which shall be sealed and shall not be open for inspection by any person except on written order of the court *or in accordance with paragraph (c) of this subsection*, except that upon the written consent of the biological parents and upon written order of the Circuit Court all papers and records including all files and records of the Circuit Court during proceedings for termination of parental rights provided in KRS 625.108 shall be open for inspection to any adult adopted person who applies in person or in writing to the Circuit Court as provided in KRS 199.572. Health information received pursuant to KRS 199.525 shall be added to the adoption case file. The clerk of the Circuit Court shall set up a separate docket and order book for adoption cases and these files and records shall be kept locked.

(c) Upon request of the cabinet, the clerk of the Circuit Court shall provide a

copy of an adoption case file to the agency for the purpose of determining a student's tuition waiver eligibility as described in subsections (1) and (3) of Section 1 of this Act. The cabinet shall securely retain the file for up to five (5) years, after which the file shall be securely destroyed.

- ~~(d)~~~~(e)~~ No person having charge of any adoption records shall disclose the names of any parties appearing in such records or furnish any copy of any such records to any person or other entity that does not meet the requirements of KRS 199.572, except upon order of the court which entered the judgment of adoption.
- (2) After entry of the adoption judgment, the clerk of the Circuit Court shall promptly report to the Cabinet for Health and Family Services of Kentucky full information as called for on forms furnished by the Cabinet for Health and Family Services, necessary to make a new birth certificate conforming to the standard birth certificate form. Upon receipt of this information, the Cabinet for Health and Family Services shall cause to be made a new record of the birth and it shall be filed with the original certificate, and the original certificate shall be stamped with the words, "CONFIDENTIAL -- subject to copy and/or inspection only on written order of the court."
- (3) The new certificate shall set forth the new name, if any, of the adopted child, the names of the adoptive parents, and such other information deemed necessary in accordance with rules and regulations promulgated by the Cabinet for Health and Family Services in issuing of birth certificates. If the adopted child is under eighteen (18) years of age, the birth certificate shall not contain any information revealing the child is adopted and shall show the adoptive parent or parents as the biological parent or parents of the child. If requested by the adoptive parents, the new birth certificate when issued shall contain the location of birth, hospital, and name of doctor or midwife. This information should be given only by an order of the court in

which the child was adopted. The new birth certificate shall recite the residence of the adoptive parents as the birthplace of the child and this shall be deemed for all legal purposes to be the birthplace of the child. If no birth certificate is on file for a child born in Kentucky, the Cabinet for Health and Family Services shall prepare a certificate of birth in accordance with the information furnished the cabinet by the clerk of the Circuit Court which issued the adoption order. The Cabinet for Health and Family Services shall furnish to the clerks of the Circuit Courts the necessary forms to carry out the provisions of this section. If the child was born in another state, the order of adoption shall be forwarded to the division of vital statistics of the state concerned to be changed in accordance with the laws of such state. If the child was born in a foreign country, the report of adoption shall be returned to the attorney or agency handling the adoption for submission to the appropriate federal agency.

- (4) Thereafter when any copy of the certificate of birth of any child is issued it shall be a copy of the new certificate of birth, except when an order of the court granting the judgment of adoption shall request the issuance of the copy of the original certificate of the child's birth.
- (5) If any judgment of adoption is reversed, modified, or vacated in any particular, the clerk of the Circuit Court shall notify the Cabinet for Health and Family Services of the reversal or modification and the effect of same, and the cabinet shall make any necessary changes in its records.

➔Section 4. KRS 625.045 is amended to read as follows:

- (1) Any order resulting from the voluntary termination of parental rights of any person under the provisions of this chapter, including the caption of the order, shall contain only the name of the child, without any reference to the names of the parents whose rights have been terminated. Such order shall be duly recorded in the order book of the Circuit Court and a certified copy of the order given to the petitioner and to the

cabinet upon request. Such order may contain a statement of authority to place the child for adoption.

- (2) The files and records of the Circuit Court, excluding the name or other identifying information of a prospective adoptive parent, during proceedings for voluntary termination of parental rights shall not be open to inspection by persons other than parties to such proceedings, their attorneys, and representatives of the cabinet, except under order of the court expressly permitting inspection. Upon the entry of the final order in the case, the clerk shall place all papers and records in the case in a suitable envelope which shall be sealed and shall not be open for inspection by any person other than representatives of the cabinet without a written order of the court or as authorized by the provisions of KRS Chapter 199.

(3) Upon request of the cabinet, the clerk of the Circuit Court shall provide a copy of a voluntary termination case file to the agency for the purpose of determining a student's tuition waiver eligibility as described in subsections (1) and (3) of Section 1 of this Act. The cabinet shall securely retain the file for up to five (5) years, after which the file shall be securely destroyed.

- ~~(4)~~⁽³⁾ No person having charge of any voluntary termination records shall disclose the names of any parties appearing in such records or furnish any copy of any such records, except upon order of the court which entered the judgment of termination; however, facts necessary in order to secure a court order for a copy of the termination order to be used in an adoption proceeding may be disclosed. The clerk of the Circuit Court shall set up a separate docket and order book for termination cases and these files and records shall be kept locked.

➔Section 5. KRS 625.108 is amended to read as follows:

- (1) Any order resulting from the involuntary termination of parental rights of any person under the provisions of this chapter, including the caption of the order, shall contain only the name of the child, without any reference to the names of the

parents whose rights have been terminated. Such order shall be duly recorded in the order book of the Circuit Court and a certified copy of the order given to the petitioner and to the cabinet upon request if the cabinet is not a petitioner. Such order may contain a statement of authority to place the child for adoption.

- (2) The files and records of the Circuit Court, excluding the name or other identifying information of a prospective adoptive parent, during proceedings for involuntary termination of parental rights shall not be open to inspection by persons other than parties to such proceedings, their attorneys, and representatives of the cabinet except under order of the court expressly permitting inspection. Upon the entry of the final order in the case, the clerk shall place all papers and records in the case in a suitable envelope which shall be sealed and shall not be open for inspection by any person other than representatives of the cabinet without a written order of the court or as authorized by the provisions of KRS Chapter 199.

(3) Upon request of the cabinet, the clerk of the Circuit Court shall provide a copy of an involuntary termination case file to the agency for the purpose of determining a student's tuition waiver eligibility as described in subsections (1) and (3) of Section 1 of this Act. The cabinet shall securely retain the file for up to five (5) years, after which the file shall be securely destroyed.

- ~~(4)~~~~(3)~~ No person having charge of any involuntary termination records shall disclose the names of any parties appearing in such records or furnish any copy of any such records, except upon order of the court which entered the judgment of termination; however, facts necessary in order to secure a court order for a copy of the termination order to be used in an adoption proceeding may be disclosed. The clerk of the Circuit Court shall set up a separate docket and order book for termination cases and these files and records shall be kept locked.