

AN ACT relating to adoption.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section, "putative father" means a male who may be a child's father, but who:

(a) Is not married to the child's mother on or before the date that the child is born;

(b) Has not established paternity of the child in a court or agency proceeding in this or another state before the date the child is to be adopted; or

(c) Has not completed an acknowledgment of paternity affidavit before the filing of a petition for adoption of the child.

(2) The cabinet shall establish a putative father registry and promulgate administrative regulations to administer the registry in accordance with this section.

(3) (a) A putative father may register with the putative father registry by providing the following information to the cabinet:

1. The putative father's name, date of birth, place of birth, place of residence, and an address at which he may be served with notice of the filing of a petition for adoption;

2. The mother's name, date of birth, place of birth, place of residence, and mailing address, if known; and

3. Any other information described in subsection (4) of this section that is known to the putative father.

(b) A putative father who registers under this section is responsible for:

1. Verifying with the cabinet the accuracy of the registration; and

2. Submitting to the cabinet an amended registration each time the

information supplied by the putative father changes.

(c) A putative father who has registered pursuant to this section may revoke a registration at any time.

(4) The cabinet shall maintain the following information in the putative father registry:

(a) The putative father's name, date of birth, place of birth, place of residence, and an address at which he may be served with notice of the filing of a petition for adoption;

(b) The mother's name, date of birth, place of birth, place of residence, and mailing address, if known;

(c) The child's name, date of birth, and place of birth, if known;

(d) The date that the cabinet receives a putative father's registration;

(e) The name of any attorney or agency that requests the cabinet to search the registry pursuant to Section 2 of this Act and the date of the request; and

(f) Any other information that the cabinet determines is necessary to access the information in the registry.

(5) The cabinet shall store the registry's data so that it is accessible under the following:

(a) The putative father's name;

(b) The mother's name; or

(c) The child's name.

(6) Subject to subsection (7) of this section, the cabinet shall furnish a certified copy of a putative father's registration form upon written request by:

(a) A putative father;

(b) A mother;

(c) A child;

(d) Any party or attorney of record in a pending adoption;

(e) An attorney who represents:

1. Prospective adoptive parents;
2. Petitioners in an adoption;
3. A mother;
4. A putative father; or
5. A child-placing agency;

(f) A licensed child-placing agency that represents:

1. Prospective adoptive parents;
2. Petitioners in an adoption;
3. A mother; or
4. A putative father; or

(g) A court that presides over a pending adoption.

(7) The cabinet may release the certified copy of the registration form to a person under subsection (6)(a) to (c) of this section only if the information contained in the registration form names the requesting person.

(8) A person who makes a request pursuant to this section shall state that the requesting person is entitled to receive the information under this section.

(9) Except as otherwise provided in this section and Section 2 of this Act, information contained within the registry is confidential.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

(1) An attorney or child-placing agency that arranges a prospective adoption may at any time request that the cabinet search the putative father registry established under Section 1 of this Act to determine whether a putative father is registered in relation to a mother whose child is the subject of the adoption.

(2) Whenever a petition for adoption is filed, the attorney or child-placing agency that arranges the adoption shall request that the cabinet search the putative

*father registry at least one (1) day after the expiration of the period specified by subsection (1)(b)2. of Section 5 of this Act.*

*(3) No later than five (5) days after receiving a request under subsection (1) or (2) of this section, the cabinet shall submit an affidavit to the requesting party verifying whether a putative father is registered in relation to a mother whose child is the subject of the adoption.*

*(4) Whenever the cabinet finds that one (1) or more putative fathers are registered, the cabinet shall submit a copy of each registration form with its affidavit.*

*(5) A court shall not grant an adoption unless the cabinet's affidavit under this section is filed with the court.*

➔Section 3. KRS 199.470 is amended to read as follows:

(1) Any person who is eighteen (18) years of age and who is a resident of this state or who has resided in this state for twelve (12) months next before filing may file a petition for leave to adopt a child in the Circuit Court of the county in which the petitioner resides.

