

1 AN ACT relating to parentage and making an appropriation therefor.

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

3 ➔SECTION 1. KRS CHAPTER 408 IS ESTABLISHED AND A NEW
4 SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

5 *As used in this chapter:*

6 *(1) "Acknowledged parent" means an individual who has established a parent-child*
7 *relationship under Sections 11 to 24 of this Act;*

8 *(2) "Adjudicated parent" means an individual who has been adjudicated to be a*
9 *parent of a child by a court with jurisdiction;*

10 *(3) "Alleged genetic parent" means an individual who is alleged to be, or alleges that*
11 *the individual is, a genetic parent or possible genetic parent of a child whose*
12 *parentage has not been adjudicated. This includes an alleged genetic father and*
13 *alleged genetic mother, but does not include:*

14 *(a) A presumed parent;*

15 *(b) An individual whose parental rights have been terminated or declared not to*
16 *exist; or*

17 *(c) A donor;*

18 *(4) "Assisted reproduction" means a method of causing pregnancy other than sexual*
19 *intercourse. This includes but is not limited to:*

20 *(a) Intrauterine or intracervical insemination;*

21 *(b) Donation of gametes;*

22 *(c) Donation of embryos;*

23 *(d) In-vitro fertilization and transfer of embryos; and*

24 *(e) Intracytoplasmic sperm injection;*

25 *(5) "Birth" includes stillbirth;*

26 *(6) "Child" means an individual of any age who parentage may be determined under*
27 *this chapter;*

1 (7) "Child-support agency" means a government entity, public official, or private
2 agency authorized to provide parentage-establishment services under Title IV-D
3 of the Social Security Act, 42 U.S.C. Sections 651 through 669;

4 (8) "Determination of parentage" means establishment of a parent-child
5 relationship by a judicial or administrative proceeding or signing of a valid
6 acknowledgment of parentage under Sections 11 to 24 of this Act;

7 (9) "Donor" means an individual who provides gametes intended for use in assisted
8 reproduction, whether or not for consideration. This does not include:

9 (a) A woman who gives birth to a child conceived by assisted reproduction,
10 except as provided in Sections 83 to 100 of this Act; or

11 (b) A parent under Sections 75 to 82 of this Act or an intended parent under
12 Sections 83 to 100 of this Act;

13 (10) "Gamete" means sperm, egg, or any part of a sperm or egg;

14 (11) "Genetic testing" means an analysis of genetic markers to identify or exclude a
15 genetic relationship;

16 (12) "Individual" means a natural person of any age;

17 (13) "Intended parent" means an individual, married or unmarried, who manifests an
18 intent to be legally bound as a parent of a child conceived by assisted
19 reproduction;

20 (14) "Man" means a male individual of any age;

21 (15) "Parent" means an individual who has established a parent-child relationship
22 under Section 7 of this Act;

23 (16) "Parentage" or "parent-child relationship" means the legal relationship between
24 a child and a parent of the child;

25 (17) "Presumed parent" means an individual who under Section 10 of this Act is
26 presumed to be a parent of a child, unless the presumption is overcome in a
27 judicial proceeding, a valid denial of parentage is made under Sections 11 to 24

- 1 of this Act, or a court adjudicates the individual to be a parent;
2 (18) "Record" means information that is inscribed on a tangible medium or that is
3 stored in an electronic or other medium and is retrievable in perceivable form;
4 (19) "Sign" means, with present intent to authenticate or adopt a record, to:
5 (a) Execute or adopt a tangible symbol; or
6 (b) Attach to or logically associate with the record an electronic symbol, sound,
7 or process;
8 (20) "Signatory" means an individual who signs a record;
9 (21) "State" means a state of the United States, the District of Columbia, Puerto Rico,
10 the United States Virgin Islands, or any territory or insular possession under the
11 jurisdiction of the United States. This includes a federally recognized Indian
12 tribe;
13 (22) "Transfer" means a procedure for assisted reproduction by which an embryo or
14 sperm is placed in the body of the woman who will give birth to the child;
15 (23) "Witnessed" means that at least one (1) individual who is authorized to sign has
16 signed a record to verify that the individual personally observed a signatory sign
17 the record; and
18 (24) "Woman" means a female individual of any age.

19 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
20 READ AS FOLLOWS:

- 21 (1) This chapter shall apply to an adjudication or determination of parentage.
22 (2) This chapter does not create, affect, enlarge, or diminish parental rights or duties
23 under law of this state other than this chapter.
24 (3) This chapter does not authorize or prohibit an agreement between one (1) or
25 more intended parents and a woman who is not an intended parent in which the
26 woman agrees to become pregnant through assisted reproduction and which
27 provides that each intended parent is a parent of a child conceived through

1 assisted reproduction. If a birth results under the agreement and the agreement is
2 unenforceable, the parent-child relationship is established as provided in Sections
3 1 to 74 of this Act.

4 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
5 READ AS FOLLOWS:

6 Family Court and District Court shall have concurrent jurisdiction to adjudicate this
7 chapter.

8 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
9 READ AS FOLLOWS:

10 The court shall apply the law of this state to adjudicate parentage. The applicable law
11 shall not depend on:

12 (1) The place of birth of the child; or

13 (2) The past or present residence of the child.

14 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
15 READ AS FOLLOWS:

16 A proceeding under this chapter is subject to law of this state other than this chapter
17 which governs the health, safety, privacy, and liberty of a child or other individual who
18 could be affected by disclosure of information that could identify the child or other
19 individual, including address, telephone number, digital contact information, place of
20 employment, Social Security number, and the child's day-care facility or school.

21 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
22 READ AS FOLLOWS:

23 To the extent practicable, a provision of this chapter applicable to a father-child
24 relationship applies to a mother-child relationship and a provision of this chapter
25 applicable to a mother-child relationship applies to a father-child relationship.

26 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
27 READ AS FOLLOWS:

1 *A parent-child relationship is established between an individual and a child if:*

2 *(1) The individual gives birth to the child, except as provided in Sections 83 to 100 of*
3 *this Act;*

4 *(2) There is a presumption under Section 10 of this Act of the individual's parentage*
5 *of the child, unless the presumption is overcome in a judicial proceeding or a*
6 *valid denial of parentage is made under Sections 11 to 24 of this Act;*

7 *(3) The individual is adjudicated a parent of the child under Sections 52 to 74 of this*
8 *Act;*

9 *(4) The individual adopts the child;*

10 *(5) The individual acknowledges parentage of the child under Sections 11 to 24 of*
11 *this Act, unless the acknowledgement is rescinded under Section 18 of this Act or*
12 *successfully challenged under Sections 11 to 24 or 52 to 74 of this Act;*

13 *(6) The individual's parentage of the child is established under Sections 75 to 82 of*
14 *this Act; or*

15 *(7) The individual's parentage of the child is established under Sections 83 to 100 of*
16 *this Act.*

17 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
18 READ AS FOLLOWS:

19 *A parent-child relationship extends equally to every child and parent, regardless of the*
20 *marital status of the parent.*

21 ➔SECTION 9. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
22 READ AS FOLLOWS:

23 *Unless parental rights are terminated, a parent-child relationship established under*
24 *this chapter applies for all purposes, except as otherwise provided by law of this state*
25 *other than this chapter.*

26 ➔SECTION 10. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
27 READ AS FOLLOWS:

1 (1) An individual is presumed to be a parent of a child if:

2 (a) Except as otherwise provided under Sections 83 to 100 of this Act or law of
3 this state other than this chapter:

4 1. The individual and the woman who gave birth to the child are married
5 to each other and the child is born during the marriage, whether the
6 marriage is or could be declared invalid;

7 2. The individual and the woman who gave birth to the child were
8 married to each other and the child is born not later than three
9 hundred (300) days after the marriage is terminated by death,
10 dissolution, annulment, or declaration of invalidity, or after a decree
11 of separation, whether the marriage is or could be declared invalid; or

12 3. The individual and the woman who gave birth to the child married
13 each other after the birth of the child, whether the marriage is or
14 could be declared invalid, and the individual at any time asserted
15 parentage of the child, and:

16 a. The assertion is in a record filed with the Vital Statistics Branch;

17 or

18 b. The individual agreed to be and is named as a parent of the child
19 on the birth certificate of the child; or

20 (b) The individual resided in the same household with the child for the first two
21 (2) years of the life of the child, including any period of temporary absence,
22 and openly held out the child as the individual's child.

23 (2) A presumption of parentage under this section may be overcome, and competing
24 claims to parentage may be resolved, only by an adjudication under Sections 52
25 to 74 of this Act or a valid denial of parentage under Sections 11 to 24 of this Act.

26 ➔SECTION 11. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
27 READ AS FOLLOWS:

1 A woman who gave birth to a child and an alleged genetic father of the child, intended
2 parent under Sections 75 to 82 of this Act, or presumed parent may sign an
3 acknowledgment of parentage to establish the parentage of the child.

4 ➔SECTION 12. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
5 READ AS FOLLOWS:

6 (1) An acknowledgment of parentage under Section 11 of this Act shall:

7 (a) Be in a record signed by the woman who gave birth to the child and by the
8 individual seeking to establish a parent-child relationship, and the
9 signatures shall be attested by a notarial officer or witnessed;

10 (b) State that the child whose parentage is being acknowledged:

11 1. Does not have a presumed parent other than the individual seeking to
12 establish the parent-child relationship or has a presumed parent
13 whose full name is stated; and

14 2. Does not have another acknowledged parent, adjudicated parent, or
15 individual who is a parent of the child under Sections 75 to 82 or 83 to
16 100 of this Act other than the woman who gave birth to the child; and

17 (c) State that the signatories understand that the acknowledgment is the
18 equivalent of an adjudication of parentage of the child and that a challenge
19 to the acknowledgment is permitted only under limited circumstances and is
20 barred two (2) years after the effective date of the acknowledgment.

21 (2) An acknowledgment of parentage is void if, at the time of signing:

22 (a) An individual other than the individual seeking to establish parentage is a
23 presumed parent, unless a denial of parentage by the presumed parent in a
24 signed record is filed with the Vital Statistics Branch; or

25 (b) An individual, other than the woman who gave birth to the child or the
26 individual seeking to establish parentage, is an acknowledged or
27 adjudicated parent or a parent under Sections 75 to 82 or 83 to 100 of this

1 Act.

2 ➔SECTION 13. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
3 READ AS FOLLOWS:

4 *A presumed parent or alleged genetic parent may sign a denial of parentage in a*
5 *record. The denial of parentage is valid only if:*

6 *(1) An acknowledgment of parentage by another individual is filed under Section 15*
7 *of this Act;*

8 *(2) The signature of the presumed parent or alleged genetic parent is attested by a*
9 *notarial officer or witness; and*

10 *(3) The presumed parent or alleged genetic parent has not previously:*

11 *(a) Completed a valid acknowledgment of parentage, unless the previous*
12 *acknowledgment was rescinded under Section 18 of this Act or challenged*
13 *under Section 19 of this Act; or*

14 *(b) Been adjudicated to be a parent of the child.*

15 ➔SECTION 14. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
16 READ AS FOLLOWS:

17 *(1) An acknowledgment of parentage and a denial of parentage may be contained in*
18 *a single document or may be in counterparts and may be filed with the Vital*
19 *Statistics Branch separately or simultaneously. If the filing of the*
20 *acknowledgment and denial are both required under this chapter, neither is*
21 *effective until both are filed.*

22 *(2) An acknowledgment of parentage or a denial of parentage may be signed before*
23 *or after the birth of the child.*

24 *(3) Subject to subsection (1) of this section, an acknowledgment of parentage or*
25 *denial of parentage takes effect on the birth of the child or filing of the document*
26 *with the Vital Statistics Branch, whichever occurs later.*

27 *(4) An acknowledgment of parentage or denial of parentage signed by a minor is*

1 valid if the acknowledgment complies with this chapter.

2 ➔SECTION 15. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
3 READ AS FOLLOWS:

4 (1) Except as otherwise provided in Sections 18 or 19 of this Act, an acknowledgment
5 of parentage that complies with Sections 11 to 24 of this Act and is filed with the
6 Vital Statistics Branch is equivalent to an adjudication of parentage of the child
7 and confers on the acknowledged parent all rights and duties of a parent.

8 (2) Except as otherwise provided in Sections 18 or 19 of this Act, a denial of
9 parentage by a presumed parent or alleged genetic parent which complies with
10 Sections 11 to 24 of this Act and is filed with the Vital Statistics Branch with an
11 acknowledgment of parentage that complies with Sections 11 to 24 of this Act is
12 equivalent to an adjudication of the nonparentage of the presumed parent or
13 alleged genetic parent and discharges the presumed parent or alleged genetic
14 parent from all rights and duties of a parent.

15 ➔SECTION 16. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
16 READ AS FOLLOWS:

17 The Vital Statistics Branch shall not charge a fee for filing an acknowledgment of
18 parentage or denial of parentage.

19 ➔SECTION 17. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
20 READ AS FOLLOWS:

21 A court conducting a judicial proceeding or an administrative agency conducting an
22 administrative proceeding is not required or permitted to ratify an unchallenged
23 acknowledgment of parentage.

24 ➔SECTION 18. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
25 READ AS FOLLOWS:

26 (1) A signatory may rescind an acknowledgment of parentage or denial of parentage
27 by filing with the Vital Statistics Branch a recission in a signed record which is

1 attested by a notarial officer or witnessed, before the earlier of:

2 (a) Sixty (60) days after the effective date under Section 14 of this Act of the
3 acknowledgment or denial; or

4 (b) The date of the first hearing before a court in a proceeding, to which the
5 signatory is a party, to adjudicate an issue relating to the child, including a
6 proceeding that establishes support.

7 (2) If an acknowledgment of parentage is rescinded under subsection (1) of this
8 section, an associated denial of parentage is invalid, and the Vital Statistics
9 Branch shall notify the woman who gave birth to the child and the individual
10 who signed a denial of parentage of the child that the acknowledgment has been
11 rescinded. Failure to give notice required by the subsection does not affect the
12 validity of the rescission.

13 ➔SECTION 19. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
14 READ AS FOLLOWS:

15 (1) After the period for rescission under Section 18 of this Act expires, but not later
16 than two (2) years after the effective date under Section 14 of this Act of an
17 acknowledgment of parentage or denial of parentage, a signatory of the
18 acknowledgment or denial may commence a proceeding to challenge the
19 acknowledgment or denial, including a challenge brought under Section 65 of
20 this Act, only on the basis of fraud, duress, or material mistake of fact.

21 (2) A challenge to an acknowledgment of parentage or denial of parentage by an
22 individual who was not a signatory to the acknowledgment or denial is governed
23 by Section 61 of this Act.

24 ➔SECTION 20. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
25 READ AS FOLLOWS:

26 (1) Every signatory to an acknowledgment of parentage and any related denial of
27 parentage shall be made a party to a proceeding to challenge the

1 acknowledgment or denial.

2 (2) By signing an acknowledgment of parentage or denial of parentage, a signatory
3 submits to personal jurisdiction in this state in a proceeding to challenge the
4 acknowledgment or denial, effective on the filing of the acknowledgment or
5 denial with the Vital Statistics Branch.

