

1 AN ACT relating to a jury trial when a child is removed from a parent.

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

3 ➔Section 1. KRS 625.080 is amended to read as follows:

4 In any involuntary action for termination of parental rights:

5 (1) The ***hearing for termination of parental rights in*** Circuit Court shall ~~be~~~~conduct a~~
6 private ~~hearing. An official stenographic or mechanical record shall be made of the~~
7 ~~proceedings and retained for a period of five (5) years~~. ***If a trial by the court is***
8 ***conducted***, the court shall make findings of fact and conclusions of law, which may
9 be made on the record, to support its judgment;

10 ***(2) The parents shall have the right to request a jury trial. If a trial by jury is elected:***

11 ***(a) The oath to the jurors shall include an affirmation to keep all aspects of the***
12 ***proceeding confidential, and the court shall instruct the jury that a violation***
13 ***of confidentiality may result in a finding of contempt of court, which may***
14 ***be punishable by fine, imprisonment, or both; and***

15 ***(b) The jury shall make findings of fact and recommendations to the court for***
16 ***entry of a judgment;***

17 ~~(3)~~~~(2)~~ ***(a)*** Any child to whom an involuntary action directly relates shall be made a
18 party to the action and a guardian ad litem shall be appointed to represent the
19 best interests of the child. The person appointed as a guardian ad litem shall
20 be paid a fee not to exceed five hundred dollars (\$500), to be paid by the
21 Finance and Administration Cabinet when the cabinet is the proposed
22 custodian. When the cabinet is not the proposed custodian, the court may
23 order the cost to be paid by the proposed adoptive parent, parents, agency, or
24 the petitioner.

25 ***(b)*** Upon motion of any party, the child may be permitted to be present during the
26 proceedings and to testify if the court finds such to be in the best interests of
27 the child. In its discretion, the Circuit Court may interview the child in

1 private, but a record of the interview shall be made, which, in the discretion of
2 the court, may be sealed to be used only by an appellate court;

3 ~~(4)~~⁽³⁾ The parents have the right to legal representation in involuntary termination
4 actions. The Circuit Court shall determine if the parent is indigent and, therefore,
5 entitled to counsel pursuant to KRS Chapter 31. If the Circuit Court so finds, the
6 Circuit Court shall inform the parent; and, upon request, if it appears reasonably
7 necessary in the interest of justice, the Circuit Court shall appoint an attorney to
8 represent the parent pursuant to KRS Chapter 31 to be provided or paid for by the
9 Finance and Administration Cabinet a fee to be set by the court and not to exceed
10 five hundred dollars (\$500);

11 ~~(5)~~⁽⁴⁾ If the parent is currently authorized to visit with the child, the court may
12 continue to permit the parent to visit the child pending the final hearing unless it
13 finds that visitation would not be in the best interest of the child;~~[-]~~

14 ~~(6)~~⁽⁵⁾ The hearing under this chapter shall be held within sixty (60) days of the
15 motion by a party or the guardian ad litem for a trial date; and~~[-]~~

16 **(7) An official stenographic or mechanical record shall be made of the proceedings**
17 **and retained for a period of five (5) years.**