(2) If the petitioner is married, the husband or wife shall join in a petition for leave to adopt a child unless the petitioner is married to a biological parent of the child to be adopted, except that if the court finds the requirement of a joint petition would serve to deny the child a suitable home, the requirement may be waived.

~~(3) If a child is placed for adoption by the cabinet, by an agency licensed by the cabinet, or with written approval by the secretary of the cabinet, the petition may be filed at the time of placement. In all other adoptions, the petition shall not be filed until the child has resided continuously in the home of the petitioner for at least ninety (90) days immediately prior to the filing of the adoption petition.~~

~~(4) No petition for adoption shall be filed unless prior to the filing of the petition the child sought to be adopted has been placed for adoption by a child-placing institution or agency, or by the cabinet, or the child has been placed with written~~

approval of the secretary; but no approval shall be necessary in the case of:

- (a) A child sought to be adopted by a stepparent, grandparent, sister, brother, aunt, uncle, great grandparent, great aunt, or great uncle; however, the court in its discretion may order a report in accordance with KRS 199.510 and a background check as provided in KRS 199.473(8);
- (b) A child received by the proposed adopting parent or parents from an agency without this state with the written consent of the secretary; or
- (c) A child adopted under the provisions of KRS 199.585(1).

~~(4)~~~~(5)~~ Subsection ~~(3)~~~~(4)~~ of this section shall not apply to children placed for adoption prior to June 14, 1962.

➔Section 4. KRS 199.473 is amended to read as follows:

- (1) All persons other than a child-placing agency or institution, the department, or persons excepted by KRS 199.470~~(3)~~ or ~~(4)~~~~or~~~~(5)~~ who wish to place or receive a child shall make written application to the secretary for permission to place or receive a child.
- (2) Prior to the approval of an application to place or receive a child, the fee required pursuant to subsection (13) of this section shall be paid and a home study shall be completed. The purpose of the home study shall be to review the background of the applicant and determine the suitability of the applicant to receive a child, taking into account at all times the best interest of the child for whom application to receive has been made.
- (3)
  - (a) The home study shall be made in accordance with administrative regulations promulgated by the cabinet in accordance with KRS Chapter 13A.
  - (b) The cabinet shall conduct the home study for an applicant whose total gross income is equal to or less than two hundred fifty percent (250%) of the federal poverty level guidelines issued each year by the federal government, unless the applicant submits a written request for the home study to be conducted by

a licensed child-placing agency or institution. Upon request, the cabinet shall make information available to an applicant who does not meet the requirements of this paragraph to assist the applicant in obtaining a home study from a licensed child-placing agency approved to provide adoption services.

- (c) A licensed child-placing agency approved to provide adoption services shall conduct the home study for an applicant whose gross total income is more than two hundred fifty percent (250%) of the federal poverty level guidelines issued each year by the federal government.
  - (d) Calculation of family size for this subsection shall include each child requested to be adopted.
  - (e) The portion of the home study pertaining to the home and family background shall be valid for one (1) year following the date of its completion by an adoption worker.
- (4) The adoption worker making the home study shall make a finding in writing recommending either that the application be granted or that the application be denied. The recommendation of the adoption worker shall then be reviewed by the secretary.
  - (5) Based on the report and recommendation of the adoption worker making the home study, the secretary shall grant or refuse permission for the applicant to place or receive a child as early as practicable, but, in any case, the decision shall be made within sixty (60) days after the receipt of the application. In reaching a decision, the secretary shall be guided by the ability of the persons wishing to receive the child to give the child a suitable home, and shall at all times consider the best interest of the child from a financial, medical, psychological, and psychiatric standpoint.
  - (6) If the application is refused, the secretary shall in general terms furnish in writing the reasons for his or her refusal.

