

1 AN ACT relating to adoption.

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

3 ➔Section 1. KRS 199.470 is amended to read as follows:

- 4 (1) Any person who is eighteen (18) years of age and who is a resident of this state or  
5 who has resided in this state for twelve (12) months next before filing may file a  
6 petition for leave to adopt a child in the Circuit Court of the county in which the  
7 petitioner resides.
- 8 (2) If the petitioner is married, the husband or wife shall join in a petition for leave to  
9 adopt a child unless the petitioner is married to a biological parent of the child to be  
10 adopted, except that if the court finds the requirement of a joint petition would  
11 serve to deny the child a suitable home, the requirement may be waived.
- 12 (3) If a child is placed for adoption by the cabinet, by an agency licensed by the  
13 cabinet, or with written approval by the secretary of the cabinet, the petition may be  
14 filed at the time of placement. In all other adoptions, the petition shall not be filed  
15 until the child has resided continuously in the home of the petitioner for at least  
16 ninety (90) days immediately prior to the filing of the adoption petition.
- 17 (4) No petition for adoption shall be filed unless prior to the filing of the petition the  
18 child sought to be adopted has been placed for adoption by a child-placing  
19 institution or agency, or by the cabinet, or the child has been placed with written  
20 approval of the secretary; but no approval shall be necessary in the case of:
- 21 (a) A child sought to be adopted by a blood relative, including a relative of half-  
22 blood, first cousin, aunt, uncle, nephew, niece, and a person of a preceding  
23 generation as denoted by prefixes of grand, great, or great-great; stepparent;  
24 stepsibling; or fictive kin; however, the court in its discretion may order a  
25 report in accordance with KRS 199.510 and a background check as provided  
26 in KRS 199.473(8);
- 27 (b) A child received by the proposed adopting parent or parents from an agency

1 without this state with the written consent of the secretary;

2 (c) A child adopted under the provisions of KRS 199.585(1); or

3 (d) A child who has been approved under KRS Chapter 615.

4 **(5) Notwithstanding any other law to the contrary, an unmarried couple shall be**  
5 **prohibited from jointly adopting any child.**

6 ➔Section 2. KRS 199.520 is amended to read as follows:

7 (1) After hearing the case, the court shall enter a judgment of adoption, if it finds that  
8 the facts stated in the petition were established; that all legal requirements,  
9 including jurisdiction, relating to the adoption have been complied with; that the  
10 petitioners are of good moral character, of reputable standing in the community and  
11 of ability to properly maintain and educate the child; and that the best interest of the  
12 child will be promoted by the adoption and that the child is suitable for adoption. In  
13 the judgment, the name of the child shall be changed to conform with the prayer of  
14 the petition. The judgment and all orders required to be entered and recorded in the  
15 order book, including the caption, shall contain only the names of the petitioners  
16 and the proposed adopted name of the child, without any reference to its former  
17 name or the names of its birth parents.

18 (2) Upon entry of the judgment of adoption, from and after the date of the filing of the  
19 petition, the child shall be deemed the child of petitioners and shall be considered  
20 for purposes of inheritance and succession and for all other legal considerations, the  
21 natural child of the parents adopting it the same as if born of their bodies. Upon  
22 granting an adoption, all legal relationship between the adopted child and the  
23 biological parents shall be terminated except the relationship of a biological parent  
24 who is the **legally married** spouse of an adoptive parent.

25 (3) The clerk of the court shall notify the cabinet of any action of the court with respect  
26 to entering a judgment granting an adoption, the amendment of an adoption, or the  
27 denial or dismissal of a petition for adoption.

- 1 (4) (a) The health history and other nonidentifying background information of  
2 biological parents and blood relatives of the adopted person, in writing, on a  
3 standardized form, provided by the cabinet, if known, shall be given by the  
4 cabinet or child-placing agency which has the information to the adoptive  
5 parents and to the Circuit Court not later than the date of finalization of the  
6 adoption proceedings. This information shall include the results of any tests  
7 for HIV or hepatitis A, B, and C; and
- 8 (b) The information provided for in paragraph (a) of this subsection, if known,  
9 shall, upon the request in person or in writing of the adult adopted person be  
10 made available in writing to that person. The information shall not be made  
11 available if it is of a nature that would tend to identify the biological parents  
12 of the adopted person except as provided in KRS 199.570 and 199.572.