6 (3) The court may not suspend the legal responsibilities arising from an
7 acknowledgment of parentage, including the duty to pay child support, during the
8 pendency of a proceeding to challenge the acknowledgment or a related denial of
9 parentage, unless the party challenging the acknowledgment or denial shows
10 good cause.

11 (4) A party challenging an acknowledgment of parentage or denial of parentage has
12 the burden of proof.

13 (5) If the court determines that a party has satisfied the burden of proof under
14 subsection (4) of this section, the court shall order the Vital Statistics Branch to
15 amend the birth record of the child to reflect the legal parentage of the child.

16 (6) A proceeding to challenge an acknowledgment of parentage or denial of
17 parentage shall be conducted under Sections 52 to 74 of this Act.

18 ➔SECTION 21. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
19 READ AS FOLLOWS:

20 The court shall give full faith and credit to an acknowledgment of parentage or denial
21 of parentage effective in another state if the acknowledgment or denial was in a signed
22 record and otherwise complies with law of the other state.

23 ➔SECTION 22. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
24 READ AS FOLLOWS:

25 (1) The Vital Statistics Branch shall prescribe forms for an acknowledgment of
26 parentage and denial of parentage.

27 (2) A valid acknowledgment of parentage or denial of parentage is not affected by a

1 later modification of the form under subsection (1) of this section.

2 ➔SECTION 23. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
3 READ AS FOLLOWS:

4 The Vital Statistics Branch may release information relating to an acknowledgment of
5 parentage or denial of parentage to a signatory of the acknowledgment or denial, a
6 court, federal agency, or child-support agency of this or another state.

7 ➔SECTION 24. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
8 READ AS FOLLOWS:

9 The Cabinet for Health and Family Services shall promulgate administrative
10 regulations to implement Sections 11 to 24 of this Act.

11 ➔SECTION 25. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
12 READ AS FOLLOWS:

13 A registry of paternity is established in the Cabinet for Health and Family Services.

14 ➔SECTION 26. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
15 READ AS FOLLOWS:

16 (1) Except as otherwise provided in subsection (2) of this section or Section 29 of this
17 Act, a man who desires to be notified of a proceeding for adoption of, or
18 termination of parental rights regarding, his genetic child shall register in the
19 registry of paternity established by Section 25 of this Act before the birth of the
20 child or not later than thirty (30) days after the birth.

21 (2) A man is not required to register under subsection (1) of this section if:

22 (a) A parent-child relationship between the man and the child has been
23 established under this chapter or law of this state other than this chapter; or

24 (b) The man commences a proceeding to adjudicate his parentage before a
25 court has terminated his parental rights.

26 (3) A man who registers under subsection (1) of this section shall notify the registry
27 promptly in a record of any change in the information registered. The Cabinet for

1 Health and Family Services shall incorporate new information received into its
2 records but need not seek to obtain current information for incorporation in the
3 registry.

4 ➔SECTION 27. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
5 READ AS FOLLOWS:

6 An individual who seeks to adopt a child or terminate parental rights to the child shall
7 give notice of the proceeding to a man who has registered timely under subsection (1)
8 of Section 26 of this Act regarding the child. Notice shall be given in a manner in
9 accordance with the Rules of Civil Procedure.

10 ➔SECTION 28. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
11 READ AS FOLLOWS:

12 An individual who seeks to terminate parental rights to or adopt a child is not required
13 to give notice of the proceeding to a man who may be the genetic father of the child if:
14 (1) The child is under one (1) year of age at the time of the termination of parental
15 rights;
16 (2) The man did not register timely under subsection (1) of Section 26 of this Act;
17 and
18 (3) The man is not exempt from registration under subsection (2) of Section 26 of
19 this Act.

20 ➔SECTION 29. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
21 READ AS FOLLOWS:

22 If a child is at least one (1) year of age, an individual seeking to adopt or terminate
23 parental rights to the child shall give notice of the proceeding to each alleged genetic
24 father of the child, whether or not he has registered under subsection (1) of Section 26
25 of this Act unless his parental rights have already been terminated. Notice shall be
26 given in a manner in accordance with the Rules of Civil Procedure.

27 ➔SECTION 30. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO

1 READ AS FOLLOWS:

- 2 (1) The Cabinet for Health and Family Services shall prescribe a form for
3 registering under subsection (1) of Section 26 of this Act. The form shall state
4 that:
5 (a) The man who registers signs the form under penalty of perjury;
6 (b) Timely registration entitles the man who registers to notice of a proceeding
7 for adoption of the child or termination of the parental rights of the man;
8 (c) Timely registration does not commence a proceeding to establish parentage;
9 (d) The information disclosed on the form may be used against the man who
10 registers to establish parentage;
11 (e) Services to assist in establishing parentage are available to the man who
12 registers through the Cabinet for Health and Family Services;
13 (f) The man who registers also may register in a registry of paternity in
14 another state if conception or birth of the child occurred in the other state;
15 (g) Information on registries of paternity of other states is available from the
16 Cabinet for Health and Family Services; and
17 (h) Procedures exist to rescind the registration.
18 (2) A man who registers under subsection (1) of Section 26 of this Act shall sign the
19 form described in subsection (1) of this section under penalty of perjury.

20 ➔SECTION 31. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO

21 READ AS FOLLOWS:

- 22 (1) The Cabinet for Health and Family Services is not required to seek to locate the
23 woman who gave birth to the child who is the subject of a registration under
24 subsection (1) of Section 26 of this Act, but the Cabinet for Health and Family
25 Services shall give notice of the registration to the woman if the Cabinet for
26 Health and Family Services has her address.
27 (2) Information contained in the registry of paternity established by Section 25 of

1 this Act is confidential and may be released on request only to:

2 (a) A court or individual designated by the court;

3 (b) The woman who gave birth to the child who is the subject of the
4 registration;

5 (c) An agency authorized by law of this state other than this chapter, law of
6 another state, or federal law to receive the information;

7 (d) A licensed child-placing agency;

8 (e) A child-support agency;

9 (f) A party or the party's attorney of record in a proceeding under this chapter
10 or in a proceeding to adopt or terminate parental rights to the child who is
11 the subject of the registration; and

12 (g) A registry of paternity in another state.

13 ➔SECTION 32. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
14 READ AS FOLLOWS:

15 An individual who intentionally releases information from the registry of paternity
16 established by Section 25 of this Act to an individual or agency not authorized under
17 subsection (2) of Section 31 of this Act to receive the information shall be guilty of a
18 Class B misdemeanor.

19 ➔SECTION 33. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
20 READ AS FOLLOWS:

21 A man who registers under subsection (1) of Section 26 of this Act may rescind his
22 registration at any time by filing with the registry of paternity established by Section 25
23 of this Act a rescission in a signed record that is attested by a notarial officer or
24 witnessed.

25 ➔SECTION 34. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
26 READ AS FOLLOWS:

27 If a man registers under subsection (1) of Section 26 of this Act more than thirty (30)

1 days after the birth of the child, the Cabinet for Health and Family Services shall
2 notify the man who registers that, based on a review of the registration, the registration
3 was not filed timely.

4 ➔SECTION 35. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
5 READ AS FOLLOWS:

6 (1) The Cabinet for Health and Family Services may not charge a fee for filing a
7 registration under subsection (1) of Section 26 of this Act or rescission of
8 registration under Section 33 of this Act.

9 (2) Except as otherwise provided in subsection (3) of this section, the Cabinet for
10 Health and Family Services may charge a reasonable fee to search the registry of
11 paternity established by Section 25 of this Act and for furnishing a certificate of
12 search under Section 38 of this Act.

13 (c) A child-support agency is not required to pay a fee authorized by subsection (2) of
14 this section.

15 ➔SECTION 36. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
16 READ AS FOLLOWS:

17 Sections 36 to 39 of this Act shall not apply to a child born through assisted
18 reproduction.

19 ➔SECTION 37. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
20 READ AS FOLLOWS:

21 If a parent-child relationship has not been established under this chapter between a
22 child who is under one (1) year of age and an individual other than the woman who
23 gave birth to the child:

24 (1) An individual seeking to adopt or terminate parental rights to the child shall
25 obtain a certificate of search under Section 38 of this Act to determine if a
26 registration has been filed in the registry of paternity established by Section 25 of
27 this Act regarding the child; and

1 (2) If the individual has reason to believe that conception or birth of the child may
2 have occurred in another state, the individual shall obtain a certificate of search
3 from the registry of paternity, if any, in that state.

4 ➔SECTION 38. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
5 READ AS FOLLOWS:

6 (1) The Cabinet for Health and Family Services shall furnish a certificate of search
7 of the registry of paternity established by Section 25 of this Act on request to an
8 individual, court, or agency identified in subsection (2) of Section 31 of this Act
9 or an individual required under subsection (1) of Section 37 of this Act to obtain
10 a certificate.

11 (2) A certificate furnished under subsection (1) of this section:

12 (a) Shall be signed on behalf of the Cabinet for Health and Family Services
13 and state that:

14 1. A search has been made of the registry; and

15 2. A registration under subsection (1) of Section 26 of this Act
16 containing the information required to identify the man who registers:

17 a. Has been found; or

18 b. Has not been found; and

19 (b) If paragraph (a)2.a. of this subsection applies, shall have a copy of the
20 registration attached.

21 (3) An individual seeking to adopt or terminate parental rights to a child shall file
22 with the court the certificate of search furnished under subsection (1) of this
23 section and subsection (2) of Section 37 of this Act, if applicable, before a
24 proceeding to adopt or terminate parental rights to the child may be concluded.

25 ➔SECTION 39. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
26 READ AS FOLLOWS:

27 A certificate of search of a registry of paternity in this or another state is admissible in

1 a proceeding for adoption of or termination of parental rights to a child and, if
2 relevant, in other legal proceedings.

3 ➔SECTION 40. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
4 READ AS FOLLOWS:

5 As used in Sections 40 to 51 of this Act:

6 (1) "Combined relationship index" means the product of all tested relationship
7 indices;

8 (2) "Ethnic or racial group" means, for the purpose of genetic testing, a recognized
9 group that an individual identifies as the individual's ancestry or part of the
10 ancestry or that is identified by other information;

11 (3) "Hypothesized genetic relationship" means an asserted genetic relationship
12 between an individual and a child;

13 (4) "Probability of parentage" means, for the ethnic or racial group to which an
14 individual alleged to be a parent belongs, the probability that a hypothesized
15 genetic relationship is supported, compared to the probability that a genetic
16 relationship is supported between the child and a random individual of the ethnic
17 or racial group used in the hypothesized genetic relationship, expressed as a
18 percentage incorporating the combined relationship index and a prior
19 probability; and

20 (5) "Relationship index" means a likelihood ratio that compares the probability of a
21 genetic marker given a hypothesized genetic relationship and the probability of
22 the genetic marker given a genetic relationship between the child and a random
23 individual of the ethnic or racial group used in the hypothesized genetic
24 relationship.

25 ➔SECTION 41. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
26 READ AS FOLLOWS:

27 (1) Sections 40 to 51 of this Act govern genetic testing of an individual in a

1 proceeding to adjudicate parentage, whether the individual:

2 (a) Voluntarily submits to testing; or

3 (b) Is tested under an order of the court or a child-support agency.

4 (2) Genetic testing may not be used:

5 (a) To challenge the parentage of an individual who is a parent under Sections
6 75 to 82 or 83 to 100 of this Act; or

7 (b) To establish the parentage of an individual who is a donor.

8 ➔SECTION 42. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
9 READ AS FOLLOWS:

10 (1) Except as otherwise provided in Sections 40 to 51 of this Act or Sections 52 to 74
11 of this Act, in a proceeding under this chapter to determine parentage, the court
12 shall order the child and any other individual to submit to genetic testing if a
13 request for testing is supported by the sworn statement of a party:

14 (a) Alleging a reasonable possibility that the individual is the child's genetic
15 parent; or

16 (b) Denying genetic parentage of the child and stating facts establishing a
17 reasonable possibility that the individual is not a genetic parent.

18 (2) A child-support agency may order genetic testing only if there is no presumed,
19 acknowledged, or adjudicated parent of a child other than the woman who gave
20 birth to the child.

21 (3) The court or child-support agency may not order in utero genetic testing.

22 (4) If two (2) or more individuals are subject to court-ordered genetic testing, the
23 court may order that testing be completed concurrently or sequentially.

24 (5) Genetic testing of a woman who gave birth to a child is not a condition precedent
25 to testing of the child and an individual whose genetic parentage of the child is
26 being determined. If the woman is unavailable or declines to submit to genetic
27 testing, the court may order genetic testing of the child and each individual whose

1 genetic parentage of the child is being adjudicated.

2 (6) In a proceeding to adjudicate the parentage of a child having a presumed parent
3 or an individual who claims to be a parent under Section 60 of this Act, or to
4 challenge an acknowledgment of parentage, the court may deny a motion for
5 genetic testing of the child and any other individual after considering the factors
6 in subsections (1) and (2) of Section 64 of this Act.

7 (7) If an individual requesting genetic testing is barred under Sections 52 to 74 of
8 this Act from establishing the individual's parentage, the court shall deny the
9 request for genetic testing.

10 (8) An order under this section for genetic testing is enforceable by contempt.

11 ➔SECTION 43. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
12 READ AS FOLLOWS:

13 (1) Genetic testing shall be of a type reasonably relied on by experts in the field of
14 genetic testing and performed in a testing laboratory accredited by:

15 (a) The AABB, formerly known as the American Association of Blood Banks,
16 or a successor to its functions; or

17 (b) An accrediting body designated by the Secretary of the United States
18 Department of Health and Human Services.

19 (2) A specimen used in genetic testing may consist of a sample or a combination of
20 samples of blood, buccal cells, bone, hair, or other body tissue or fluid. The
21 specimen used in the testing need not be of the same kind for each individual
22 undergoing genetic testing.

23 (3) Based on the ethnic or racial group of an individual undergoing genetic testing, a
24 testing laboratory shall determine the databases from which to select frequencies
25 for use in calculating a relationship index. If an individual or a child-support
26 agency objects to the laboratory's choice, the following rules apply:

27 (a) Not later than thirty (30) days after receipt of the report of the test, the

1 objecting individual or child-support agency may request the court to
2 require the laboratory to recalculate the relationship index using an ethnic
3 or racial group different from that used by the laboratory;

4 (b) The individual or the child-support agency objecting to the laboratory's
5 choice under this subsection shall:

6 1. If the requested frequencies are not available to the laboratory for the
7 ethnic or racial group requested, provide the requested frequencies
8 compiled in a manner recognized by accrediting bodies; or

9 2. Engage another laboratory to perform the calculations; and

10 (c) The laboratory may use its own statistical estimate if there is a question
11 which ethnic or racial group is appropriate. The laboratory shall calculate
12 the frequencies using statistics, if available, for any other ethnic or racial
13 group requested.

14 (4) If, after recalculation of the relationship index under subsection (3) of this
15 section using a different ethnic or racial group, genetic testing under Section 45
16 of this Act does not identify an individual as a genetic parent of a child, the court
17 may require an individual who has been tested to submit to additional genetic
18 testing to identify a genetic parent.

