

1 AN ACT relating to the care of a minor.

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) At the time the biological parents give up the child for adoption, they shall be asked
5 by the cabinet whether they consent to the inspection of the adoption records, to
6 personal contact by the child, or to both when he *or she* becomes an adult. If
7 consent is then given, it can later be revoked. If consent is withheld at that time, the
8 biological parents may give consent at any later time. The initial written statement
9 of consent or refusal of consent to inspection of records and personal contact shall
10 be filed with the Circuit Court not later than the date of finalization of the adoption
11 proceedings. When a written consent is on file, the records shall be available to the
12 adult adopted person, upon his request therefor in writing.

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

21 (3) The Circuit Court shall, within seven (7) working days of the receipt of the request,
22 direct the secretary of the cabinet to notify each biological parent identified on the
23 adult adopted person's original birth certificate that the person has applied to the
24 court for information identifying the biological parent. Within six (6) months of
25 receiving the notice of the request of the adult adopted person, the secretary of the
26 cabinet shall make complete and reasonable efforts to notify each biological parent
27 identified on the adult adopted person's original birth certificate. The secretary may

1 charge a reasonable fee not to exceed two hundred fifty dollars (\$250) to the adult
2 adopted person for making this search. Every child-caring facility and child-placing
3 agency in the Commonwealth shall cooperate with the secretary in his or her efforts
4 to notify these biological parents.

5 (4) If the cabinet utilizes the services of another person or entity to perform a search
6 under subsection (3) of this section, the cabinet shall enter into a formal contract
7 with that person or entity. A person or entity contracted to perform a search shall be
8 licensed under the provisions of KRS Chapter 329A.

9 (5) The notification of the biological parents shall not be by mail and shall be by
10 personal and confidential contact by the cabinet. The notification shall be done
11 without disclosing the identity of the adult adopted person. The personal and
12 confidential contact with the biological parents shall be evidenced by filing with the
13 Circuit Court an affidavit of notification executed by the person who notified each
14 parent and certifying each parent was given the following information:

- 15 (a) The nature of the information requested by the adult adopted person;
- 16 (b) The date of the request of the adult adopted person;
- 17 (c) The right of the biological parent to file, within sixty (60) days of receipt of
18 the notice, an affidavit with the Circuit Court stating that the adult adopted
19 person shall be authorized to inspect all papers and records pertaining to his or
20 her adoption proceedings;
- 21 (d) The right of the biological parent to file at any time an affidavit authorizing
22 the adult adopted person to inspect all papers and records pertaining to his or
23 her adoption proceedings; and
- 24 (e) The right of a biological parent to file an affidavit with the Circuit Court
25 stating that all papers and records pertaining to the adoption proceedings of
26 the adult adopted person shall not be open for inspection by the adult adopted
27 person.

- 1 (6) The adult adopted person shall not be authorized to inspect the papers and records
2 pertaining to his or her adoption proceedings unless those biological parents
3 identified on the original birth certificate agree in writing to that inspection.
- 4 (7) If after diligent and reasonable effort, the secretary of the cabinet certifies that both
5 biological parents identified in the original birth certificate are deceased or the
6 secretary is unable to locate said parents, then a judge of the Circuit Court, upon
7 motion of the adult adopted person, may order that all papers and records of the
8 Cabinet for Health and Family Services and those of the Circuit Court pertaining to
9 the adoption shall be open for inspection to the adult adopted person. In any case,
10 the court shall order that only identifying information about the biological parents
11 be shared with the adult adopted person.