- (7) Any person who seeks temporary custody of a child prior to the secretary's ruling on an application for adoption shall file a petition seeking temporary custody, with a notice of intent to adopt, with the Circuit Court that will have jurisdiction of the adoption proceedings. The clerk of the court shall send a notice of the filing of the petition to the cabinet. A hearing on the petition shall occur no later than seventy-two (72) hours after the filing of the petition, excluding weekends and holidays. Proceedings under this subsection shall be incorporated into the court's adoption file. If the adoption is not finalized within six (6) months of the filing of the petition and notice of intent, the court shall conduct a hearing on the status and custody of the child.
- (8) Upon a finding by the Circuit Court that the child should be placed prior to the secretary's ruling on the application, the Circuit Court may grant the applicant temporary custody of the child pending the decision of the secretary. Temporary custody shall not be granted to an applicant unless a background check, including but not limited to a criminal records check by the Justice and Public Safety Cabinet or the Administrative Office of the Courts and a background check of child abuse and neglect records maintained by the cabinet, has been submitted to and reviewed by the court. The background check required for temporary custody shall be part of the home study required under subsection (2) of this section. If the application is denied by the secretary, the temporary custody order shall be set aside and, upon motion of the cabinet or of the child's parent or parents, the Circuit Court may order the child returned to the biological parent or parents or the child's custody may be awarded to the cabinet, another licensed child-placing agency, or other individuals deemed appropriate by the court. This section shall not be deemed to permit the completion of any adoption proceeding without the approval of the secretary and compliance with KRS 615.030, if required.
- (9) In any case where the cabinet refuses to approve the placement of a child for

adoption when requested by the parent or parents of the child, or refuses the request of any person or persons that a child be placed with that person or those persons for adoption, the decision of the secretary in so refusing shall be final unless within ten (10) days after notice of refusal, the biological or proposed adopting parent or parents shall appeal to the Circuit Court of the county in which the adoption is proposed. No placement shall be disapproved on the basis of the religious, ethnic, racial, or interfaith background of the adoptive applicant, if the placement is made with the consent of the parent.

- (10) The cabinet may refuse to approve the placement of a child for adoption if the child's custodial parent is unwilling for the child to be placed for adoption with the proposed adoptive family. The cabinet may approve or deny the placement, in spite of the fact that the custodial parent or parents are unwilling to be interviewed by the cabinet or other approving entity, or if, after diligent efforts have been made, the adoption worker is unable to locate or interview the custodial parent or parents. The cabinet shall be made a party defendant to the appeal. In the hearing of an appeal, the court shall review the findings of the secretary and shall determine if the secretary has acted arbitrarily, unlawfully, or in a manner that constitutes an abuse of discretion.
- (11) If a child who does not fall within the exception provided for in KRS 199.470(3) *or* (4) ~~or (5)~~ is placed or received in a home without the court's review of the background check required under this section or the permission of the secretary for health and family services, or if permission to receive a child has been denied, a representative of the cabinet shall notify in writing or may petition the juvenile session of District Court of the county in which the child is found setting out the facts concerning the child. When the petition has been filed, the court shall take jurisdiction of the child and shall provide for it as it would provide for a dependent, neglected, or abused child under KRS Chapter 620, except that the child may not be



placed in the home of the applicants who are to receive the child unless permission to do so is granted by the secretary or the action is ordered by a Kentucky court of competent jurisdiction.

- (12) When either the custodial parent or parents of the child to be placed or the persons wishing to receive the child reside out-of-state, the requirement of KRS 615.030, Interstate Compact on the Placement of Children, shall be met before the cabinet gives approval for the child's placement.
- (13) The secretary of the Cabinet for Health and Family Services shall be paid a nonrefundable fee of two hundred dollars (\$200) upon the filing of the written application for permission to place or receive a child. Payment shall be made by certified or cashier's check only. All funds collected under this section shall be deposited in a restricted account, which is hereby created, for the purpose of subsidizing an adoptive parent for suitable care of a special-needs child as authorized in KRS 199.555.
- (14) Nothing in this statute shall be construed to limit the authority of the cabinet or a child-placing institution or agency to determine the proper disposition of a child committed to it by the juvenile session of District Court or the Circuit Court, prior to the filing of an application to place or receive.