19 ➔SECTION 44. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
20 READ AS FOLLOWS:

21 (1) A report of genetic testing shall be in a record and signed under penalty of
22 perjury by a designee of the testing laboratory. A report complying with the
23 requirements of Sections 40 to 51 of this Act is self-authenticating.

24 (2) Documentation from a testing laboratory of the following information is
25 sufficient to establish a reliable chain of custody and allow the results of genetic
26 testing to be admissible without testimony:

27 (a) The name and photograph of each individual whose specimen has been

1 taken;

2 (b) The name of the individual who collected each specimen;

3 (c) The place and date each specimen was collected;

4 (d) The name of the individual who received each specimen in the testing
5 laboratory; and

6 (e) The date each specimen was received.

7 ➔SECTION 45. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
8 READ AS FOLLOWS:

9 (1) Subject to a challenge under subsection (2) of this section, an individual is
10 identified under this chapter as a genetic parent of a child if genetic testing
11 complies with Sections 40 to 51 of this Act and the results of the testing disclose:

12 (a) The individual has at least a ninety-nine percent (99%) probability of
13 parentage, using a prior probability of one half (1/2), as calculated by using
14 the combined relationship index obtained in the testing; and

15 (b) A combined relationship index of at least one hundred (100) to one (1).

16 (2) An individual identified under subsection (1) of this section as a genetic parent of
17 the child may challenge the genetic testing results only by other genetic testing
18 satisfying the requirements of Sections 40 to 51 of this Act which:

19 (a) Excludes the individual as a genetic parent of the child; or

20 (b) Identifies another individual as a possible genetic parent of the child other
21 than:

22 1. The woman who gave birth to the child; or

23 2. The individual identified under subsection (1) of this section.

24 (3) Except as otherwise provided in Section 50 of this Act, if more than one (1)
25 individual other than the woman who gave birth is identified by genetic testing as
26 a possible genetic parent of the child, the court shall order each individual to
27 submit to further genetic testing to identify a genetic parent.

1 ➔SECTION 46. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
2 READ AS FOLLOWS:

3 (1) Subject to assessment of fees under Sections 52 to 74 of this Act, payment of the
4 cost of initial genetic testing shall be made in advance:

5 (a) By a child-support agency in a proceeding in which the child-support
6 agency is providing services;

7 (b) By the individual who made the request for genetic testing;

8 (c) As agreed by the parties; or

9 (d) As ordered by the court.

10 (2) If the cost of genetic testing is paid by a child-support agency, the agency may
11 seek reimbursement from the genetic parent whose parent-child relationship is
12 established.

13 ➔SECTION 47. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
14 READ AS FOLLOWS:

15 The court or child-support agency shall order additional genetic testing on request of
16 an individual who contests the result of the initial testing under Section 45 of this Act.
17 If initial genetic testing under Section 45 of this Act identified an individual as a
18 genetic parent of the child, the court or agency may not order additional testing unless
19 the contesting individual pays for the testing in advance.

20 ➔SECTION 48. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
21 READ AS FOLLOWS:

22 (1) Subject to subsection (2) of this section, if a genetic-testing specimen is not
23 available from an alleged genetic parent of a child, an individual seeking genetic
24 testing demonstrates good cause, and the court finds that the circumstances are
25 just, the court may order any of the following individuals to submit specimens for
26 genetic testing:

27 (a) A parent of the alleged genetic parent;

1 (b) A sibling of the alleged genetic parent;

2 (c) Another child of the alleged genetic parent and the woman who gave birth
3 to the other child; and

4 (d) Another relative of the alleged genetic parent necessary to complete genetic
5 testing.

6 (2) To issue an order under this section, the court shall find that a need for genetic
7 testing outweighs the legitimate interests of the individual sought to be tested.

8 ➔SECTION 49. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
9 READ AS FOLLOWS:

10 If an individual seeking genetic testing demonstrates good cause, the court may order
11 genetic testing of a deceased individual.

12 ➔SECTION 50. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
13 READ AS FOLLOWS:

14 (1) If the court finds there is reason to believe that an alleged genetic parent has an
15 identical sibling and evidence that the sibling may be a genetic parent of the
16 child, the court may order genetic testing of the sibling.

17 (2) If more than one (1) sibling is identified under Section 45 of this Act as a genetic
18 parent of the child, the court may rely on nongenetic evidence to adjudicate
19 which sibling is a genetic parent of the child.

20 ➔SECTION 51. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
21 READ AS FOLLOWS:

22 (1) Release of a report of genetic testing for parentage is controlled by law of this
23 state other than this chapter.

24 (2) An individual who intentionally releases an identifiable specimen of another
25 individual collected for genetic testing under Sections 40 to 51 of this Act for a
26 purpose not relevant to a proceeding regarding parentage, without a court order
27 or written permission of the individual who furnished the specimen, shall be

1 guilty of a Class B misdemeanor.

2 ➔SECTION 52. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
3 READ AS FOLLOWS:

4 (1) A proceeding may be commenced to adjudicate the parentage of a child. Except
5 as otherwise provided in this chapter, the proceeding is governed by the Rules of
6 Civil Procedure.

7 (2) A proceeding to adjudicate the parentage of a child born under a surrogacy
8 agreement is governed by Sections 83 to 100 of this Act.

9 ➔SECTION 53. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
10 READ AS FOLLOWS:

11 Except as otherwise provided in Sections 11 to 24 and Sections 59 to 62 of this Act, a
12 proceeding to adjudicate parentage may be maintained by:

13 (1) The child;

14 (2) The woman who gave birth to the child, unless a court has adjudicated that she is
15 not a parent;

16 (3) An individual who is a parent under this chapter;

17 (4) An individual whose parentage of the child is to be adjudicated;

18 (5) A child-support agency;

19 (6) An adoption agency authorized by law of this state other than this chapter or
20 licensed child-placement agency; or

21 (7) A representative authorized by law of this state other than this chapter to act for
22 an individual who otherwise would be entitled to maintain a proceeding but is
23 deceased, incapacitated, or a minor.

24 ➔SECTION 54. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
25 READ AS FOLLOWS:

26 (1) The petitioner shall give notice of a proceeding to adjudicate parentage to the
27 following individuals:

- 1 (a) The woman who gave birth to the child, unless a court has adjudicated that
2 she is not a parent;
3 (b) An individual who is a parent of the child under this chapter;
4 (c) A presumed, acknowledged, or adjudicated parent of the child; and
5 (d) An individual whose parentage of the child is to be adjudicated.
6 (2) An individual entitled to notice under subsection (1) of this section has a right to
7 intervene in the proceeding.
8 (3) Lack of notice required by subsection (1) of this section shall not render a
9 judgment void. Lack of notice shall not preclude an individual entitled to notice
10 under subsection (1) of this section from bringing a proceeding under subsection
11 (2) of Section 62 of this Act.

12 ➔SECTION 55. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
13 READ AS FOLLOWS:

- 14 (1) The court may adjudicate an individual's parentage of a child only if the court
15 has personal jurisdiction over the individual.
16 (2) A court of this state with jurisdiction to adjudicate parentage may exercise
17 personal jurisdiction over a nonresident individual, or the guardian or
18 conservator of the individual, if the conditions prescribed in KRS 407.5201 are
19 satisfied.
20 (3) Lack of jurisdiction over one (1) individual does not preclude the court from
21 making an adjudication of parentage binding on another individual.

22 ➔SECTION 56. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
23 READ AS FOLLOWS:

24 Venue for a proceeding to adjudicate parentage is in the county of this state in which:

- 25 (1) The child resides or is located;
26 (2) If the child does not reside in this state, the respondent resides or is located; or
27 (3) A proceeding has been commenced for administration of the estate of an

1 individual who is or may be a parent under this chapter.

2 ➔SECTION 57. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
3 READ AS FOLLOWS:

4 (1) Except as otherwise provided in subsection (2) of Section 41 of this Act, the court
5 shall admit a report of genetic testing ordered by the court under Section 42 of
6 this Act as evidence of the truth of the facts asserted in the report.

7 (2) A party may object to the admission of a report described in subsection (1) of this
8 section, not later than fourteen (14) days after the party receives the report. The
9 party shall cite specific grounds for exclusion.

10 (3) A party that objects to the results of genetic testing may call a genetic-testing
11 expert to testify in person or by another method approved by the court. Unless the
12 court orders otherwise, the party offering the testimony bears the expense for the
13 expert testifying.

14 (4) Admissibility of a report of genetic testing is not affected by whether the testing
15 was performed:

16 (a) Voluntarily or under an order of the court or a child-support agency; or

17 (b) Before, on, or after commencement of the proceeding.

18 ➔SECTION 58. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
19 READ AS FOLLOWS:

20 (1) A proceeding to determine whether an alleged genetic parent who is not a
21 presumed parent is a parent of a child may be commenced:

22 (a) Before the child becomes an adult; or

23 (b) After the child becomes an adult, but only if the child initiates the
24 proceeding.

25 (2) Except as otherwise provided in Section 65 of this Act, this subsection applies in a
26 proceeding described in subsection (1) of this section if the woman who gave
27 birth to the child is the only other individual with a claim to parentage of the

1 child. The court shall adjudicate an alleged genetic parent to be a parent of the
2 child if the alleged genetic parent:

3 (a) Is identified under Section 45 of this Act as a genetic parent of the child and
4 the identification is not successfully challenged under Section 45 of this
5 Act;

6 (b) Admits parentage in a pleading, when making an appearance, or during a
7 hearing, the court accepts the admission, and the court determines the
8 alleged genetic parent to be a parent of the child;

9 (c) Declines to submit to genetic testing ordered by the court or a child-support
10 agency, in which case the court may adjudicate the alleged genetic parent to
11 be a parent of the child even if the alleged genetic parent denies a genetic
12 relationship with the child;

13 (d) Is in default after service of process and the court determines the alleged
14 genetic parent to be a parent of the child; or

15 (e) Is neither identified nor excluded as a genetic parent by genetic testing and,
16 based on other evidence, the court determines the alleged genetic parent to
17 be a parent of the child.

18 (3) Except as otherwise provided in Section 65 of this Act and subject to other
19 limitations in Sections 57 to 65 of this Act, if in a proceeding involving an alleged
20 genetic parent, at least one (1) other individual in addition to the woman who
21 gave birth to the child has a claim to parentage of the child, the court shall
22 adjudicate parentage under Section 64 of this Act.

23 ➔SECTION 59. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
24 READ AS FOLLOWS:

25 (1) A proceeding to determine whether a presumed parent is a parent of a child may
26 be commenced;

27 (a) Before the child becomes an adult; or

1 **(b) After the child becomes an adult, but only if the child initiates the**
2 **proceeding.**

3 **(2) A presumption of parentage under Section 10 of this Act cannot be overcome**
4 **after the child attains two (2) years of age unless the court determines:**

5 **(a) The presumed parent is not a genetic parent, never resided with the child,**
6 **and never held out the child as the presumed parent's child; or**

7 **(b) The child has more than one (1) presumed parent.**

8 **(3) Except as otherwise provided in Section 65 of this Act, the following rules apply**
9 **in a proceeding to adjudicate a presumed parent's parentage of a child if the**
10 **woman who gave birth to the child is the only other individual with a claim to**
11 **parentage of the child:**

12 **(a) If no party to the proceeding challenges the presumed parent's parentage of**
13 **the child, the court shall adjudicate the presumed parent to be a parent of**
14 **the child;**

15 **(b) If the presumed parent is identified under Section 45 of this Act as a genetic**
16 **parent of the child and that identification is not successfully challenged**
17 **under Section 45 of this Act, the court shall adjudicate the presumed parent**
18 **to be a parent of the child; and**

19 **(c) If the presumed parent is not identified under Section 45 of this Act as a**
20 **genetic parent of the child and the presumed parent or the woman who gave**
21 **birth to the child challenges the presumed parent's parentage of the child,**
22 **the court shall adjudicate the parentage of the child in the best interest of**
23 **the child based on the factors under subsection (1) and (2) of Section 64 of**
24 **this Act.**

25 **(4) Except as otherwise provided in Section 65 of this Act and subject to other**
26 **limitations in Sections 57 to 65 of this Act, if in a proceeding to adjudicate a**
27 **presumed parent's parentage of a child, another individual in addition to the**

1 woman who gave birth to the child asserts a claim to parentage of the child, the
2 court shall adjudicate parentage under Section 64 of this Act.

3 ➔SECTION 60. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) A proceeding to establish parentage of a child under this section may be
6 commenced only by an individual who:

7 (a) Is alive when the proceeding is commenced; and

8 (b) Claims to be a de facto parent of the child.

9 (2) An individual who claims to be a de facto parent of a child shall commence a
10 proceeding to establish parentage of a child under this section:

11 (a) Before the child attains eighteen (18) years of age; and

12 (b) While the child is alive.

13 (3) The following rules govern standing of an individual who claims to be a de facto
14 parent of a child to maintain a proceeding under this section:

15 (a) The individual shall file an initial verified pleading alleging specific facts
16 that support the claim to parentage of the child asserted under this section.

17 The verified pleading shall be served on all parents and legal guardians of
18 the child and any other party to the proceeding.

19 (b) An adverse party, parent, or legal guardian may file a pleading in response
20 to the pleading filed under paragraph (a) of this subsection. A responsive
21 pleading shall be verified and shall be served on parties to the proceeding.

22 (c) Unless the court finds a hearing is necessary to determine disputed facts
23 material to the issue of standing, the court shall determine, based on the
24 pleadings under paragraphs (a) and (b) of this subsection, whether the
25 individual has alleged facts sufficient to satisfy by a preponderance of the
26 evidence the requirements of subsection (4) of this section. If the court
27 holds a hearing under this subsection, the hearing shall be held on an

1 expedited basis.

2 (4) In a proceeding to adjudicate parentage of an individual who claims to be a de
3 facto parent of the child, if there is only one (1) other individual who is a parent
4 or has a claim to parentage of the child, the court shall adjudicate the individual
5 who claims to be a de facto parent to be a parent of the child if the individual
6 demonstrates by clear and convincing evidence that:

7 (a) The individual resided with the child as a regular member of the child's
8 household for a significant period;

9 (b) The individual engaged in consistent caretaking of the child;

10 (c) The individual undertook full and permanent responsibilities of a parent of
11 the child without expectation of financial compensation;

12 (d) The individual held out the child as the individual's child;

13 (e) The individual established a bonded and dependent relationship with the
14 child which is parental in nature;

15 (f) Another parent of the child fostered or supported the bonded and dependent
16 relationship required under paragraph (e) of this subsection; and

17 (g) Continuing the relationship between the individual and the child is in the
18 best interest of the child.

19 (5) Subject to other limitations in Sections 57 to 65 of this Act, if in a proceeding to
20 adjudicate parentage of an individual who claims to be a de facto parent of the
21 child, there is more than one (1) other individual who is a parent or has a claim
22 to parentage of the child and the court determines that the requirements of
23 subsection (4) of this section are satisfied, the court shall adjudicate parentage
24 under Section 64 of this Act.

25 ➔SECTION 61. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
26 READ AS FOLLOWS:

27 (1) If a child has an acknowledged parent, a proceeding to challenge the

1 acknowledgment of parentage or a denial of parentage, brought by a signatory to
2 the acknowledgment or denial, is governed by Sections 19 and 20 of this Act.

