

1 AN ACT relating to the restoration of parental rights.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 625 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) A petition for restoration of parental rights may be filed in Family Court or*  
6 *Circuit Court on behalf of any child if:*

7 *(a) The child is at least twelve (12) years of age at the time the petition is filed*  
8 *and is likely to age out of state custody unless an exception is granted under*  
9 *subsection (4) of this section;*

10 *(b) The child is in the custody of the cabinet;*

11 *(c) Parental rights of the child are vested in the cabinet;*

12 *(d) The child consents to the restoration if the child is able to express consent*  
13 *verbally or in writing;*

14 *(e) Each parent subject to the restoration consents verbally or in writing; and*

15 *(f) At least two (2) years have elapsed since the final termination of parental*  
16 *rights order was approved or the child is seventeen (17) years of age.*

17 *(2) A petition for restoration of parental rights shall be filed in the county in which*  
18 *the termination was granted.*

19 *(3) Only the cabinet may file a petition for restoration of parental rights against one*  
20 *(1) or both parents.*

21 *(4) Notwithstanding the provisions of subsection (1)(a) of this section, the court may*  
22 *accept a petition involving a child younger than twelve (12) years of age if:*

23 *(a) The child is the sibling of a child for whom a petition for restoration of*  
24 *parental rights has been filed; or*

25 *(b) The child meets the criteria established in subsection (1)(b) to (f) of this*  
26 *section for restoration of parental rights, and the cabinet deems restoration*  
27 *in the best interest of the child.*

- 1 (5) The court shall order a hearing to be held within sixty (60) days and shall give  
2 prior notice to:
- 3 (a) Each parent whose rights are sought to be restored;  
4 (b) The child's guardian ad litem;  
5 (c) The cabinet; and  
6 (d) The child's relative or fictive kin caregiver, guardian, or out-of-home  
7 placement.
- 8 (6) The petition shall be denied if each parent whose rights are sought to be restored  
9 cannot be located.
- 10 (7) Within seven (7) days before the preliminary hearing on the petition, the cabinet  
11 shall submit a confidential report to the court that includes findings on the  
12 following:
- 13 (a) The changes in circumstances since the termination of parental rights;  
14 (b) A summary of the reasons why parental rights were terminated and the date  
15 of judgment;  
16 (c) The willingness of the parent to resume contact with the child and to have  
17 parental rights restored;  
18 (d) The willingness of the child to resume contact with the parent and to have  
19 parental rights restored;  
20 (e) The ability and willingness of the parent to be involved in the life of the  
21 child and to accept the physical custody of the child; and  
22 (f) Any other information relevant to the best interest of the child.
- 23 (8) The cabinet shall develop a permanency plan for reunification and shall ensure  
24 that transition services are provided to the family, as appropriate.
- 25 (9) At the hearing on the petition to restore parental rights, the court may issue a  
26 final order of restoration of parental rights. In making its final decision, the  
27 court shall determine that restoration is or is not in the best interest of the child.

1 *(10) No petition granted under this section shall affect the validity of the underlying*  
 2 *order terminating parental rights.*

3 *(11) A parent whose rights are restored under this section shall not be liable for child*  
 4 *support for any time period in which parental rights were terminated.*

5 *(12) No cause of action shall be created against the cabinet, the licensed agency, or*  
 6 *any other party concerning the original termination of parental rights. Upon*  
 7 *issuance of a final order restoring parental rights, the effect of such order shall*  
 8 *be that all of the rights, duties, privileges, and obligations recognized by law*  
 9 *between parent and child shall be reinstated, including but not limited to rights of*  
 10 *inheritance.*

11 ➔Section 2. KRS 164.2847 is amended to read as follows:

12 (1) Tuition and mandatory student fees for any undergraduate program of any Kentucky  
 13 public postsecondary institution, including all four (4) year universities and colleges  
 14 and institutions of the Kentucky Community and Technical College System, shall  
 15 be waived for a Kentucky foster or adopted child who is a full-time or part-time  
 16 student if the student meets all entrance requirements and maintains academic  
 17 eligibility while enrolled at the postsecondary institution, and if:

18 (a) The student's family receives state-funded adoption assistance under KRS  
 19 199.555;