**(15) The cabinet shall by administrative regulation establish a single unified form for use as the application for permission to place or receive a child pursuant to this section.**

➔Section 5. KRS 199.480 is amended to read as follows:

- (1) The following persons shall be made parties defendant in an action for leave to adopt a child:
- (a) The child to be adopted;
  - (b) The biological living parents of a child under eighteen (18), if the child is born in lawful wedlock. If the child is born out of wedlock, its mother; and its

father, if one (1) of the following requirements is met:

1. He is known and voluntarily identified by the mother by affidavit;
2. **He has registered with the cabinet pursuant to Section 1 of this Act as a putative father within thirty (30)**~~[Prior to the entry of a final order in a termination proceeding, he has acknowledged the child as his own by affirmatively asserting paternity in the action or to the custodial agency or the party bringing the action within sixty (60)]~~ days after the birth of the child;
3. He has caused his name to be affixed to the birth certificate of the child;
4. He has commenced a judicial proceeding claiming parental right;
5. He has contributed financially to the support of the child, either by paying the medical or hospital bills associated with the birth of the child or financially contributed to the child's support; or
6. He has married the mother of the child or has lived openly or is living openly with the child or the person designated on the birth certificate as the biological mother of the child.

A putative father shall not be made a party defendant if none of the requirements set forth above have been met, and a biological parent shall not be made a party defendant if the parental rights of that parent have been terminated under KRS Chapter 625, or under a comparable statute of another jurisdiction;

- (c) The child's guardian, if it has one.
- (d) If the care, custody, and control of the child has been transferred to the cabinet, or any other individual or individuals, institution, or agency, then the cabinet, the other individual or individuals, institution, or agency shall be named a party defendant, unless the individual or individuals, or the institution or agency is also the petitioner.

- (2) Each party defendant shall be brought before the court in the same manner as provided in other civil cases except that if the child to be adopted is under fourteen (14) years of age and the cabinet, individual, institution, or agency has custody of the child, the service of process upon the child shall be had by serving a copy of the summons in the action upon the cabinet, individual, institution or agency, any provision of CR 4.04(3) to the contrary notwithstanding.
- (3) If the child's biological living parents, if the child is born in lawful wedlock, or if the child is born out of wedlock, its mother, and if paternity is established in legal action or if an affidavit is filed stating that the affiant is father of the child, its father, are parties defendant, no guardian ad litem need be appointed to represent the child to be adopted.

➔Section 6. KRS 199.500 is amended to read as follows:

- (1) An adoption shall not be granted without the voluntary and informed consent, as defined in KRS 199.011, of the living parent or parents of a child born in lawful wedlock or the mother of the child born out of wedlock, or the father of the child born out of wedlock if paternity is established in a legal action or if an affidavit is filed stating that the affiant is the father of the child, except that the consent of the living parent or parents shall not be required if:
  - (a) The parent or parents have been adjudged mentally disabled and the judgment shall have been in effect for not less than one (1) year prior to the filing of the petition for adoption;
  - (b) The parental rights of the parents have been terminated under KRS Chapter 625;
  - (c) The living parents are divorced and the parental rights of one (1) parent have been terminated under KRS Chapter 625 and consent has been given by the parent having custody and control of the child; or
  - (d) The biological parent has not established parental rights as required by KRS

625.065.