3 (2) If a child has an acknowledged parent, the following rules apply in a proceeding
4 to challenge the acknowledgment of parentage or a denial of parentage brought
5 by an individual, other than the child, who has standing under Section 53 of this
6 Act and was not a signatory to the acknowledgment or denial:

7 (a) The individual shall commence the proceeding not later than two (2) years
8 after the effective date of the acknowledgment;

9 (b) The court may permit the proceeding only if the court finds permitting the
10 proceeding is in the best interest of the child; and

11 (c) If the court permits the proceeding, the court shall adjudicate parentage
12 under Section 64 of this Act.

13 ➔SECTION 62. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
14 READ AS FOLLOWS:

15 (1) If a child has an adjudicated parent, a proceeding to challenge the adjudication,
16 brought by an individual who was a party to the adjudication or received notice
17 under Section 54 of this Act, is governed by the rules governing a collateral
18 attack on a judgment.

19 (2) If a child has an adjudicated parent, the following rules apply to a proceeding to
20 challenge the adjudication of parentage brought by an individual, other than the
21 child, who has standing under Section 53 of this Act and was not a party to the
22 adjudication and did not receive notice under Section 54 of this Act:

23 (a) The individual shall commence the proceeding not later than two (2) years
24 after the effective date of the adjudication;

25 (b) The court may permit the proceeding only if the court finds permitting the
26 proceeding is in the best interest of the child; and

27 (c) If the court permits the proceeding, the court shall adjudicate parentage

1 under Section 64 of this Act.

2 ➔SECTION 63. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
3 READ AS FOLLOWS:

4 (1) An individual who is a parent under Sections 75 to 82 of this Act or the woman
5 who gave birth to the child may bring a proceeding to adjudicate parentage. If the
6 court determines the individual is a parent under Sections 75 to 82 of this Act, the
7 court shall adjudicate the individual to be a parent of the child.

8 (2) In a proceeding to adjudicate an individual's parentage of a child, if another
9 individual other than the woman who gave birth to the child is a parent under
10 Sections 75 to 82 of this Act, the court shall adjudicate the individual's parentage
11 of the child under Section 64 of this Act.

12 ➔SECTION 64. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
13 READ AS FOLLOWS:

14 (1) Except as otherwise provided in Section 65 of this Act, in a proceeding to
15 adjudicate competing claims of, or challenges under subsection (3) of Section 59,
16 61, or 62 of this Act to parentage of a child by two (2) or more individuals, the
17 court shall adjudicate parentage in the best interest of the child, based on:

18 (a) The age of the child;

19 (b) The length of time during which each individual assumed the role of parent
20 of the child;

21 (c) The nature of the relationship between the child and each individual;

22 (d) The harm to the child if the relationship between the child and each
23 individual is not recognized;

24 (e) The basis for each individual's claim to parentage of the child; and

25 (f) Other equitable factors arising from the disruption of the relationship
26 between the child and each individual or the likelihood of other harm to the
27 child.

1 (2) If an individual challenges parentage based on the results of genetic testing, in
2 addition to the factors listed in subsection (1) of this section, the court shall
3 consider:

4 (a) The facts surrounding the discovery the individual might not be a genetic
5 parent of the child; and

6 (b) The length of time between the time that the individual was placed on notice
7 that the individual might not be a genetic parent and the commencement of
8 the proceeding.

9 Alternative A

10 (3) The court may not adjudicate a child to have more than two (2) parents under
11 this chapter.

12 Alternative B

13 (4) The court may adjudicate a child to have more than two (2) parents under this
14 chapter if the court finds that failure to recognize more than two (2) parents
15 would be detrimental to the child. A finding of detriment to the child does not
16 require a finding of unfitness of any parent or individual seeking an adjudication
17 of parentage. In determining detriment to the child, the court shall consider all
18 relevant factors, including the harm if the child is removed from a stable
19 placement with an individual who has fulfilled the child's physical needs and
20 psychological needs for care and affection and has assumed the role for a
21 substantial period.

22 ➔SECTION 65. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
23 READ AS FOLLOWS:

24 (1) In this section, "sexual assault" means a felony offense of KRS Chapter 510.

25 (2) In a proceeding in which a woman alleges that a man committed a sexual assault
26 that resulted in the woman giving birth to a child, the woman may seek to
27 preclude the man from establishing that he is a parent of the child.

1 (3) This section does not apply if:

2 (a) The man described in subsection (2) of this section has previously been
3 adjudicated to be a parent of the child; or

4 (b) After the birth of the child, the man established a bonded and dependent
5 relationship with the child which is parental in nature.

6 (4) Unless Sections 19 or 58 of this Act apply, a woman shall file a pleading making
7 an allegation under subsection (2) of this section not later than two (2) years after
8 the birth of the child. The woman may file the pleading only in a proceeding to
9 establish parentage under this chapter.

10 (5) An allegation under subsection (2) of this section may be proved by:

11 (a) Evidence that the man was convicted of a sexual assault, or a comparable
12 crime in another jurisdiction, against the woman and the child was born
13 not later than three hundred (300) days after the sexual assault; or

14 (b) Clear and convincing evidence that the man committed sexual assault
15 against the woman and the child was born not later than three hundred
16 (300) days after the sexual assault.

17 (6) Subject to subsections (1) through (4) of this section, if the court determines that
18 an allegation has been proved under subsection (5) of this section, the court
19 shall:

20 (a) Adjudicate that the man described in subsection (2) of this section is not a
21 parent of the child;

22 (b) Require the Vital Statistics Branch to amend the birth certificate if
23 requested by the woman and if the court determines that the amendment is
24 in the best interest of the child; and

25 (c) Require the man to pay child support, birth-related costs, or both, unless the
26 woman requests otherwise and the court determines that granting the
27 request is in the best interest of the child.

1 ➔SECTION 66. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
2 READ AS FOLLOWS:

3 (1) In a proceeding under Sections 52 to 74 of this Act, the court may issue a
4 temporary order for child support if the order is consistent with law of this state
5 other than this chapter and the individual ordered to pay support is:

6 (a) A presumed parent of the child;

7 (b) Petitioning to be adjudicated a parent;

8 (c) Identified as a genetic parent through genetic testing under Section 45 of
9 this Act;

10 (d) An alleged genetic parent who has declined to submit to genetic testing;

11 (e) Shown by clear and convincing evidence to be a parent of the child; or

12 (f) A parent under this chapter.

13 (2) A temporary order may include a provision for custody and visitation under law
14 of this state other than this chapter.

15 ➔SECTION 67. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
16 READ AS FOLLOWS:

17 (1) Except as otherwise provided in subsection (2) of this section, the court may
18 combine a proceeding to adjudicate parentage under this chapter with a
19 proceeding for adoption, termination of parental rights, child custody or
20 visitation, child support, dissolution, annulment, declaration of invalidity, or
21 legal separation, administration of an estate, or other appropriate proceeding.

22 (2) A respondent may not combine a proceeding described in subsection (1) of this
23 section with a proceeding to adjudicate parentage brought under KRS Chapter
24 407.

25 ➔SECTION 68. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
26 READ AS FOLLOWS:

27 Except as otherwise provided in Sections 83 to 100 of this Act, a proceeding to

1 adjudicate parentage may be commenced before the birth of the child and an order or
2 judgment may be entered before birth, but enforcement of the order or judgment shall
3 be stayed until the birth of the child.

4 ➔SECTION 69. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
5 READ AS FOLLOWS:

6 (1) A minor child is a permissive party but not a necessary party to a proceeding
7 under Sections 52 to 74 of this Act.

8 (2) The court shall appoint a guardian ad litem to represent a child in a proceeding
9 under Sections 52 to 74 of this Act, if the court finds that the interests of the child
10 are not adequately represented.

11 ➔SECTION 70. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
12 READ AS FOLLOWS:

13 The court shall adjudicate parentage of a child without a jury.

14 ➔SECTION 71. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
15 READ AS FOLLOWS:

16 (1) On request of a party and for good cause, the court may close a proceeding under
17 Sections 52 to 74 of this Act to the public.

18 (2) A final order in a proceeding under Sections 52 to 74 of this Act is available for
19 public inspection. Other papers and records are available for public inspection
20 only with the consent of the parties or by court order.

21 ➔SECTION 72. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
22 READ AS FOLLOWS:

23 The court may dismiss a proceeding under Sections 52 to 74 of this Act for want of
24 prosecution only without prejudice. An order of dismissal for want of prosecution
25 purportedly with prejudice is void and has only the effect of a dismissal without
26 prejudice.

27 ➔SECTION 73. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO

1 READ AS FOLLOWS:

2 (1) An order adjudicating parentage shall identify the child in a manner provided by
3 law of this state other than this chapter.

4 (2) Except as otherwise provided in subsection (3) of this section, the court may
5 assess filing fees, reasonable attorney's fees, fees for genetic testing, other costs,
6 and necessary travel and other reasonable expenses incurred in a proceeding
7 under Sections 52 to 74 of this Act. Attorney's fees awarded under this subsection
8 may be paid directly to the attorney, and the attorney may enforce the order in the
9 attorney's own name.

10 (3) The court may not assess fees, costs, or expenses in a proceeding under Sections
11 52 to 74 of this Act against a child-support agency of this state or another state,
12 except as provided by law of this state other than this chapter.

13 (4) In a proceeding under Sections 52 to 74 of this Act, a copy of a bill for genetic
14 testing or prenatal or postnatal health care for the woman who gave birth to the
15 child and the child, provided to the adverse party not later than ten (10) days
16 before a hearing, is admissible to establish:

17 (a) The amount of the charge billed; and

18 (b) That the charge is reasonable and necessary.

19 (5) On request of a party and for good cause, the court in a proceeding under
20 Sections 52 to 74 of this Act may order the name of the child changed. If the
21 court order changing the name varies from the name on the birth certificate of
22 the child, the court shall order the Vital Statistics Branch to issue an amended
23 birth certificate.

24 ➔SECTION 74. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
25 READ AS FOLLOWS:

26 (1) Except as otherwise provided in subsection (2) of this section:

27 (a) A signatory to an acknowledgment of parentage or denial of parentage is

1 bound by the acknowledgment and denial as provided in Sections 11 to 24
2 of this Act; and

3 (b) A party to an adjudication of parentage by a court acting under
4 circumstances that satisfy the jurisdiction requirements of KRS 407.5201
5 and any individual who received notice of the proceeding are bound by the
6 adjudication.

7 (2) A child is not bound by a determination of parentage under this chapter unless:

8 (a) The determination was based on an unrescinded acknowledgment of
9 parentage and the acknowledgment is consistent with the results of genetic
10 testing;

11 (b) The determination was based on a finding consistent with the results of
12 genetic testing, and the consistency is declared in the determination or
13 otherwise shown;

14 (c) The determination of parentage was made under Sections 75 to 82 or
15 Sections 83 to 100 of this Act; or

16 (d) The child was a party or was represented by a guardian ad litem in the
17 proceeding.

18 (3) In a proceeding for dissolution, annulment, declaration of invalidity, or legal
19 separation, the court is deemed to have made an adjudication of parentage of a
20 child if the court acts under circumstances that satisfy the jurisdiction
21 requirements of KRS 407.5201 and the final order:

22 (a) Expressly identifies the child as a "child of the marriage" or "issue of the
23 marriage" or includes similar words indicating that both spouses are
24 parents of the child; or

25 (b) Provides for support of the child by a spouse unless that spouse's parentage
26 is disclaimed specifically in the order.

27 (4) Except as otherwise provided in subsection (2) of this section or Section 62 of this

1 Act, a determination of parentage may be asserted as a defense in a subsequent
2 proceeding seeking to adjudicate parentage of an individual who was not a party
3 to the earlier proceeding.

4 (5) A party to an adjudication of parentage may challenge the adjudication only
5 under law of this state other than this chapter relating to appeal, vacation of
6 judgment, or other judicial review.

7 ➔SECTION 75. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
8 READ AS FOLLOWS:

9 Sections 75 to 82 of this Act do not apply to the birth of a child conceived by sexual
10 intercourse or assisted reproduction under a surrogacy agreement under Sections 83 to
11 110 of this Act.

12 ➔SECTION 76. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
13 READ AS FOLLOWS:

14 A donor is not a parent of a child conceived by assisted reproduction.

15 ➔SECTION 77. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
16 READ AS FOLLOWS:

17 An individual who consents under Section 78 of this Act to assisted reproduction by a
18 woman with the intent to be a parent of a child conceived by the assisted reproduction
19 is a parent of the child.

20 ➔SECTION 78. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
21 READ AS FOLLOWS:

22 (1) Except as otherwise provided in subsection (2) of this section, the consent
23 described in Section 77 of this Act shall be in a record signed by a woman giving
24 birth to a child conceived by assisted reproduction and an individual who intends
25 to be a parent of the child.

26 (2) Failure to consent in a record as required by subsection (1) of this section before,
27 on, or after birth of the child does not preclude the court from finding consent to

1 parentage if:

2 (a) The woman or the individual proves by clear and convincing evidence the
3 existence of an express agreement entered into before conception that the
4 individual and the woman intended they both would be parents of the child;
5 or

6 (b) The woman and the individual for the first two (2) years of the child's life,
7 including any period of temporary absence, resided together in the same
8 household with the child and both openly held out the child as the
9 individual's child, unless the individual dies or becomes incapacitated
10 before the child attains two (2) years of age or the child dies before the child
11 attains two (2) years of age, in which case the court may find consent under
12 this subsection to parentage if a party proves by clear and convincing
13 evidence that the woman and the individual intended to reside together in
14 the same household with the child and both intended the individual would
15 openly hold out the child as the individual's child, but the individual was
16 prevented from carrying out that intent by death or incapacity.

17 ➔SECTION 79. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
18 READ AS FOLLOWS:

19 (1) Except as otherwise provided in subsection (2) of this section, an individual who,
20 at the time of a child's birth, is the spouse of the woman who gave birth to the
21 child by assisted reproduction may not challenge the individual's parentage of the
22 child unless:

23 (a) Not later than two (2) years after the birth of the child, the individual
24 commences a proceeding to adjudicate the individual's parentage of the
25 child; and

26 (b) The court finds the individual did not consent to the assisted reproduction
27 before, on, or after birth of the child or withdrew consent under Section 81

1 of this Act.

2 (2) A proceeding to adjudicate a spouse's parentage of a child born by assisted
3 reproduction may be commenced at any time if the court determines:

4 (a) The spouse neither provided a gamete for, nor consented to, the assisted
5 reproduction;

6 (b) The spouse and the woman who gave birth to the child have not cohabited
7 since the probable time of assisted reproduction; and

8 (c) The spouse never openly held out the child as the spouse's child.

9 (3) This section applies to a spouse's dispute of parentage even if the spouse's
10 marriage is declared invalid after assisted reproduction occurs.

