

1 AN ACT relating to grandparent visitation rights.

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

3 ➔Section 1. KRS 405.021 is amended to read as follows:

4 (1) (a) **I.** The Circuit Court may grant reasonable visitation rights to either the
5 paternal or maternal grandparents of a child and issue any necessary
6 orders to enforce the decree if it determines that it is in the best interest
7 of the child to do so. Once a grandparent has been granted visitation
8 rights under this subsection, those rights shall not be adversely affected
9 by the termination of parental rights belonging to the grandparent's son
10 or daughter, who is the father or mother of the child visited by the
11 grandparent, unless the Circuit Court determines that it is in the best
12 interest of the child to do so.

13 **2. Following the termination of parental rights or death of the**
14 **grandparent's son or daughter, the Circuit Court may grant a**
15 **grandparent reasonable visitation rights with a grandchild who has**
16 **subsequently been adopted by a step-parent or another grandparent,**
17 **unless the Circuit Court determines that it is not in the best interest of**
18 **the child to do so.**

19 (b) If the parent of the child who is the son or daughter of the grandparent is
20 deceased, there shall be a rebuttable presumption that visitation with the
21 grandparent is in the best interest of the child if the grandparent can prove a
22 pre-existing significant and viable relationship with the child.

23 (c) In order to prove a significant and viable relationship under paragraph (b) of
24 this subsection, the grandparent shall prove by a preponderance of the
25 evidence that:

26 1. The child resided with the grandparent for at least six (6) consecutive
27 months with or without the current custodian present;

- 1 2. The grandparent was the caregiver of the child on a regular basis for at
- 2 least six (6) consecutive months;
- 3 3. The grandparent had frequent or regular contact with the child for at
- 4 least twelve (12) consecutive months; or
- 5 4. There exist any other facts that establish that the loss of the relationship
- 6 between the grandparent and the child is likely to harm the child.

7 (2) The action shall be brought in Circuit Court in the county in which the child resides.

8 (3) The Circuit Court may grant noncustodial parental visitation rights to the
9 grandparent of a child if the parent of the child who is the son or daughter of the
10 grandparent is deceased and the grandparent has assumed the financial obligation of
11 child support owed by the deceased parent, unless the court determines that the
12 visitation is not in the best interest of the child. If visitation is not granted, the
13 grandparent shall not be responsible for child support.

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

15 (1) After hearing the case, the court shall enter a judgment of adoption, if it finds that
16 the facts stated in the petition were established; that all legal requirements,
17 including jurisdiction, relating to the adoption have been complied with; that the
18 petitioners are of good moral character, of reputable standing in the community and
19 of ability to properly maintain and educate the child; and that the best interest of the
20 child will be promoted by the adoption and that the child is suitable for adoption. In
21 the judgment, the name of the child shall be changed to conform with the prayer of
22 the petition. The judgment and all orders required to be entered and recorded in the
23 order book, including the caption, shall contain only the names of the petitioners
24 and the proposed adopted name of the child, without any reference to its former
25 name or the names of its birth parents.

26 (2) Upon entry of the judgment of adoption, from and after the date of the filing of the
27 petition, the child shall be deemed the child of petitioners and shall be considered

1 for purposes of inheritance and succession and for all other legal considerations, the
2 natural child of the parents adopting it the same as if born of their bodies. Upon
3 granting an adoption, except as provided in Section 1 of this Act, all legal
4 relationship between the adopted child and the biological parents shall be
5 terminated except the relationship of a biological parent who is the spouse of an
6 adoptive parent.

7 (3) The clerk of the court shall notify the cabinet of any action of the court with respect
8 to entering a judgment granting an adoption, the amendment of an adoption, or the
9 denial or dismissal of a petition for adoption.

10 (4) (a) The health history and other nonidentifying background information of
11 biological parents and blood relatives of the adopted person, in writing, on a
12 standardized form, provided by the cabinet, if known, shall be given by the
13 cabinet or child-placing agency which has the information to the adoptive
14 parents and to the Circuit Court not later than the date of finalization of the
15 adoption proceedings. This information shall include the results of any tests
16 for HIV or hepatitis A, B, and C; and

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