- (2) A minor parent who is a party defendant may consent to an adoption but a guardian ad litem for the parent shall be appointed.
- (3) In the case of a child twelve (12) years of age or older, the consent of the child shall be given in court. The court in its discretion may waive this requirement.
- (4) Notwithstanding the provisions of subsection (1) of this section, an adoption may be granted without the consent of the biological living parents of a child if it is pleaded and proved as a part of the adoption proceedings that any of the provisions of KRS 625.090 exist with respect to the child.
- (5) An adoption shall not be granted or a consent for adoption be held valid if the consent for adoption is given prior to seventy-two (72) hours after the birth of the child. A voluntary and informed consent may be taken at seventy-two (72) hours after the birth of the child and shall become final and irrevocable ~~under paragraphs (a) and (b) of this subsection.~~
  - ~~(a) If placement approval by the secretary is required, the voluntary and informed consent shall become final and irrevocable twenty (20) days after the later of the placement approval or the execution of the voluntary and informed consent.~~
  - ~~(b) If placement approval by the secretary is not required, the voluntary and informed consent shall become final and irrevocable twenty (20) days after the execution of the voluntary and informed consent.~~

➔Section 7. KRS 199.990 is amended to read as follows:

- (1) Any person violating any of the provisions of KRS 199.380 to 199.400 shall be guilty of an offense, and upon conviction thereof, shall be fined not more than five hundred dollars (\$500) or imprisoned for not more than twelve (12) months, or be both fined and imprisoned, in the discretion of the court.
- (2) Any person who violates any of the provisions of KRS 199.430, 199.470, 199.473,

199.570, 199.572, and 199.590 except subsection (2), or 199.640 to 199.670, or any rule or regulation under such sections the violation of which is made unlawful shall be fined not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000) or imprisoned for not more than six (6) months, or both. Each day such violation continues shall constitute a separate offense.

- (3) Any person who willfully violates any other of the provisions of KRS 199.420 to 199.670 or any rule or regulation thereunder, the violation of which is made unlawful under the terms of those sections, and for which no other penalty is prescribed in those sections or in subsection (1) of this section, or in any other applicable statute, shall be fined not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or imprisoned for not more than thirty (30) days, or both.
- (4) Any violation of the regulations, standards, or requirements of the cabinet under the provisions of KRS 199.896 that poses an immediate threat to the health, safety, or welfare of any child served by the child-care center shall be subject to a civil penalty of no more than one thousand dollars (\$1,000) for each occurrence. Treble penalties shall be assessed for two (2) or more violations within twelve (12) months. All money collected as a result of civil penalties assessed under the provisions of KRS 199.896 shall be paid into the State Treasury and credited to a special fund for the purpose of the Early Childhood Scholarship Program created in accordance with KRS 164.518. The balance of the fund shall not lapse to the general fund at the end of each biennium.
- (5) A person who commits a violation of the regulations, standards, or requirements of the cabinet under the provisions of KRS 199.896 shall be fined not less than one thousand dollars (\$1,000) or imprisoned for not more than twelve (12) months, or be fined and imprisoned, at the discretion of the court.
- (6) Any person who violates any of the provisions of KRS 199.590(2) shall be guilty of

a Class D felony.

**(7) Any person who knowingly or intentionally registers false information under Section 1(3) of this Act shall be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than twelve (12) months, or be fined and imprisoned, at the discretion of the court.**

**(8) Any person who knowingly or intentionally releases or requests confidential information in violation of Section 1(6) or (7) or Section 2 of this Act shall be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than twelve (12) months, or be fined and imprisoned, at the discretion of the court. It is a defense under this subsection if the cabinet releases confidential information while acting in good faith and with reasonable diligence.**

→Section 8. KRS 406.081 is amended to read as follows:

The court, upon request of a party or on its own motion, shall order the mother, child, and alleged father to submit to genetic tests. If the mother refuses for herself or on behalf of the child to submit to the tests, the court may resolve the question of paternity against her unless the action is brought by or is being prosecuted by an agency contributing to the support of the child. **If the alleged father is ordered to submit to genetic tests and refuses or does not submit the results of the paternity test to the court within thirty (30) days of the court order, the court shall resolve the question of paternity against him.**

→Section 9. KRS 406.091 is amended to read as follows:

- (1) An unchallenged acknowledgment of paternity shall be ratified under KRS Chapter 213 without the requirement for judicial or administrative proceedings. If a genetic test is required, the court shall direct that inherited characteristics be determined by appropriate testing procedures, and shall appoint an expert qualified as an examiner of genetic markers to analyze and interpret results and to report to the court.
- (2) In a contested paternity case, the child and all other parties shall submit to genetic testing upon a request of any such party which shall be supported by a sworn

statement of the party, except for good cause.