11 ➔SECTION 80. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
12 READ AS FOLLOWS:

13 If a marriage of a woman who gives birth to a child conceived by assisted reproduction
14 is terminated through dissolution, subject to legal separation, declared invalid, or
15 annulled before transfer of gametes or embryos to the woman, a former spouse of the
16 woman is not a parent of the child unless the former spouse consented in a record that
17 the former spouse would be a parent of the child if assisted reproduction were to occur
18 after a dissolution, annulment, declaration of invalidity, or legal separation, and the
19 former spouse did not withdraw consent under Section 81 of this Act.

20 ➔SECTION 81. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
21 READ AS FOLLOWS:

22 (1) An individual who consents under Section 78 of this Act to assisted reproduction
23 may withdraw consent any time before a transfer that results in a pregnancy, by
24 giving notice in a record of the withdrawal of consent to the woman who agreed
25 to give birth to a child conceived by assisted reproduction and to any clinic or
26 health care provider facilitating the assisted reproduction. Failure to give notice
27 to the clinic or health care provider does not affect a determination of parentage

1 under this chapter.

2 (2) An individual who withdraws consent under subsection (1) of this section is not a
3 parent of the child under Sections 75 to 82 of this Act.

4 ➔SECTION 82. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
5 READ AS FOLLOWS:

6 (1) If an individual who intends to be a parent of a child conceived by assisted
7 reproduction dies during the period between the transfer of a gamete or embryo
8 and the birth of the child, the individual's death does not preclude the
9 establishment of the individual's parentage of the child if the individual otherwise
10 would be a parent of the child under this chapter.

11 (2) If an individual who consented in a record to assisted reproduction by a woman
12 who agreed to give birth to a child dies before a transfer of gametes or embryos,
13 the deceased individual is a parent of a child conceived by the assisted
14 reproduction only if:

15 (a) Either:

16 1. The individual consented in a record that if assisted reproduction were
17 to occur after the death of the individual, the individual would be a
18 parent of the child; or

19 2. The individual's intent to be a parent of a child conceived by assisted
20 reproduction after the individual's death is established by clear and
21 convincing evidence; and

22 (b) Either:

23 1. The embryo is in utero not later than thirty six (36) months after the
24 individual's death; or

25 2. The child is born not later than forty five (45) months after the
26 individual's death.

27 ➔SECTION 83. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO

1 READ AS FOLLOWS:

2 As used in Sections 83 to 100 of this Act:

3 (1) "Genetic surrogate" means a woman who is not an intended parent and who
4 agrees to become pregnant through assisted reproduction using her own gamete,
5 under a genetic surrogacy agreement as provided in Sections 83 to 100 of this
6 Act.

7 (2) "Gestational surrogate" means a woman who is not an intended parent and who
8 agrees to become pregnant through assisted reproduction using gametes that are
9 not her own, under a gestational surrogacy agreement as provided in Sections 83
10 to 100 of this Act.

11 (3) "Surrogacy agreement" means an agreement between one (1) or more intended
12 parents and a woman who is not an intended parent in which the woman agrees
13 to become pregnant through assisted reproduction and which provides that each
14 intended parent is a parent of a child conceived under the agreement. Unless
15 otherwise specified, the term refers to both a gestational surrogacy agreement
16 and a genetic surrogacy agreement.

17 ➔SECTION 84. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
18 READ AS FOLLOWS:

19 (1) To execute an agreement to act as a gestational or genetic surrogate, a woman
20 shall:

21 (a) Have attained twenty one (21) years of age;

22 (b) Previously have given birth to at least one (1) child;

23 (c) Complete a medical evaluation related to the surrogacy arrangement by a
24 licensed medical doctor;

25 (d) Complete a mental health consultation by a licensed mental health
26 professional; and

27 (e) Have independent legal representation of her choice throughout the

1 surrogacy arrangement regarding the terms of the surrogacy agreement
2 and the potential legal consequences of the agreement.

3 (2) To execute a surrogacy agreement, each intended parent, whether or not
4 genetically related to the child, shall:

5 (a) Have attained twenty one (21) years of age;

6 (b) Complete a medical evaluation related to the surrogacy arrangement by a
7 licensed medical doctor;

8 (c) Complete a mental health consultation by a licensed mental health
9 professional; and

10 (d) Have independent legal representation of the intended parent's choice
11 throughout the surrogacy arrangement regarding the terms of the
12 surrogacy agreement and the potential legal consequences of the
13 agreement.

14 ➔SECTION 85. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
15 READ AS FOLLOWS:

16 A surrogacy agreement shall be executed in compliance with the following rules:

17 (1) At least one (1) party shall be a resident of this state or, if no party is a resident of
18 this state, at least one (1) medical evaluation or procedure or mental health
19 consultation under the agreement shall occur in this state;

20 (2) A surrogate and each intended parent shall meet the requirements of Section 84
21 of this Act;

22 (3) Each intended parent, the surrogate, and the surrogate's spouse, if any, shall be
23 parties to the agreement;

24 (4) The agreement shall be in a record signed by each party listed in subsection (3) of
25 this section;

26 (5) The surrogate and each intended parent shall acknowledge in a record receipt of
27 a copy of the agreement;

1 (6) The signature of each party to the agreement shall be attested by a notarial
2 officer or witnessed;

3 (7) The surrogate and the intended parent or parents shall have independent legal
4 representation throughout the surrogacy arrangement regarding the terms of the
5 surrogacy agreement and the potential legal consequences of the agreement, and
6 each counsel shall be identified in the surrogacy agreement;

7 (8) The intended parent or parents shall pay for independent legal representation for
8 the surrogate; and

9 (9) The agreement shall be executed before a medical procedure occurs related to the
10 surrogacy agreement, other than the medical evaluation and mental health
11 consultation required by Section 84 of this Act.

12 ➔SECTION 86. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
13 READ AS FOLLOWS:

14 (1) A surrogacy agreement shall comply with the following requirements:

15 (a) A surrogate agrees to attempt to become pregnant by means of assisted
16 reproduction;

17 (b) Except as otherwise provided in Sections 93, 96, and 97 of this Act, the
18 surrogate and the surrogate's spouse or former spouse, if any, have no
19 claim to parentage of a child conceived by assisted reproduction under the
20 agreement;

21 (c) The surrogate's spouse, if any, shall acknowledge and agree to comply with
22 the obligations imposed on the surrogate by the agreement;

23 (d) Except as otherwise provided in Sections 93, 96, and 97 of this Act, the
24 intended parent or, if there are two (2) intended parents, each one (1) jointly
25 and severally, immediately on birth will be the exclusive parent or parents
26 of the child, regardless of number of children born, gender, or mental or
27 physical condition of each child;

- 1 (e) Except as otherwise provided in Sections 93, 96, and 97, the intended parent
2 or, if there are two (2) intended parents, each parent jointly and severally,
3 immediately on birth will assume responsibility for the financial support of
4 the child, regardless of number of children born, gender, or mental or
5 physical condition of each child;
- 6 (f) The agreement shall include information disclosing how each intended
7 parent will cover the surrogacy-related expenses of the surrogate and the
8 medical expenses of the child. If health care coverage is used to cover the
9 medical expenses, the disclosure shall include a summary of the health care
10 policy provisions related to coverage for surrogate pregnancy, including any
11 possible liability of the surrogate, third-party liability liens, other insurance
12 coverage, and any notice requirement that could affect coverage or liability
13 of the surrogate. Unless the agreement expressly provides otherwise, the
14 review and disclosure do not constitute legal advice. If the extent of
15 coverage is uncertain, a statement of that fact is sufficient to comply with
16 this paragraph;
- 17 (g) The agreement shall permit the surrogate to make all health and welfare
18 decisions regarding herself and her pregnancy. This chapter does not
19 enlarge or diminish the surrogate's right to terminate her pregnancy; and
- 20 (h) The agreement shall include information about each party's right under
21 Sections 83 to 100 of this Act to terminate the surrogacy agreement.
- 22 (2) A surrogacy agreement may provide for:
- 23 (a) Payment of consideration and reasonable expenses; and
24 (b) Reimbursement of specific expenses if the agreement is terminated under
25 Sections 83 to 100 of this Act.
- 26 (3) A right created under a surrogacy agreement is not assignable and there is no
27 third-party beneficiary of the agreement other than the child.

1 ➔SECTION 87. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
2 READ AS FOLLOWS:

3 (1) Unless a surrogacy agreement expressly provides otherwise:

- 4 (a) The marriage of a surrogate after the agreement is signed by all parties does
5 not affect the validity of the agreement, her spouse's consent to the
6 agreement is not required, and her spouse is not a presumed parent of a
7 child conceived by assisted reproduction under the agreement; and
8 (b) The dissolution, annulment, declaration of invalidity, or legal separation of
9 the surrogate after the agreement is signed by all parties does not affect the
10 validity of the agreement.

11 (2) Unless a surrogacy agreement expressly provides otherwise:

- 12 (a) The marriage of an intended parent after the agreement is signed by all
13 parties does not affect the validity of a surrogacy agreement, the consent of
14 the spouse of the intended parent is not required, and the spouse of the
15 intended parent is not, based on the agreement, a parent of a child
16 conceived by assisted reproduction under the agreement; and
17 (b) The dissolution, annulment, declaration of invalidity, or legal separation of
18 an intended parent after the agreement is signed by all parties does not
19 affect the validity of the agreement and, except as otherwise provided in
20 Section 96 of this Act, the intended parents are the parents of the child.

21 ➔SECTION 88. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
22 READ AS FOLLOWS:

23 Unless the court orders otherwise, a petition and any other document related to a
24 surrogacy agreement filed with the court under Sections 83 to 89 of this Act are not
25 open to inspection by any individual other than the parties to the proceeding, a child
26 conceived by assisted reproduction under the agreement, their attorneys, and the
27 Cabinet for Health and Family Services. A court may not authorize an individual to

1 inspect a document related to the agreement, unless required by exigent circumstances.
2 The individual seeking to inspect the document may be required to pay the expense of
3 preparing a copy of the document to be inspected.

4 ➔SECTION 89. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
5 READ AS FOLLOWS:

6 During the period after the execution of a surrogacy agreement until ninety (90) days
7 after the birth of a child conceived by assisted reproduction under the agreement, a
8 court of this state conducting a proceeding under this chapter has exclusive,
9 continuing jurisdiction over all matters arising out of the agreement. This section does
10 not give the court jurisdiction over a child custody or child support proceeding if
11 jurisdiction is not otherwise authorized by law of this state other than this chapter.

12 ➔SECTION 90. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
13 READ AS FOLLOWS:

14 (1) A party to a gestational surrogacy agreement may terminate the agreement, at
15 any time before an embryo transfer, by giving notice of termination in a record to
16 all other parties. If an embryo transfer does not result in a pregnancy, a party
17 may terminate the agreement at any time before a subsequent embryo transfer.

18 (2) Unless a gestational surrogacy agreement provides otherwise, on termination of
19 the agreement under subsection (1) of this section, the parties are released from
20 the agreement, except that each intended parent remains responsible for expenses
21 that are reimbursable under the agreement and incurred by the gestational
22 surrogate through the date of termination.

23 (3) Except in a case involving fraud, neither a gestational surrogate nor the
24 surrogate's spouse or former spouse, if any, is liable to the intended parent or
25 parents for a penalty or liquidated damages, for terminating a gestational
26 surrogacy agreement under this section.

27 ➔SECTION 91. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO

1 READ AS FOLLOWS:

- 2 (1) Except as otherwise provided in subsection (3) of this section, subsection (2) of
3 Section 92 of this Act, or Section 94 of this Act, on the birth of a child conceived
4 by assisted reproduction under a gestational surrogacy agreement, each intended
5 parent is, by operation of law, a parent of the child.
- 6 (2) Except as otherwise provided in subsection (3) of this section or Section 94 of this
7 Act, neither a gestational surrogate nor the surrogate's spouse or former spouse,
8 if any, is a parent of the child.
- 9 (3) If a child is alleged to be a genetic child of the woman who agreed to be a
10 gestational surrogate, the court shall order genetic testing of the child. If the
11 child is a genetic child of the woman who agreed to be a gestational surrogate,
12 parentage shall be determined based on Sections 1 to 74 of this Act.
- 13 (4) Except as otherwise provided in subsection (3) of this section, or subsection (2) of
14 Section 92 of this Act, or Section 94 of this Act, if, due to a clinical or laboratory
15 error, a child conceived by assisted reproduction under a gestational surrogacy
16 agreement is not genetically related to an intended parent or a donor who
17 donated to the intended parent or parents, each intended parent, and not the
18 gestational surrogate and the surrogate's spouse or former spouse, if any, is a
19 parent of the child, subject to any other claim of parentage.

20 ➔SECTION 92. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
21 READ AS FOLLOWS:

- 22 (1) Section 91 of this Act applies to an intended parent even if the intended parent
23 died during the period between the transfer of a gamete or embryo and the birth
24 of the child.
- 25 (2) Except as otherwise provided in Section 94 of this Act, an intended parent is not a
26 parent of a child conceived by assisted reproduction under a gestational
27 surrogacy agreement if the intended parent dies before the transfer of a gamete

1 or embryo unless:

2 (a) The agreement provides otherwise; and

3 (b) The transfer of a gamete or embryo occurs not later than thirty-six (36)
4 months after the death of the intended parent or birth of the child occurs
5 not later than forty-five (45) months after the death of the intended parent.

6 ➔SECTION 93. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
7 READ AS FOLLOWS:

8 (1) Except as otherwise provided in subsection (3) of Section 91 or Section 94 of this
9 Act before, on, or after the birth of a child conceived by assisted reproduction
10 under a gestational surrogacy agreement a party to the agreement may
11 commence a proceeding in a court with jurisdiction pursuant to Section 3 of this
12 Act for an order or judgment:

13 (a) Declaring that each intended parent is a parent of the child and ordering
14 that parental rights and duties vest immediately on the birth of the child
15 exclusively in each intended parent;

16 (b) Declaring that the gestational surrogate and the surrogate's spouse or
17 former spouse, if any, are not the parents of the child;

18 (c) Designating the content of the birth record in accordance with KRS
19 Chapter 213 and directing the Vital Statistics Branch to designate each
20 intended parent as a parent of the child;

21 (d) To protect the privacy of the child and the parties, declaring that the court
22 record is not open to inspection except as authorized under Section 88 of
23 this Act;

24 (e) If necessary, that the child be surrendered to the intended parent or parents;
25 and

26 (f) For other relief the court determines necessary and proper.

27 (2) The court may issue an order or judgment under subsection (1) of this section

1 before the birth of the child. The court shall stay enforcement of the order or
2 judgment until the birth of the child.

3 (3) Neither this state nor the Vital Records Branch is a necessary party to a
4 proceeding under subsection (1) of this section.

5 ➔SECTION 94. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
6 READ AS FOLLOWS:

7 (1) A gestational surrogacy agreement that complies with Sections 84, 85, and 86 of
8 this Act is enforceable.

9 (2) If a child was conceived by assisted reproduction under a gestational surrogacy
10 agreement that does not comply with Sections 84, 85, and 86 of this Act, the court
11 shall determine the rights and duties of the parties to the agreement consistent
12 with the intent of the parties at the time of execution of the agreement. Each
13 party to the agreement and any individual who at the time of the execution of the
14 agreement was a spouse of a party to the agreement has standing to maintain a
15 proceeding to adjudicate an issue related to the enforcement of the agreement.

