

1 AN ACT relating to birth certificates.

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

3 ➔Section 1. KRS 199.570 is amended to read as follows:

- 4 (1) (a) The files and records of the court during adoption proceedings shall not be
5 open to inspection by persons other than parties to the proceedings, their
6 attorneys, and representatives of the cabinet except under order of the court
7 expressly permitting inspection.
- 8 (b) Upon the entry of the final order in the case, the clerk shall place all papers
9 and records in the case in a suitable envelope which shall be sealed and shall
10 not be open for inspection by any person except on written order of the court,
11 except that upon the written consent of the biological parents and upon written
12 order of the Circuit Court all papers and records including all files and records
13 of the Circuit Court during proceedings for termination of parental rights
14 provided in KRS 625.108 shall be open for inspection to any adult adopted
15 person who applies in person or in writing to the Circuit Court as provided in
16 KRS 199.572. Health information received pursuant to KRS 199.525 shall be
17 added to the adoption case file. The clerk of the Circuit Court shall set up a
18 separate docket and order book for adoption cases and these files and records
19 shall be kept locked.
- 20 (c) No person having charge of any adoption records shall disclose the names of
21 any parties appearing in such records or furnish any copy of any such records
22 to any person or other entity that does not meet the requirements of KRS
23 199.572, except upon order of the court which entered the judgment of
24 adoption.
- 25 (2) **(a)** After entry of the adoption judgment, the clerk of the Circuit Court shall
26 promptly report to the Cabinet for Health and Family Services of Kentucky
27 full information as called for on forms furnished by the Cabinet for Health and

1 Family Services, necessary to make a new birth certificate conforming to the
2 standard birth certificate form. Upon receipt of this information, the Cabinet
3 for Health and Family Services shall cause to be made a new record of the
4 birth and it shall be filed with the original certificate, and the original
5 certificate shall be stamped with the words, "CONFIDENTIAL -- subject to
6 copy and/or inspection only on written order of the court."

7 **(b) The Cabinet for Health and Family Services shall create a birth certificate**
8 **form necessary to comply with the requirements of subsection (3) of this**
9 **section through the promulgation of administrative regulations under KRS**
10 **Chapter 13A.**

11 (3) **(a)** The new certificate shall set forth the new name, if any, of the adopted
12 child, the names of the adoptive parents, and such other information deemed
13 necessary in accordance with rules and regulations promulgated by the
14 Cabinet for Health and Family Services in issuing of birth certificates.

15 **(b)** If the adopted child is under eighteen (18) years of age, the birth certificate
16 shall not contain any information revealing the child is adopted and shall show
17 the adoptive parent or parents as the biological parent or parents of the child,
18 **except as provided in paragraph (c) of this subsection.**

19 **(c) In the case of a deceased biological parent or parents, the birth certificate**
20 **shall contain both the name of the deceased biological parent or parents**
21 **and the name of the adopted parent or parents, if requested by the court, the**
22 **adoptive parent or parents, or the adopted child.**

23 **(d)** If requested by the adoptive parents, the new birth certificate when issued
24 shall contain the location of birth, hospital, and name of doctor or midwife.
25 This information should be given only by an order of the court in which the
26 child was adopted. The new birth certificate shall recite the residence of the
27 adoptive parents as the birthplace of the child and this shall be deemed for all

1 legal purposes to be the birthplace of the child.

2 (e) If no birth certificate is on file for a child born in Kentucky, the Cabinet for
3 Health and Family Services shall prepare a certificate of birth in accordance
4 with the information furnished the cabinet by the clerk of the Circuit Court
5 which issued the adoption order.

6 (f) The Cabinet for Health and Family Services shall furnish to the clerks of the
7 Circuit Courts the necessary forms to carry out the provisions of this section.

8 (g) If the child was born in another state, the order of adoption shall be forwarded
9 to the division of vital statistics of the state concerned to be changed in
10 accordance with the laws of such state.

11 (h) If the child was born in a foreign country, the report of adoption shall be
12 returned to the attorney or agency handling the adoption for submission to the
13 appropriate federal agency.

14 (4) Thereafter when any copy of the certificate of birth of any child is issued it shall be
15 a copy of the new certificate of birth, except when an order of the court granting the
16 judgment of adoption shall request the issuance of the copy of the original
17 certificate of the child's birth.

18 (5) If any judgment of adoption is reversed, modified, or vacated in any particular, the
19 clerk of the Circuit Court shall notify the Cabinet for Health and Family Services of
20 the reversal or modification and the effect of same, and the cabinet shall make any
21 necessary changes in its records.