

1 AN ACT relating to birth certificates.

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

3 ➔Section 1. KRS 199.570 is amended to read as follows:

- 4 (1) (a) The files and records of the court during adoption proceedings shall not be
5 open to inspection by persons other than parties to the proceedings, their
6 attorneys, and representatives of the cabinet except under order of the court
7 expressly permitting inspection.
- 8 (b) Upon the entry of the final order in the case, the clerk shall place all papers
9 and records in the case in a suitable envelope which shall be sealed, or a
10 digital file with restricted access, and shall not be open for inspection by any
11 person, except as provided in KRS 199.572. Health information received
12 pursuant to KRS 199.525 shall be added to the adoption case file. The clerk of
13 the Circuit Court shall set up a separate docket and order book for adoption
14 cases and these files and records shall be kept locked.
- 15 (c) No person having charge of any adoption records shall disclose the names of
16 any parties appearing in such records or furnish any copy of any such records
17 to any person or other entity that does not meet the requirements of KRS
18 199.572, except upon order of the court which entered the judgment of
19 adoption.
- 20 (2) **(a)** After entry of the adoption judgment, the clerk of the Circuit Court shall
21 promptly **provide**~~report~~ to the cabinet **all**~~for Health and Family Services of~~
22 ~~Kentucky full~~ information~~as called for on forms furnished by the Cabinet~~
23 ~~for Health and Family Services,~~ necessary to make a new birth certificate
24 **that conforms**~~conforming~~ to the standard birth certificate form.
- 25 **(b)** Upon receipt of this information, the cabinet~~for Health and Family Services~~
26 shall **make**~~cause to be made~~ a new record of the birth **to**~~and it shall~~ be filed
27 with the original certificate.~~and~~ The original certificate shall be stamped

1 with the words, "CONFIDENTIAL -- subject to copy and/or inspection only
2 on written order of the court."

3 **(c) The cabinet shall promulgate administrative regulations in accordance with**
4 **KRS Chapter 13A to create a birth certificate form that complies with the**
5 **requirements of subsection (3) of this section.**

6 (3) **(a)** The new **birth** certificate shall set forth the new name, if any, of the adopted
7 child, the names of the adoptive parents, and ~~any[such]~~ other information
8 deemed necessary in accordance with ~~administrative[rules]~~ and regulations
9 promulgated by the cabinet **regarding the form and issuance**~~for Health and~~
10 ~~Family Services in issuing~~ of birth certificates. If the adopted child is under
11 eighteen (18) years of age, the birth certificate shall not contain any
12 information revealing the child is adopted and shall show the adoptive parent
13 or parents as the biological parent or parents of the child, **except as provided**
14 **in paragraph (b) of this subsection.**

15 **(b) In the case of a deceased biological parent or parents, the new birth**
16 **certificate shall contain the names of the deceased biological parent or**
17 **parents and the adopted parent or parents if requested by the court, the**
18 **adoptive parent or parents, or the adopted child.**

19 **(c)** If requested by the adoptive parents, the new birth certificate when issued
20 shall contain the location of birth, hospital, and name of doctor or midwife.
21 This information ~~shall[should]~~ be given only by an order of the court in which
22 the child was adopted. The new birth certificate shall recite the residence of
23 the adoptive parents as the birthplace of the child, ~~which[and this]~~ shall be
24 deemed for all legal purposes to be the birthplace of the child.

25 **(d)** If no birth certificate is on file for a child born in Kentucky, the cabinet~~[for~~
26 ~~Health and Family Services]~~ shall prepare a certificate of birth in accordance
27 with the information furnished **to** the cabinet by the clerk of the Circuit Court

1 ~~that~~^{which} issued the adoption order.

2 ~~(e)~~ The cabinet~~[for Health and Family Services]~~ shall furnish to the clerks of the
3 Circuit Courts the necessary forms to carry out the provisions of this section.

4 ~~(f)~~ If the child was born in another state, the order of adoption shall be forwarded
5 to the division of vital statistics of the state concerned to be changed in
6 accordance with the laws of ~~that~~^{such} state.

7 ~~(g)~~ If the child was born in a foreign country, the report of adoption shall be
8 returned to the attorney or agency handling the adoption for submission to the
9 appropriate federal agency.

10 (4) ~~[Thereafter]~~ When any copy of the certificate of birth of any child is issued, it shall
11 be a copy of the new certificate of birth, except when an order of the court granting
12 the judgment of adoption ~~authorizes~~^{shall request} the issuance of the copy of the
13 original certificate of the child's birth.

14 (5) If any judgment of adoption is reversed, modified, or vacated~~[in any particular]~~, the
15 clerk of the Circuit Court shall notify the cabinet~~[for Health and Family Services]~~
16 of the reversal or modification and the effect of same, and the cabinet shall make
17 any necessary changes in its records.