16 (3) Except as expressly provided in a gestational surrogacy agreement or subsection
17 (4) or (5) of this section, if the agreement is breached by the gestational surrogate
18 or one (1) or more intended parents, the nonbreaching party is entitled to the
19 remedies available at law or in equity.

20 (4) Specific performance is not a remedy available for breach by a gestational
21 surrogate of a provision in the agreement that the gestational surrogate be
22 impregnated, terminate or not terminate a pregnancy, or submit to medical
23 procedures.

24 (5) Except as otherwise provided in subsection (4) of this section, if an intended
25 parent is determined to be a parent of the child, specific performance is a remedy
26 available for:

27 (a) Breach of the agreement by a gestational surrogate which prevents the

1 intended parent from exercising immediately on birth of the child the full
2 rights of parentage; or

3 (b) Breach by the intended parent which prevents the intended parent's
4 acceptance, immediately on birth of the child conceived by assisted
5 reproduction under the agreement, of the duties of parentage.

6 ➔SECTION 95. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
7 READ AS FOLLOWS:

8 (1) Except as otherwise provided in Section 98 of this Act, to be enforceable, a
9 genetic surrogacy agreement shall be validated by a court with jurisdiction
10 pursuant to Section 3 of this Act. A proceeding to validate the agreement shall be
11 commenced before assisted reproduction related to the surrogacy agreement.

12 (2) The court shall issue an order validating a genetic surrogacy agreement if the
13 court finds that:

14 (a) Sections 84, 85, and 86 of this Act are satisfied; and

15 (b) All parties entered into the agreement voluntarily and understand its terms.

16 (3) An individual who terminates a genetic surrogacy agreement under Section 96 of
17 this Act shall file notice of the termination with the court. On receipt of the
18 notice, the court shall vacate any order issued under subsection (2) of this
19 section. An individual who does not notify the court of the termination of the
20 agreement is subject to sanctions.

21 ➔SECTION 96. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
22 READ AS FOLLOWS:

23 (1) A party to a genetic surrogacy agreement may terminate the agreement as
24 follows:

25 (a) An intended parent who is a party to the agreement may terminate the
26 agreement at any time before a gamete or embryo transfer by giving notice
27 of termination in a record to all other parties. If a gamete or embryo

1 transfer does not result in a pregnancy, a party may terminate the
2 agreement at any time before a subsequent gamete or embryo transfer. The
3 notice of termination shall be attested by a notarial officer or witnessed; and
4 **(b) A genetic surrogate who is a party to the agreement may withdraw consent**
5 to the agreement any time before seventy two (72) hours after the birth of a
6 child conceived by assisted reproduction under the agreement. To withdraw
7 consent, the genetic surrogate shall execute a notice of termination in a
8 record stating the surrogate's intent to terminate the agreement. The notice
9 of termination shall be attested by a notarial officer or witnessed and be
10 delivered to each intended parent any time before seventy two (72) hours
11 after the birth of the child.

12 **(2) On termination of the genetic surrogacy agreement under subsection (1) of this**
13 section, the parties are released from all obligations under the agreement except
14 that each intended parent remains responsible for all expenses incurred by the
15 surrogate through the date of termination which are reimbursable under the
16 agreement. Unless the agreement provides otherwise, the surrogate is not entitled
17 to any nonexpense related compensation paid for serving as a surrogate.

18 **(3) Except in a case involving fraud, neither a genetic surrogate nor the surrogate's**
19 spouse or former spouse, if any, is liable to the intended parent or parents for a
20 penalty or liquidated damages, for terminating a genetic surrogacy agreement
21 under this section.

22 ➔SECTION 97. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
23 READ AS FOLLOWS:

24 **(1) Unless a genetic surrogate exercises the right under Section 96 of this Act to**
25 terminate a genetic surrogacy agreement, each intended parent is a parent of a
26 child conceived by assisted reproduction under an agreement validated under
27 Section 95 of this Act.

1 (2) Unless a genetic surrogate exercises the right under Section 96 of this Act to
2 terminate the genetic surrogacy agreement, on proof of a court order issued
3 under Section 95 of this Act validating the agreement, the court shall make an
4 order:

5 (a) Declaring that each intended parent is a parent of a child conceived by
6 assisted reproduction under the agreement and ordering that parental rights
7 and duties vest exclusively in each intended parent;

8 (b) Declaring that the genetic surrogate and the surrogate's spouse or former
9 spouse, if any, are not parents of the child;

10 (c) Designating the contents of the birth certificate in accordance with KRS
11 Chapter 213 and directing the Vital Statistics Branch to designate each
12 intended parent as a parent of the child;

13 (d) To protect the privacy of the child and the parties, declaring that the court
14 record is not open to inspection except as authorized under Section 88 of
15 this Act;

16 (e) If necessary, that the child be surrendered to the intended parent or parents;
17 and

18 (f) For other relief the court determines necessary and proper.

19 (3) If a genetic surrogate terminates under subsection (1)(b) of Section 96 of this Act
20 a genetic surrogacy agreement, parentage of the child conceived by assisted
21 reproduction under the agreement shall be determined under Sections 1 to 74 of
22 this Act.

23 (4) If a child born to a genetic surrogate is alleged not to have been conceived by
24 assisted reproduction, the court shall order genetic testing to determine the
25 genetic parentage of the child. If the child was not conceived by assisted
26 reproduction, parentage shall be determined under Sections 1 to 74 of this Act.
27 Unless the genetic surrogacy agreement provides otherwise, if the child was not

1 conceived by assisted reproduction the surrogate is not entitled to any non-
2 nonexpense related compensation paid for serving as a surrogate.

3 (5) Unless a genetic surrogate exercises the right under Section 96 of this Act to
4 terminate the genetic surrogacy agreement, if an intended parent fails to file
5 notice required under subsection (1) of Section 96 of this Act, the genetic
6 surrogate or the Cabinet for Health and Family Services may file with the court,
7 not later than sixty (60) days after the birth of a child conceived by assisted
8 reproduction under the agreement, notice that the child has been born to the
9 genetic surrogate. Unless the genetic surrogate has properly exercised the right
10 under Section 96 of this Act to withdraw consent to the agreement, on proof of a
11 court order issued under Section 95 of this Act validating the agreement, the
12 court shall order that each intended parent is a parent of the child.

13 ➔SECTION 98. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
14 READ AS FOLLOWS:

15 (1) A genetic surrogacy agreement, whether or not in a record, that is not validated
16 under Section 95 of this Act is enforceable only to the extent provided in this
17 section and Section 100 of this Act.

18 (2) If all parties agree, a court may validate a genetic surrogacy agreement after
19 assisted reproduction has occurred but before the birth of a child conceived by
20 assisted reproduction under the agreement.

21 (3) If a child conceived by assisted reproduction under a genetic surrogacy
22 agreement that is not validated under Section 95 of this Act is born and the
23 genetic surrogate, consistent with subsection (1)(b) of Section 96 of this Act,
24 withdraws her consent to the agreement before seventy two (72) hours after the
25 birth of the child, the court shall adjudicate the parentage of the child under
26 Sections 1 to 74 of this Act.

27 (4) If a child conceived by assisted reproduction under a genetic surrogacy

1 agreement that is not validated under Section 95 of this Act is born and a genetic
2 surrogate does not withdraw her consent to the agreement, consistent with
3 subsection (1)(b) of Section 96 of this Act, before seventy two (72) hours after the
4 birth of the child, the genetic surrogate is not automatically a parent and the
5 court shall adjudicate parentage of the child based on the best interest of the
6 child, taking into account the factors in subsection (1) of Section 64 of this Act
7 and the intent of the parties at the time of the execution of the agreement.

8 (5) The parties to a genetic surrogacy agreement have standing to maintain a
9 proceeding to adjudicate parentage under this section.

10 ➔SECTION 99. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
11 READ AS FOLLOWS:

12 (1) Except as otherwise provided in Section 97 or 98 of this Act, on birth of a child
13 conceived by assisted reproduction under a genetic surrogacy agreement, each
14 intended parent is, by operation of law, a parent of the child, notwithstanding the
15 death of an intended parent during the period between the transfer of a gamete or
16 embryo and the birth of the child.

17 (2) Except as otherwise provided in Section 97 or 98 of this Act, an intended parent is
18 not a parent of a child conceived by assisted reproduction under a genetic
19 surrogacy agreement if the intended parent dies before the transfer of a gamete
20 or embryo unless:

21 (a) The agreement provides otherwise; and

22 (b) The transfer of the gamete or embryo occurs not later than thirty-six (36)
23 months after the death of the intended parent, or birth of the child occurs
24 not later than forty-five (45) months after the death of the intended parent.

25 ➔SECTION 100. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
26 READ AS FOLLOWS:

27 (1) Subject to subsection (2) of Section 96 of this Act, if a genetic surrogacy

1 agreement is breached by a genetic surrogate or one (1) or more intended
2 parents, the nonbreaching party is entitled to the remedies available at law or in
3 equity.

4 (2) Specific performance is not a remedy available for breach by a genetic surrogate
5 of a requirement of a validated or nonvalidated genetic surrogacy agreement that
6 the surrogate be impregnated, terminate or not terminate a pregnancy, or submit
7 to medical procedures.

8 (3) Except as otherwise provided in subsection (2) of this section, specific
9 performance is a remedy available for:

10 (a) Breach of a validated genetic surrogacy agreement by a genetic surrogate of
11 a requirement which prevents an intended parent from exercising the full
12 rights of parentage seventy-two (72) hours after the birth of the child; or

13 (b) Breach by an intended parent which prevents the intended parent's
14 acceptance of duties of parentage seventy-two (72) hours after the birth of
15 the child.

16 ➔SECTION 101. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
17 READ AS FOLLOWS:

18 As used in Sections 101 to 106 of this Act:

19 (1) "Identifying information" means:

20 (a) The full name of a donor;

21 (b) The date of birth of the donor; and

22 (c) The permanent and, if different, current address of the donor at the time of
23 the donation; and

24 (2) "Medical history" means information regarding any:

25 (a) Present illness of a donor;

26 (b) Past illness of the donor; and

27 (c) Social, genetic, and family history pertaining to the health of the donor.

1 ➔SECTION 102. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
2 READ AS FOLLOWS:

3 Sections 101 to 106 of this Act applies only to gametes collected on or after the effective
4 date of this Act.

5 ➔SECTION 103. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
6 READ AS FOLLOWS:

7 (1) A gamete bank or fertility clinic licensed in this state shall collect from a donor
8 the donor's identifying information and medical history at the time of the
9 donation.

10 (2) A gamete bank or fertility clinic licensed in this state which receives gametes of a
11 donor collected by another gamete bank or fertility clinic shall collect the name,
12 address, telephone number, and electronic mail address of the gamete bank or
13 fertility clinic from which it received the gametes.

14 (3) A gamete bank or fertility clinic licensed in this state shall disclose the
15 information collected under subsections (1) and (2) of this section as provided
16 under Section 105 of this Act.

17 ➔SECTION 104. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
18 READ AS FOLLOWS:

19 (1) A gamete bank or fertility clinic licensed in this state which collects gametes from
20 a donor shall:

21 (a) Provide the donor with information in a record about the donor's choice
22 regarding identity disclosure; and

23 (b) Obtain a declaration from the donor regarding identity disclosure.

24 (2) A gamete bank or fertility clinic licensed in this state shall give a donor the
25 choice to sign a declaration, attested by a notarial officer or witnessed, that
26 either:

27 (a) States that the donor agrees to disclose the donor's identity to a child

1 conceived by assisted reproduction with the donor's gametes on request
2 once the child attains eighteen (18) years of age; or

3 (b) States that the donor does not agree presently to disclose the donor's identity
4 to the child.

5 (3) A gamete bank or fertility clinic licensed in this state shall permit a donor who
6 has signed a declaration under subsection (2)(b) of this section to withdraw the
7 declaration at any time by signing a declaration under subsection (2)(a) of this
8 section.

9 ➔SECTION 105. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
10 READ AS FOLLOWS:

11 (1) On request of a child conceived by assisted reproduction who attains eighteen
12 (18) years of age, a gamete bank or fertility clinic licensed in this state which
13 collected the gametes used in the assisted reproduction shall make a good-faith
14 effort to provide the child with identifying information of the donor who provided
15 the gametes, unless the donor signed and did not withdraw a declaration under
16 subsection (2)(b) of Section 104 of this Act. If the donor signed and did not
17 withdraw the declaration, the gamete bank or fertility clinic shall make a good-
18 faith effort to notify the donor, who may elect under subsection (3) of Section 104
19 of this Act to withdraw the donor's declaration.

20 (2) Regardless whether a donor signed a declaration under subsection (2)(b) of
21 Section 104 of this Act, on request by a child conceived by assisted reproduction
22 who attains eighteen (18) years of age, or, if the child is a minor, by a parent or
23 guardian of the child, a gamete bank or fertility clinic licensed in this state which
24 collected the gametes used in the assisted reproduction shall make a good-faith
25 effort to provide the child or, if the child is a minor, the parent or guardian of the
26 child, access to nonidentifying medical history of the donor.

27 (3) On request of a child conceived by assisted reproduction who attains eighteen

1 (18) years of age, a gamete bank or fertility clinic licensed in this state which
2 received the gametes used in the assisted reproduction from another gamete bank
3 or fertility clinic shall disclose the name, address, telephone number, and
4 electronic mail address of the gamete bank or fertility clinic from which it
5 received the gametes.

6 ➔SECTION 106. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
7 READ AS FOLLOWS:

8 (1) A gamete bank or fertility clinic licensed in this state which collects gametes for
9 use in assisted reproduction shall maintain identifying information and medical
10 history about each gamete donor. The gamete bank or fertility clinic shall
11 maintain records of gamete screening and testing and comply with reporting
12 requirements, in accordance with federal law and applicable law of this state
13 other than this chapter.

14 (2) A gamete bank or fertility clinic licensed in this state that receives gametes from
15 another gamete bank or fertility clinic shall maintain the name, address,
16 telephone number, and electronic mail address of the gamete bank or fertility
17 clinic from which it received the gametes.

18 ➔SECTION 107. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
19 READ AS FOLLOWS:

20 In applying and construing this chapter, consideration must be given to the need to
21 promote uniformity of the law with respect to its subject matter among states that enact
22 it.

23 ➔SECTION 108. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
24 READ AS FOLLOWS:

25 This chapter modifies, limits, and supercedes the Electronic Signatures in Global and
26 National Commerce Act, 15 U.S.C. secs. 7001 et seq., but does not modify, limit, or
27 supersede Section 101(c) of that act, 15 U.S.C. sec. 7001(c), or authorize electronic

1 delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. sec.
2 7003(b).