- (3) Genetic test results are admissible and shall be weighed along with other evidence of the alleged father's paternity.
- (4) Any objection to genetic testing results shall be made in writing to the court within twenty (20) days of receipt of genetic test results. If the results of genetic tests or the expert's analysis of inherited characteristics is disputed, the court, upon reasonable request of a party, shall order that an additional test be made by the same laboratory or independent laboratory at the expense of the party requesting additional testing. If no objection is made, the test results are admissible as evidence of paternity without the need for foundation testimony or other proof of authenticity or accuracy.
- (5) Verified documentation of the chain of custody in transmitting the blood specimens is competent evidence to establish the chain of custody.
- (6) A verified expert's report shall be admitted at trial unless the expert is called by a party or the court as a witness to testify to his findings.
- (7) Except where the Cabinet for Health and Family Services administratively orders genetic testing, all costs associated with genetic testing shall be paid by the ***party who requested that the action be brought pursuant to KRS 406.021***~~[parties in proportions determined by the court]~~.
- (8) When administratively ordered, the cabinet shall pay the cost of genetic testing to establish paternity, subject to recoupment from the alleged father when paternity is established. The cabinet shall obtain additional testing in any case if an original test is contested, upon request and advance payment by the contestant.

➔Section 10. KRS 625.065 is amended to read as follows:

- (1) The putative father of a child shall be made a party and brought before the Circuit Court in the same manner as any other party to an involuntary termination action if one (1) of the following conditions exists:
  - (a) He is known and voluntarily identified by the mother by affidavit;

- (b) *He has registered with the cabinet pursuant to Section 1 of this Act as a putative father within thirty (30)*~~[Prior to the entry of a final order in a termination proceeding, he shall have acknowledged the child as his own by affirmatively asserting paternity in the action or to the custodial agency or the party bringing the action within sixty (60)]~~ days after the birth of the child;
  - (c) He has caused his name to be affixed to the birth certificate of the child;
  - (d) He has commenced a judicial proceeding claiming parental right;
  - (e) He has contributed financially to the support of the child, either by paying the medical or hospital bills associated with the birth of the child or financially contributed to the child's support; or
  - (f) He has married the mother of the child or has lived openly or is living openly with the child or the person designated on the birth certificate as the biological mother of the child.
- (2) Any person to whom none of the above conditions apply shall be deemed to have no parental rights to the child in question.

➔Section 11. KRS 199.490 is amended to read as follows:

- (1) The petition shall allege:
- (a) The name, date, place of birth, place of residence, and mailing address of each petitioner, and, if married, the date and place of their marriage;
  - (b) The name, date, place of birth, place of residence, and mailing address, if known, of the child sought to be adopted;
  - (c) Relationship, if any, of the child to each petitioner;
  - (d) Full name by which the child shall be known after adoption;
  - (e) A full description of the property, if any, of the child so far as it is known to the petitioner;
  - (f) The names of the parents of the child and the address of each living parent, if known. The name of the biological father of a child born out of wedlock shall



not be given unless paternity is established in a legal action, or unless an affidavit is filed stating that the affiant is the father of the child. If certified copies of orders terminating parental rights are filed as provided in subsection (2) of this section, the name of any parent whose rights have been terminated shall not be given;

- (g) The name and address of the child's guardian, if any, or of the cabinet, institution, or agency having legal custody of the child;
  - (h) Any further facts necessary for the location of the person or persons whose consent to the adoption is required, or whom KRS 199.480 requires to be made a party to or notified of the proceeding; and
  - (i) If any fact required by this subsection to be alleged is unknown to the petitioners, the lack of knowledge shall be alleged.
- (2) There shall be filed with the petition certified copies of any orders terminating parental rights. Any consent to adoption shall be filed prior to the entry of the adoption judgment.
- (3) If the petitioner was not excepted by KRS 199.470(3) *or* (4) ~~or (5)~~, a copy of the written approval of the secretary of the Cabinet for Health and Family Services or the secretary's designee shall be filed with the petition.