20 (b) *The student was reunified with a parent pursuant to Section 1 of this Act;*

21 *(c)* The student is currently committed to the Cabinet for Health and Family  
 22 Services under KRS 610.010(5) and placed in a family foster home or is  
 23 placed in accordance with KRS 605.090(3);

24 *(d)*~~*(e)*~~ The student is in an independent living program and the placement is  
 25 funded by the Cabinet for Health and Family Services;

26 *(e)*~~*(d)*~~ The student who is an adopted child was in the permanent legal custody  
 27 of and placed for adoption by the Cabinet for Health and Family Services. A

1 student who meets the eligibility criteria of this paragraph and lives outside of  
2 Kentucky at the time of application to a Kentucky postsecondary institution  
3 may apply for the waiver up to the amount of tuition for a Kentucky resident;  
4 or

5 ~~(f)(e)~~ The Cabinet for Health and Family Services was the student's legal  
6 custodian on his or her eighteenth birthday.

7 (2) Tuition and mandatory student fees for any undergraduate program of any Kentucky  
8 public postsecondary institution, including all four (4) year universities and colleges  
9 and institutions of the Kentucky Community and Technical College System, shall  
10 be waived for a Department of Juvenile Justice foster child who is a full-time or  
11 part-time student if the student meets all entrance requirements and maintains  
12 academic eligibility while enrolled at the postsecondary institution and obtains a  
13 recommendation for participation from an official from the Department of Juvenile  
14 Justice, and if:

15 (a) The student has not been sentenced to the Department of Juvenile Justice  
16 under KRS Chapter 640;

17 (b) The student has been committed to the Department of Juvenile Justice for a  
18 period of at least twelve (12) months;

19 (c) The student is in an independent living program and placement is funded by  
20 the Department of Juvenile Justice;

21 (d) The parental rights of the student's biological parents have been terminated; or

22 (e) The student was committed to the Cabinet for Health and Family Services  
23 prior to a commitment to the Department of Juvenile Justice.

24 (3) Upon request of the postsecondary institution, the Cabinet for Health and Family  
25 Services shall confirm the eligibility status under subsection (1) of this section and  
26 the Department of Juvenile Justice shall confirm the eligibility status and  
27 recommendations under subsection (2) of this section of the student seeking to

1 participate in the waiver program. Release of this information shall not constitute a  
2 breach of confidentiality required by KRS 199.570, 610.320, or 620.050.

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

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

11 (a) For entrance to the institution for a period of no more than four (4) years after  
12 the date of graduation from high school or obtaining a high school  
13 equivalency diploma; and

14 (b) For a period of five (5) years after first admittance to any Kentucky institution  
15 if satisfactory progress is achieved or maintained, except when extended in  
16 accordance with subsection (6) of this section.

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

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

21 (b) As an officer in the Commissioned Corps of the United States Public Health  
22 Service; or

23 (c) On active service in the Peace Corps Act or the Americorps.

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

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

4 (8) Nothing in this section shall be construed to:

5 (a) Guarantee acceptance of or entrance into any postsecondary institution for a  
6 foster or adopted child;

7 (b) Limit the participation of a foster or adopted student in any other program of  
8 financial assistance for postsecondary education;

9 (c) Require any postsecondary institution to waive costs or fees relating to room  
10 and board; or

11 (d) Restrict any postsecondary institution, the Department of Juvenile Justice, or  
12 the Cabinet for Health and Family Services from accessing other sources of  
13 financial assistance, except loans, that may be available to a foster or adopted  
14 student.

15 ➔Section 3. KRS 625.046 is amended to read as follows:

16 Any order for the voluntary termination of parental rights shall be conclusive and binding  
17 on all parties except as established in Section 1 of this Act.

18 ➔Section 4. KRS 625.110 is amended to read as follows:

19 Any order for the involuntary termination of parental rights shall be conclusive and  
20 binding on all parties, except as established in Section 1 of this Act and except that an  
21 appeal may be taken from a judgment or order of the Circuit Court involuntarily  
22 terminating parental rights in accordance with the Kentucky Rules of Civil Procedure.

23 Only an appeal made within thirty (30) days may be considered by the court. The court  
24 shall make its final ruling within ninety (90) days after the appeal case is submitted to the  
25 appellate bench for decision.