3 ➔SECTION 109. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
4 READ AS FOLLOWS:

5 *This chapter applies to a pending proceeding to adjudicate parentage commenced*
6 *before the effective date of this Act for an issue on which a judgment has not been*
7 *entered.*

8 ➔SECTION 110. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
9 READ AS FOLLOWS:

10 *If any provision of this chapter or its application to any person or circumstance is held*
11 *invalid, the invalidity does not affect other provisions or applications of this chapter*
12 *which can be given effect without the invalid provision or application, and to this end*
13 *the provisions of this chapter are severable.*

14 ➔SECTION 111. A NEW SECTION OF KRS CHAPTER 408 IS CREATED TO
15 READ AS FOLLOWS:

16 *This chapter may be known and shall be cited as the Uniform Parentage Act (2017).*

17 ➔Section 112. KRS 23A.100 is amended to read as follows:

18 (1) As a division of Circuit Court with general jurisdiction pursuant to Section 112(6)
19 of the Constitution of Kentucky, a family court division of Circuit Court shall retain
20 jurisdiction in the following cases:

- 21 (a) Dissolution of marriage;
- 22 (b) Child custody;
- 23 (c) Visitation;
- 24 (d) Maintenance and support;
- 25 (e) Equitable distribution of property in dissolution cases;
- 26 (f) Adoption; and
- 27 (g) Termination of parental rights.

- 1 (2) In addition to general jurisdiction of Circuit Court, a family court division of Circuit
2 Court shall have the following additional jurisdiction:
- 3 (a) Domestic violence and abuse proceedings under KRS Chapter 403 subsequent
4 to the issuance of an emergency protective order in accord with local protocols
5 under KRS 403.725;
- 6 (b) Proceedings under ~~[the Uniform Act on Paternity,]~~ KRS Chapter ~~408~~406,
7 and the Uniform Interstate Family Support Act, KRS 407.5101 to 407.5902;
- 8 (c) Dependency, neglect, and abuse proceedings under KRS Chapter 620; and
- 9 (d) Juvenile status offenses under KRS Chapter 630, except where proceedings
10 under KRS Chapter 635 or 640 are pending.
- 11 (3) Family court divisions of Circuit Court shall be the primary forum for cases in this
12 section, except that nothing in this section shall be construed to limit the concurrent
13 jurisdiction of District Court.
- 14 ➔Section 113. KRS 199.011 is amended to read as follows:
- 15 As used in this chapter, unless the context otherwise requires:
- 16 (1) "Adoption worker" means an employee of the cabinet so designated by the secretary
17 for health and family services, a social worker employed by a county or city who
18 has been approved by the cabinet to handle, under its supervision, adoption
19 placement services to children, or a social worker employed by or under contract to
20 a child-placing adoption agency;
- 21 (2) "Adult adopted person" means any adopted person who is twenty-one (21) years of
22 age or older;
- 23 (3) "Cabinet" means the Cabinet for Health and Family Services;
- 24 (4) "Child" means any person who has not reached his eighteenth birthday;
- 25 (5) "Child-caring facility" means any institution or group home, including institutions
26 and group homes that are publicly operated, providing residential care on a twenty-
27 four (24) hour basis to children, not related by blood, adoption, or marriage to the

- 1 person maintaining the facility, other than an institution or group home certified by
2 an appropriate agency as operated primarily for educational or medical purposes, or
3 a residential program operated or contracted by the Department of Juvenile Justice
4 that maintains accreditation, or obtains accreditation within two (2) years of
5 opening from a nationally recognized accrediting organization;
- 6 (6) "Child-placing agency" means any agency licensed by the cabinet, which supervises
7 the placement of children in foster family homes or child-caring facilities, or which
8 places children for adoption;
- 9 (7) "Department" means the Department for Community Based Services;
- 10 (8) "Family rehabilitation home" means a child-caring facility for appropriate families
11 and comprising not more than twelve (12) children and two (2) staff persons;
- 12 (9) "Fictive kin" means an individual who is not related by birth, adoption, or marriage
13 to a child, but who has an emotionally significant relationship with the child;
- 14 (10) "Foster family home" means a private home in which children are placed for foster
15 family care under supervision of the cabinet or of a licensed child-placing agency;
- 16 (11) "Group home" means a homelike facility, excluding Department of Juvenile Justice-
17 operated or -contracted facilities, for not more than eight (8) foster children, not
18 adjacent to or part of an institutional campus, operated by a sponsoring agency for
19 children who may participate in community activities and use community resources;
- 20 (12) "Institution" means a child-caring facility providing care or maintenance for nine (9)
21 or more children;
- 22 (13) **"Parent" has the same meaning as in Section 1 of this Act;**
- 23 **(14) "Parentage" has the same meaning as in Section 1 of this Act;**
- 24 **(15)** "Placement services" means those social services customarily provided by a
25 licensed child-placing or a public agency, which are necessary for the arrangement
26 and placement of children in foster family homes, child-placing facilities, or
27 adoptive homes. Placement services are provided through a licensed child-placing

1 or a public agency for children who cannot be cared for by their biological parents
2 and who need and can benefit from new and permanent family ties established
3 through legal adoption. Licensed child-placing agencies and public agencies have a
4 responsibility to act in the best interests of children, biological parents, and adoptive
5 parents by providing social services to all the parties involved in an adoption;

6 (16)~~[(14)]~~ "Rap back system" means a system that enables an authorized entity to receive
7 ongoing status notifications of any criminal history from the Department of
8 Kentucky State Police or the Federal Bureau of Investigation reported on an
9 individual whose fingerprints are registered in the system, upon approval and
10 implementation of the system;

11 (17)~~[(15)]~~ "Reasonable and prudent parent standard" has the same meaning as in 42
12 U.S.C. sec. 675(10);

13 (18)~~[(16)]~~ "Secretary" means the secretary for health and family services; and

14 (19)~~[(17)]~~ "Voluntary and informed consent" means that at the time of the execution of
15 the consent, the consenting person was fully informed of the legal effect of the
16 consent, that the consenting person was not given or promised anything of value
17 except those expenses allowable under KRS 199.590(6), that the consenting person
18 was not coerced in any way to execute the consent, and that the consent was
19 voluntarily and knowingly given. If at the time of the execution of the consent the
20 consenting person was represented by independent legal counsel, there shall be a
21 presumption that the consent was voluntary and informed. The consent shall be in
22 writing, signed and sworn to by the consenting person, and include the following:

- 23 (a) Date, time, and place of the execution of the consent;
24 (b) Name of the child, if any, to be adopted, and the date and place of the child's
25 birth;
26 (c) Consenting person's relationship to the child;
27 (d) Identity of the proposed adoptive parents or a statement that the consenting

1 person does not desire to know the identification of the proposed adoptive
2 parents;

- 3 (e) 1. A statement that the consenting person understands that the consent will
4 be final and irrevocable under this paragraph unless withdrawn under
5 this paragraph.
- 6 2. If placement approval by the secretary is required, the voluntary and
7 informed consent shall become final and irrevocable seventy-two (72)
8 hours after the execution of the voluntary and informed consent. This
9 consent may be withdrawn only by written notification sent to the
10 proposed adoptive parent or the attorney for the proposed adoptive
11 parent on or before the expiration of the seventy-two (72) hours by
12 certified or registered mail and also by first-class mail.
- 13 3. If placement approval by the secretary is not required, the voluntary and
14 informed consent shall become final and irrevocable seventy-two (72)
15 hours after the execution of the voluntary and informed consent. This
16 consent may be withdrawn only by written notification sent to the
17 proposed adoptive parent or the attorney for the proposed adoptive
18 parent on or before the expiration of the seventy-two (72) hours by
19 certified or registered mail and also by first-class mail;
- 20 (f) Disposition of the child if the adoption is not adjudged;
- 21 (g) A statement that the consenting person has received a completed and signed
22 copy of the consent at the time of the execution of the consent;
- 23 (h) Name and address of the person who prepared the consent, name and address
24 of the person who reviewed and explained the consent to the consenting
25 person, and a verified statement from the consenting person that the consent
26 has been reviewed with and fully explained to the consenting person; and
- 27 (i) Total amount of the consenting person's legal fees, if any, for any purpose

1 related to the execution of the consent and the source of payment of the legal
2 fees.

3 ➔Section 114. KRS 199.480 is amended to read as follows:

4 (1) The following persons shall be made parties defendant in an action for leave to
5 adopt a child:

6 (a) The child to be adopted;

7 (b) The~~[biological]~~ living parents of a child under eighteen (18) or a man who
8 has registered pursuant to Sections 25 to 39 of this Act.~~[, if the child is born~~
9 ~~in lawful wedlock. If the child is born out of wedlock, its mother; and its~~
10 ~~father, if one (1) of the following requirements is met:~~

11 1. ~~He is known and voluntarily identified by the mother by affidavit;~~

12 2. ~~He has registered with the cabinet pursuant to KRS 199.503 as a~~
13 ~~putative father prior to the birth of the child, or if he did not have notice~~
14 ~~prior to the birth of the child, within twenty one (21) days after the birth~~
15 ~~of the child;~~

16 3. ~~He has caused his name to be affixed to the birth certificate of the child;~~

17 4. ~~He has commenced a judicial proceeding claiming parental right;~~

18 5. ~~He has contributed financially to the support of the child, either by~~
19 ~~paying the medical or hospital bills associated with the birth of the child~~
20 ~~or financially contributed to the child's support; or~~

21 6. ~~He has married the mother of the child or has lived openly or is living~~
22 ~~openly with the child or the person designated on the birth certificate as~~
23 ~~the biological mother of the child.~~

24 ~~— A putative father shall not be made a party defendant if none of the~~
25 ~~requirements set forth above have been met, and} A [biological] parent shall~~
26 ~~not be made a party defendant if the parental rights of that parent have been~~
27 ~~terminated under KRS Chapter 625, or under a comparable statute of another~~

1 jurisdiction;

2 (c) The child's guardian, if it has one.

3 (d) If the care, custody, and control of the child has been transferred to the
4 cabinet, or any other individual or individuals, institution, or agency, then the
5 cabinet, the other individual or individuals, institution, or agency shall be
6 named a party defendant, unless the individual or individuals, or the
7 institution or agency is also the petitioner.

8 (2) Each party defendant shall be brought before the court in the same manner as
9 provided in other civil cases except that if the child to be adopted is under fourteen
10 (14) years of age and the cabinet, individual, institution, or agency has custody of
11 the child, the service of process upon the child shall be had by serving a copy of the
12 summons in the action upon the cabinet, individual, institution or agency, any
13 provision of CR 4.04(3) to the contrary notwithstanding.

14 (3) If the child's ~~biological~~ living parents or a man registered pursuant to Sections
15 25 to 39 of this Act~~, if the child is born in lawful wedlock, or if the child is born~~
16 ~~out of wedlock, its mother, and if paternity is established in legal action or if an~~
17 ~~affidavit is filed stating that the affiant is father of the child, its father,~~ are parties
18 defendant, no guardian ad litem need be appointed to represent the child to be
19 adopted.

20 ➔Section 115. KRS 199.490 is amended to read as follows:

21 (1) The petition shall allege:

22 (a) The name, date, place of birth, place of residence, and mailing address of each
23 petitioner, and, if married, the date and place of their marriage;

24 (b) The name, date, place of birth, place of residence, and mailing address, if
25 known, of the child sought to be adopted;

26 (c) Relationship, if any, of the child to each petitioner;

27 (d) Full name by which the child shall be known after adoption;

- 1 (e) A full description of the property, if any, of the child so far as it is known to
2 the petitioner;
- 3 (f) The names of the parents of the child and the address of each living parent, if
4 known. The name of the biological father of a child born out of wedlock shall
5 not be given unless parentage~~[paternity]~~ is established in a legal action, or
6 unless an affidavit is filed stating that the affiant is the father of the child. If
7 certified copies of orders terminating parental rights are filed as provided in
8 subsection (2) of this section, the name of any parent whose rights have been
9 terminated shall not be given;
- 10 (g) The name and address of the child's guardian, if any, or of the cabinet,
11 institution, or agency having legal custody of the child;
- 12 (h) Any further facts necessary for the location of the person or persons whose
13 consent to the adoption is required, or whom KRS 199.480 requires to be
14 made a party to or notified of the proceeding; and
- 15 (i) If any fact required by this subsection to be alleged is unknown to the
16 petitioners, the lack of knowledge shall be alleged.
- 17 (2) There shall be filed with the petition certified copies of any orders terminating
18 parental rights. Any consent to adoption shall be filed prior to the entry of the
19 adoption judgment.
- 20 (3) If the petitioner was not excepted by KRS 199.470(4), a copy of the written
21 approval of the secretary of the Cabinet for Health and Family Services or the
22 secretary's designee shall be filed with the petition.
- 23 ➔Section 116. KRS 199.500 is amended to read as follows:
- 24 (1) An adoption shall not be granted without the voluntary and informed consent, as
25 defined in KRS 199.011, of the living parent or parents of a child~~[born in lawful~~
26 ~~wedlock or the mother of the child born out of wedlock, or the father of the child~~
27 ~~born out of wedlock if paternity is established in a legal action or if an affidavit is~~

1 ~~filed stating that the affiant is the father of the child~~, except that the consent of the
2 living parent or parents shall not be required if:

3 (a) The parent or parents have been adjudged mentally disabled and the judgment
4 shall have been in effect for not less than one (1) year prior to the filing of the
5 petition for adoption;

6 (b) The parental rights of the parents have been terminated under KRS Chapter
7 625;

8 (c) The living parents are divorced and the parental rights of one (1) parent have
9 been terminated under KRS Chapter 625 and consent has been given by the
10 parent having custody and control of the child; or

11 (d) The ~~biological~~ parent has not established parental rights as required by KRS
12 **Chapter 408 and** 625.065.

13 (2) A minor parent who is a party defendant may consent to an adoption but a guardian
14 ad litem for the parent shall be appointed.

15 (3) In the case of a child twelve (12) years of age or older, the consent of the child shall
16 be given in court. The court in its discretion may waive this requirement.

17 (4) Notwithstanding the provisions of subsection (1) of this section, an adoption may be
18 granted without the consent of the biological living parents of a child if it is pleaded
19 and proved as a part of the adoption proceedings that any of the provisions of KRS
20 625.090 exist with respect to the child.