➔Section 12. KRS 625.040 is amended to read as follows:

- (1) A petition for the voluntary termination of parental rights shall be entitled "In the interest of..., a child." The petition may be filed by a parent or counsel when the appearance-waiver and consent-to-adopt forms are signed by the parent, counsel, and cabinet representative under the conditions described in KRS 625.041(3) and (4).
- (2) The petition for the voluntary termination of parental rights shall be filed in the Circuit Court of the judicial circuit where the petitioner or child resides or in the Circuit Court in the county in which juvenile court actions, if any, concerning the

child have commenced, and shall be verified and contain the following:

- (a) Name and place of residence of each petitioner;
  - (b) Name, sex, date of birth, and place of residence of the child;
  - (c) Name and relationship of each petitioner to the child;
  - (d) A concise statement of the factual basis for the termination of parental rights;
  - (e) Name and address of the person or of the cabinet or authorized agency to which parental rights are sought to be transferred; and
  - (f) A statement that the person, cabinet, or authorized agency to whom custody is to be given has facilities available, is willing to receive the custody of the child, and the person, if not excepted by KRS 199.470(3) *or* (4) ~~or (5)~~, has applied for the written permission of the secretary or the secretary's designee for the child's placement. This provision shall not affect the right of a court to grant temporary custody under KRS 199.473.
- (3) No petition may be filed under this chapter prior to three (3) days after the birth of the child.

➔Section 13. KRS 625.042 is amended to read as follows:

- (1) Within three (3) days after a petition for the voluntary termination of parental rights is filed, the Circuit Court shall set a date for a hearing which shall not be more than thirty (30) calendar days after the petition is filed. In any case in which the child's permanent custody is proposed to be transferred to an individual not excepted by KRS 199.470(3) *or* (4) ~~or (5)~~, a final order of termination shall be entered only if the proposed custodian has received the written approval of the secretary or the secretary's designee for the child's placement as required by KRS 199.473.
- (2) The Circuit Court shall require notice to be served upon the local representative of the cabinet in any case in which a statement from the cabinet of willingness to accept custody of the child has not been filed with the petition, or custody of the child is to be placed with an individual unless the placement has been approved by

the cabinet. It shall not be necessary to serve notice upon the cabinet if custody of the child is to be placed with the cabinet or with a child-placing agency.

- (3) Proceedings under this chapter shall be completed as soon as practicable. All hearings shall be held before the Circuit Court privately for the purpose of determining the facts.
- (4) An official stenographic or mechanical record shall be made of the proceedings and retained for a period of five (5) years.
- (5) The best interests of the child shall be considered paramount, including but not limited to matters relating to child support.
- (6) At the time of the hearing, the Circuit Court, after full and complete inquiry, shall determine whether each petitioner is fully aware of the purpose of the proceedings and the consequences of the provisions of this chapter.

➔Section 14. KRS 625.043 is amended to read as follows:

- (1) If the Circuit Court determines that parental rights are to be voluntarily terminated in accordance with the provisions of this chapter, it shall make an order terminating all parental rights and obligations of the parent and releasing the child from all legal obligations to the parent and vesting care and custody of the child in the person, agency, or cabinet the court believes is best qualified to receive custody.
- (2) Upon consent by the Cabinet for Health and Family Services, the child may be declared a ward of the state and custody vested in the cabinet or in any child-placing agency or child-caring facility licensed by the cabinet or in another person if all persons with parental rights to the child under the law have had their rights terminated voluntarily or involuntarily. If the other person is not excepted by KRS 199.470(3) **or** (4) ~~or (5)~~, a grant of permanent custody shall be made only if the proposed custodian has received the written approval of the secretary or the secretary's designee for the child's placement.