

1 AN ACT relating to adoption records.

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

3 ➔Section 1. KRS 199.572 is amended to read as follows:

4 (1) ***For adoptions finalized before July 1, 2022, the following shall apply:***

5 ***(a)*** At the time the biological parents give up the child for adoption, they shall be
6 asked by the cabinet whether they consent to the inspection ***and release of an***
7 ***unredacted and unaltered copy*** of the adoption records, ***including a***
8 ***noncertified copy of the original birth certificate,*** to personal contact by the
9 child, or to both when he ***or she*** becomes an adult. If consent is then given, it
10 can later be revoked. If consent is withheld at that time, the biological parents
11 may give consent at any later time. The initial written statement of consent or
12 refusal of consent to inspection of records and personal contact shall be filed
13 with the Circuit Court not later than the date of finalization of the adoption
14 proceedings. When a written consent ***or no written statement of consent or***
15 ***refusal*** is on file, the records shall be available to the adult adopted person,
16 upon his ***or her*** request therefor in writing.

17 ***(b)(2)*** When any adult adopted person applies in person or in writing to the
18 Circuit Court for authorization to inspect ***and receive a copy of*** all papers and
19 records pertaining to the adoption proceedings of that adult adopted person as
20 provided in KRS 199.570(1), and the biological parents have previously
21 refused consent to inspection of records and to personal contact, the court
22 may, if satisfied as to the identity of the adult adopted person, authorize the
23 adult adopted person to inspect ***and receive a copy of*** the papers and records if
24 written consent is obtained from the biological parents identified on the adult
25 adopted person's original birth certificate.

26 ***(c)(3)*** The Circuit Court shall, within seven (7) working days of the receipt of
27 the request, direct the secretary of the cabinet to notify each biological parent

1 identified on the adult adopted person's original birth certificate that the
2 person has applied to the court for information identifying the biological
3 parent. Within six (6) months of receiving the notice of the request of the
4 adult adopted person, the secretary of the cabinet shall make complete and
5 reasonable efforts to notify each biological parent identified on the adult
6 adopted person's original birth certificate. The secretary may charge a
7 reasonable fee not to exceed two hundred fifty dollars (\$250) to the adult
8 adopted person for making this search. Every child-caring facility and child-
9 placing agency in the Commonwealth shall cooperate with the secretary in his
10 or her efforts to notify these biological parents.

11 ~~(d)~~~~(4)~~ If the cabinet utilizes the services of another person or entity to perform
12 a search under paragraph (c)~~subsection (3)~~ of this subsection~~section~~, the
13 cabinet shall enter into a formal contract with that person or entity. A person
14 or entity contracted to perform a search shall be licensed under the provisions
15 of KRS Chapter 329A.

16 ~~(e)~~~~(5)~~ The notification of the biological parents shall not be by mail and shall
17 be by personal and confidential contact by the cabinet. The notification shall
18 be done without disclosing the identity of the adult adopted person. The
19 personal and confidential contact with the biological parents shall be
20 evidenced by filing with the Circuit Court an affidavit of notification executed
21 by the person who notified each parent and certifying each parent was given
22 the following information:

23 1.~~(a)~~ The nature of the information requested by the adult adopted
24 person;

25 2.~~(b)~~ The date of the request of the adult adopted person;

26 3.~~(c)~~ The right of the biological parent to file, within sixty (60) days of
27 receipt of the notice, an affidavit with the Circuit Court stating that the

1 adult adopted person shall be authorized to inspect **and receive a copy of**
2 all papers and records pertaining to **the adult adopted person's**~~[his]~~
3 adoption proceedings;

4 ~~4.[(d)]~~ The right of the biological parent to file at any time an affidavit
5 authorizing the adult adopted person to inspect all papers and records
6 pertaining to **the adult adopted person's**~~[his]~~ adoption proceedings; and

7 ~~5.[(e)]~~ The right of a biological parent to file an affidavit with the Circuit
8 Court stating that all papers and records pertaining to the adoption
9 proceedings of the adult adopted person shall not be open for inspection
10 by the adult adopted person.

11 ~~(f) [(6)]~~ **Except as provided for in paragraph (a) of this subsection,** the adult
12 adopted person shall not be authorized to inspect **and receive copies of** the
13 papers and records pertaining to his or her adoption proceedings unless those
14 biological parents identified on the original birth certificate agree in writing to
15 that inspection.

16 ~~(g) [(7)]~~ If after diligent and reasonable effort, the secretary of the cabinet
17 certifies that **the biological parent, if only one (1) is named, or** both
18 biological parents, **if both are named,** identified in the original birth
19 certificate are deceased or the secretary is unable to locate said parents, then a
20 judge of the Circuit Court, upon motion of the adult adopted person,
21 **shall**~~[may]~~ order that all papers and records of the Cabinet for Health and
22 Family Services and those of the Circuit Court pertaining to the adoption shall
23 be open for inspection **and copying** to the adult adopted person, **his or her**
24 **descendant, or the legal representative of the adult adoptee or descendant.**~~[~~
25 ~~In any case, the court shall order that only identifying information about the~~
26 ~~biological parents be shared with the adult adopted person.]~~

27 **(2) For adoptions finalized on or after July 1, 2022, the following shall apply:**

1 (a) The cabinet shall create and publish on the cabinet's Web site an adoption
2 contact preference form for use by biological parents whose parental rights
3 have been relinquished or terminated.

4 (b) A biological parent named on the adopted person's original birth certificate
5 may, at any time following relinquishment or termination of his or her
6 parental rights, file, amend, or rescind an adoption contact preference form
7 with the cabinet. The parent shall choose only one (1) of the following
8 options:

9 1. Direct contact from the adult adopted person;

10 2. Contact through a third party, including but not limited to an
11 employee of the cabinet; or

12 3. No contact.

13 (c) The adoption contact preference form shall include a space for the
14 biological parent to designate a third party to facilitate contact, voluntarily
15 provide medical history, give the reasons for relinquishing the child for
16 adoption, or convey a personal message to the adopted person.

17 (d) Upon written request, proof of identification, and payment of a reasonable
18 copying fee, the cabinet shall provide an unredacted, unaltered copy of the
19 adoption records, including a noncertified copy of the original birth
20 certificate, without a court order to:

21 1. The adult adopted person;

22 2. An adult descendant of a deceased adopted person, regardless of the
23 date of the adoption; or

24 3. The legal representative of the adult adopted person or descendant.

25 (e) Except as provided in paragraphs (b), (c), and (d) of this subsection, all
26 records pertaining to the adoption shall remain confidential and shall only
27 be open to inspection or copying upon order of the Circuit Court for good

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cause shown.

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(f) The cabinet may collect a reasonable fee for processing requests for

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adoption records filed by an eligible party.