

1 AN ACT relating to domestic relations.

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

3 ➔Section 1. KRS 403.300 is amended to read as follows:

- 4 (1) In contested custody proceedings, and in other custody proceedings if a parent or the
5 child's custodian so requests, the court may order an investigation and report
6 concerning custodial arrangements for the child. The investigation and report may
7 be made by the friend of the court or such other agency as the court may select.
- 8 (2) In preparing his ***or her*** report concerning a child, the investigator may consult any
9 person who may have information about the child and his ***or her*** potential custodial
10 arrangements. Upon order of the court, the investigator may refer the child to
11 professional personnel for diagnosis. The investigator may consult with and obtain
12 information from medical, psychiatric, or other expert persons who have served the
13 child in the past without obtaining the consent of the parent or the child's custodian;
14 but the child's consent must be obtained if he ***or she*** has reached the age of 16,
15 unless the court finds that he ***or she*** lacks mental capacity to consent. If the
16 requirements of subsection (3) are fulfilled, the investigator's report may be received
17 in evidence at the hearing.
- 18 (3) The clerk shall mail the investigator's report to counsel and to any party not
19 represented by counsel at least 10 days prior to the hearing. The investigator shall
20 make available to counsel and to any party not represented by counsel the
21 investigator's file of underlying data, and reports, complete texts of diagnostic
22 reports made to the investigator pursuant to the provisions of subsection (2), and the
23 names and addresses of all persons whom the investigator has consulted. Any party
24 to the proceeding may call the investigator and any person whom he ***or she*** has
25 consulted for cross-examination. A party may not waive his ***or her*** right of cross-
26 examination prior to the hearing.