

HOUSE OF REPRESENTATIVES

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2026 REGULAR SESSION
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Amend printed copy of **HB 778/HCS 1**

On page 92, after line 1, by inserting the following:

"➔Section 30. KRS 199.492 is amended to read as follows:

- (1) In an adoption proceeding, an attorney shall not represent both the biological parents and the prospective adoptive parents.
- (2) **An attorney representing a biological parent shall sign an affidavit that attests he or she has no personal, professional, or legal affiliation to the adoptive parents.**
- (3) Any person who violates ~~subsection (1) of~~ this section shall be guilty of a Class A misdemeanor.

➔Section 31. KRS 199.493 is amended to read as follows:

- (1) ~~An~~ adoptive parent, proposed adoptive parent, agency, or intermediary shall ***not*** pay the attorney's fees of a biological parent for any purpose related to an adoption action except as approved by the court.
- (2) **An adoptive parent, proposed adoptive parent, agency, or intermediary shall not pay counseling or therapy fees of a biological parent related to the requirements of subsection (5) of Section 32 of this Act for any purpose related to an adoption action except as approved by the court.**
- (3) Any person who violates subsection (1) of this section shall be guilty of a Class A misdemeanor.

Amendment No. HFA

Rep. Rep. David Meade

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRD Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

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➔Section 32. KRS 199.500 is amended to read as follows:

- (1) An adoption shall not be granted without the voluntary and informed consent, as defined in KRS 199.011, of the living parent or parents of a child born in lawful wedlock or the mother of the child born out of wedlock, or the father of the child born out of wedlock if paternity is established in a legal action or if an affidavit is filed stating that the affiant is the father of the child, except that the consent of the living parent or parents shall not be required if:
 - (a) The parent or parents have been adjudged mentally disabled and the judgment shall have been in effect for not less than one (1) year prior to the filing of the petition for adoption;
 - (b) The parental rights of the parents have been terminated under KRS Chapter 625;
 - (c) The living parents are divorced and the parental rights of one (1) parent have been terminated under KRS Chapter 625 and consent has been given by the parent having custody and control of the child; or
 - (d) The biological parent has not established parental rights as required by KRS 625.065.
- (2) A minor parent who is a party defendant may consent to an adoption but a guardian ad litem for the parent shall be appointed.
- (3) In the case of a child twelve (12) years of age or older, the consent of the child shall be given in court. The court in its discretion may waive this requirement.
- (4) Notwithstanding the provisions of subsection (1) of this section, an adoption may be granted without the consent of the biological living parents of a child if it is pleaded and proved as a part of the adoption proceedings that any of the provisions of KRS 625.090 exist with respect to the child.
- (5) **An adoption shall not be granted or a consent for adoption be held valid unless the court has received documentation that the biological living parents of the child have received**

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adoption counseling from a licensed therapist or counselor who specializes in adoptions.

The licensed therapist or counselor shall sign an affidavit that attests he or she has no personal, professional, or legal affiliation to the biological or adoptive parents.

- (6)** An adoption shall not be granted or a consent for adoption be held valid if the consent for adoption is given prior to seventy-two (72) hours after the birth of the child. A voluntary and informed consent may be taken at seventy-two (72) hours after the birth of the child and shall become final and irrevocable seventy-two (72) hours after it is signed."