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

26 ➔Section 117. KRS 199.502 is amended to read as follows:

27 (1) Notwithstanding the provisions of KRS 199.500(1), an adoption may be granted

1 without the consent of the ~~biological~~ living parents of a child if it is pleaded and
2 proved as part of the adoption proceeding that any of the following conditions exist
3 with respect to the child:

4 (a) That the parent has abandoned the child for a period of not less than ninety
5 (90) days;

6 (b) That the parent had inflicted or allowed to be inflicted upon the child, by other
7 than accidental means, serious physical injury;

8 (c) That the parent has continuously or repeatedly inflicted or allowed to be
9 inflicted upon the child, by other than accidental means, physical injury or
10 emotional harm;

11 (d) That the parent has been convicted of a felony that involved the infliction of
12 serious physical injury to a child named in the present adoption proceeding;

13 (e) That the parent, for a period of not less than six (6) months, has continuously
14 or repeatedly failed or refused to provide or has been substantially incapable
15 of providing essential parental care and protection for the child, and that there
16 is no reasonable expectation of improvement in parental care and protection,
17 considering the age of the child;

18 (f) That the parent has caused or allowed the child to be sexually abused or
19 exploited;

20 (g) That the parent, for reasons other than poverty alone, has continuously or
21 repeatedly failed to provide or is incapable of providing essential food,
22 clothing, shelter, medical care, or education reasonably necessary and
23 available for the child's well-being and that there is no reasonable expectation
24 of significant improvement in the parent's conduct in the immediately
25 foreseeable future, considering the age of the child;

26 (h) That:

27 1. The parent's parental rights to another child have been involuntarily

- 1 terminated;
- 2 2. The child named in the present adoption proceeding was born
- 3 subsequent to or during the pendency of the previous termination; and
- 4 3. The condition or factor which was the basis for the previous termination
- 5 finding has not been corrected;
- 6 (i) That the parent has been convicted in a criminal proceeding of having caused
- 7 or contributed to the death of another child as a result of physical or sexual
- 8 abuse or neglect; or
- 9 (j) That the parent is a man~~[putative father, as defined in KRS 199.503,]~~ who
- 10 fails to register~~[as the minor's putative father with the putative father registry~~
- 11 ~~established under]~~ pursuant to Sections 25 to 39 of this Act~~[KRS 199.503]~~ or
- 12 the court finds, after proper service of notice and hearing, that:
- 13 1. The man~~[putative father]~~ is not the father of the minor;
- 14 2. The man~~[putative father]~~ has willfully abandoned or willfully failed to
- 15 care for and support the minor; or
- 16 3. The man~~[putative father]~~ has willfully abandoned the mother of the
- 17 minor during her pregnancy and up to the time of her surrender of the
- 18 minor, or the minor's placement in the home of the petitioner, whichever
- 19 occurs first.
- 20 (2) Upon the conclusion of proof and argument of counsel, the Circuit Court shall enter
- 21 findings of fact, conclusions of law, and a decision either:
- 22 (a) Granting the adoption without the~~[biological]~~ parent's consent; or
- 23 (b) Dismissing the adoption petition, and stating whether the child shall be
- 24 returned to the~~[biological]~~ parent or the child's custody granted to the state,
- 25 another agency, or the petitioner.
- 26 (3) A~~[biological]~~ living parent has the right to legal representation in an adoption
- 27 wherein he or she does not consent. The Circuit Court shall determine if a

1 ~~biological~~ living parent is indigent and, therefore, entitled to counsel pursuant KRS
2 Chapter 31. If the Circuit Court so finds, the Circuit Court shall inform the indigent
3 parent; and, upon request, if it appears reasonably necessary in the interest of
4 justice, the Circuit Court shall appoint an attorney to represent the ~~the biological~~
5 living parent pursuant to KRS Chapter 31 to be provided or paid for by:

- 6 (a) The petitioner, a fee to be set by the court and not to exceed five hundred
7 dollars (\$500); or
8 (b) The Finance and Administration Cabinet if the petitioner is a blood relative or
9 fictive kin as established in KRS 199.470(4)(a), a fee to be set by the court
10 and not to exceed five hundred dollars (\$500).

11 ➔Section 118. KRS 199.505 is amended to read as follows:

- 12 (1) An attorney or child-placing agency that arranges a prospective adoption may at any
13 time request that the cabinet search the ~~the putative father~~ registry established under
14 Sections 25 to 39 of this Act ~~[KRS 199.503]~~ to determine whether a man ~~putative~~
15 ~~father~~ is registered in relation to a mother whose child is the subject of the
16 adoption.
17 (2) An attorney or child-placing agency that arranges a prospective adoption may at any
18 time serve the man who is registered pursuant to Sections 25 to 39 of this
19 Act ~~putative father of a child~~ or cause the man who is registered pursuant to
20 Sections 25 to 39 of this Act ~~putative father~~ to be served with actual notice that the
21 mother of the child is considering an adoptive placement for the child.
22 (3) Beginning on the effective date of this Act ~~[July 14, 2018]~~, whenever a petition for
23 adoption is filed, the attorney or child-placing agency that arranges the adoption
24 shall request that the cabinet search the ~~the putative father~~ registry established in
25 Section 25 of this Act at least one (1) day after the expiration of the period specified
26 by Sections 25 to 39 of this Act ~~[KRS 199.480(1)(b)2]~~.
27 (4) No later than five (5) days after receiving a request under subsection (1) or (3) of

1 this section, the cabinet shall submit an affidavit to the requesting party verifying
2 whether a ~~man[putative father]~~ is registered **pursuant to Sections 25 to 39 of this**
3 **Act** in relation to a mother whose child is the subject of the adoption.

4 (5) Whenever the cabinet finds that one (1) or more ~~men[putative fathers]~~ are registered
5 **pursuant to Sections 25 to 39 of this Act**, the cabinet shall submit a copy of each
6 registration form with its affidavit.

7 (6) A court shall not grant an adoption unless the cabinet's affidavit under this section is
8 filed with the court.

9 (7) An adoption involving a foreign-born child, an adoption initiated out-of-state, or a
10 public agency adoption shall not be subject to the requirements of this section.

11 ➔Section 119. KRS 199.990 is amended to read as follows:

12 (1) Any person who violates any of the provisions of KRS 199.430, 199.470, 199.473,
13 199.570, 199.572, and 199.590 except subsection (2), or 199.640 to 199.670, or any
14 rule or regulation under such sections the violation of which is made unlawful shall
15 be fined not less than five hundred dollars (\$500) nor more than two thousand
16 dollars (\$2,000) or imprisoned for not more than six (6) months, or both. Each day
17 such violation continues shall constitute a separate offense.

18 (2) Any person who willfully violates any other of the provisions of KRS 199.420 to
19 199.670 or any rule or regulation thereunder, the violation of which is made
20 unlawful under the terms of those sections, and for which no other penalty is
21 prescribed in those sections, or in any other applicable statute, shall be fined not less
22 than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or
23 imprisoned for not more than thirty (30) days, or both.

24 (3) Any violation of the regulations, standards, or requirements of the cabinet under the
25 provisions of KRS 199.896 that poses an immediate threat to the health, safety, or
26 welfare of any child served by the child-care center shall be subject to a civil
27 penalty of no more than one thousand dollars (\$1,000) for each occurrence. Treble

1 penalties shall be assessed for two (2) or more violations within twelve (12)
2 months. All money collected as a result of civil penalties assessed under the
3 provisions of KRS 199.896 shall be paid into the State Treasury and credited to a
4 special fund for the purpose of the Early Childhood Scholarship Program created in
5 accordance with KRS 164.518. The balance of the fund shall not lapse to the
6 general fund at the end of each biennium.

7 (4) A person who commits a violation of the regulations, standards, or requirements of
8 the cabinet under the provisions of KRS 199.896 shall be fined not less than one
9 thousand dollars (\$1,000) or imprisoned for not more than twelve (12) months, or
10 be fined and imprisoned, at the discretion of the court.

11 (5) Any person who violates any of the provisions of KRS 199.590(2) shall be guilty of
12 a Class D felony.

13 ~~[(6) Any person who knowingly or intentionally registers false information under KRS~~
14 ~~199.503(4) shall be fined not more than one thousand dollars (\$1,000) or~~
15 ~~imprisoned for not more than twelve (12) months, or be fined and imprisoned, at the~~
16 ~~discretion of the court.~~

17 ~~(7) Any person who knowingly or intentionally releases or requests confidential~~
18 ~~information in violation of KRS 199.503(8) or (9) or in violation of KRS 199.505~~
19 ~~shall be fined not more than one thousand dollars (\$1,000) or imprisoned for not~~
20 ~~more than twelve (12) months, or be fined and imprisoned, at the discretion of the~~
21 ~~court. It is a defense under this subsection if the cabinet releases confidential~~
22 ~~information while acting in good faith and with reasonable diligence.]~~

23 ➔Section 120. KRS 205.227 is amended to read as follows:

24 (1) The secretary or his authorized representative may initiate any action under the laws
25 of this state against a parent or other person legally liable for support who has failed
26 to provide support for the person to whom an obligation of support is owed and who
27 is receiving public assistance benefits under this chapter.

1 (2) The secretary or his authorized representative may institute an action in Circuit
2 Court against a parent or other person legally liable for support who has failed to
3 provide support for the person to whom an obligation of support is owed, for
4 reimbursement of payments made by the cabinet under this chapter for the benefit
5 of the person to whom an obligation of support is owed.

6 (3) This in no way limits the cabinet's authority to commence an action under the
7 provisions of KRS Chapter~~[406 or]~~ 407 or 408.

8 ➔Section 121. KRS 205.705 is amended to read as follows:

9 It is the intent of the General Assembly that requirements relating to child support or
10 paternity established by KRS Chapters 205, 403, 405,~~[406, and]~~ 407, and 408 shall be in
11 compliance with the provisions of 42 U.S.C. secs. 651 et seq.

12 ➔Section 122. KRS 205.730 is amended to read as follows:

13 (1) Unless the cabinet has reason to believe allegations of child abuse or domestic
14 violence and that the disclosure of the information could be harmful to the custodial
15 parent or the child of the parent, the cabinet shall attempt to locate a noncustodial
16 parent of a child described in KRS 205.725, and establish or set an amount of
17 modification, and enforce the child support obligation.

18 (2) Upon the request of a man registered pursuant to Sections 35 to 39 of this
19 Act~~[putative father]~~ and for the purpose of establishing paternity only, the cabinet
20 shall attempt to locate a custodial parent of a child described in KRS 205.712 if the
21 cabinet finds the action to be in the best interest of the child.

22 (3) If paternity is established for a child described in KRS 205.725 as a result of the
23 location of the custodial parent, the cabinet shall establish a child support obligation
24 or a modification for a child support obligation and shall enforce the child support
25 obligation if the cabinet finds the enforcement of the order to be in the best interest
26 of the child.

27 (4) The cabinet shall serve as a registry for the receipt of information which directly

1 relates to the identity or location of absent parents, and, upon request of a man
2 registered pursuant to Sections 25 to 39 of this Act~~[putative father]~~, the location of
3 a custodial parent, in order to establish paternity, to answer interstate inquiries
4 concerning deserting parents or custodial parents, to coordinate and supervise any
5 activity on a state level in search of an absent parent or custodial parent, to develop
6 guidelines for coordinating activities of any governmental agency in providing
7 information necessary for location of absent parents or custodial parents, to obtain
8 information on the location of parents to enforce state and federal laws against
9 parental kidnapping and to make or to enforce a child custody or visitation order,
10 and is to process all requests received from an initiating county or an initiating state
11 which has adopted the Uniform Reciprocal Enforcement of Support Act or the
12 Uniform Interstate Family Support Act.

13 (5) In order to carry out responsibilities imposed under this chapter, the cabinet may
14 request information and assistance from any governmental agency. All state, county,
15 and city agencies, officers, and employees shall cooperate with the cabinet in
16 determining the location of parents who have abandoned or deserted children and
17 shall cooperate with the cabinet in determining the location of custodial parents for
18 the purpose of establishing paternity with all pertinent information relative to the
19 location, income and assets, property, and debt of the parents, notwithstanding any
20 provision of state law making the information confidential.

21 (6) The information which is obtained by the cabinet shall only be available to such
22 governmental agency or political subdivision of any state for purposes of locating
23 an absent parent to enforce the parent's obligation of support and for the purposes of
24 location of custodial parents to establish parentage~~[paternity]~~ of men registered
25 pursuant to Sections 25 to 39 of this Act~~[putative fathers]~~.

26 ➔Section 123. KRS 213.046 is amended to read as follows:

27 (1) A certificate of birth for each live birth which occurs in the Commonwealth shall be

1 filed with the local registrar within ten (10) days after such birth and shall be
2 registered if it has been completed and filed in accordance with this section. All
3 certificates shall be typewritten. No certificate shall be held to be complete and
4 correct that does not supply all items of information called for in this section and in
5 KRS 213.051, or satisfactorily account for their omission except as provided in
6 KRS 199.570(3). If a certificate of birth is incomplete, the local registrar shall
7 immediately notify the responsible person and require that person to supply the
8 missing items, if that information can be obtained.

9 (2) When a birth occurs in an institution or en route thereto, the person in charge of the
10 institution or that person's designated representative, shall obtain the personal data,
11 prepare the certificate, secure the signatures required, and file the certificate as
12 directed in subsection (1) of this section or as otherwise directed by the state
13 registrar within the required ten (10) days. The physician or other person in
14 attendance shall provide the medical information required for the certificate and
15 certify to the fact of birth within ten (10) days after the birth. If the physician or
16 other person in attendance does not certify to the fact of birth within the ten (10) day
17 period, the person in charge of the institution shall complete and sign the certificate.

18 (3) When a birth occurs in a hospital or en route thereto to a woman who is unmarried,
19 the person in charge of the hospital or that person's designated representative shall
20 immediately before or after the birth of a child, except when the birth mother or the
21 alleged other parent~~[father]~~ is a minor:

- 22 (a) Meet with the birth mother prior to the release from the hospital;
- 23 (b) Attempt to ascertain whether the other parent~~[father]~~ of the child is available
24 in the hospital, and, if so, to meet with him, if possible;
- 25 (c) Provide written materials and oral, audio, or video materials about
26 parentage~~[paternity]~~;
- 27 (d) Provide forms necessary to voluntarily establish parentage~~[paternity]~~;

- 1 (e) Provide a written and an oral, audio, or video description of the rights and
2 responsibilities, the alternatives to, and the legal consequences of
3 acknowledging parentage[paternity];
- 4 (f) Provide written materials and information concerning genetic[paternity]
5 testing under Sections 40 to 51 of this Act;
- 6 (g) Provide an opportunity to speak by telephone or in person with staff who are
7 trained to clarify information and answer questions about parentage[paternity]
8 establishment;
- 9 (h) If the parents wish to acknowledge parentage[paternity], require the voluntary
10 acknowledgment of parentage[paternity] obtained through the hospital-based
11 program be signed by both parents and be authenticated by a notary public;
- 12 (i) Provide the unmarried mother, and, if possible, the other parent[father], with
13 the affidavit of parentage[paternity] form;
- 14 (j) Upon both the birth mother's and other parent's[father's] request, help the
15 birth mother and other parent[father] in completing the affidavit of
16 parentage[paternity] form;
- 17 (k) Upon both the birth mother's and other parent's[father's] request, transmit the
18 affidavit of parentage[paternity] to the local registrar in the county in which
19 the birth occurred; and
- 20 (l) In the event that the birth mother or the alleged other parent[father] is a
21 minor, information set forth in this section shall be provided in accordance
22 with Civil Rule 17.03 of the Kentucky Rules of Civil Procedure.
- 23 If the mother or the alleged other parent[father] is a minor, the
24 parentage[paternity] determination shall be conducted pursuant to KRS Chapter
25 408[406].
- 26 (4) The voluntary acknowledgment-of-parentage[paternity] forms designated by the
27 Vital Statistics Branch shall be the only documents having the same weight and

- 1 authority as a judgment of parentage[paternity].
- 2 (5) The Cabinet for Health and Family Services shall:
- 3 (a) Provide to all public and private birthing hospitals in the state written
- 4 materials in accessible formats and audio or video materials concerning
- 5 parentage[paternity] establishment forms necessary to voluntarily
- 6 acknowledge parentage[paternity];
- 7 (b) Provide copies of a written description in accessible formats and an audio or
- 8 video description of the rights and responsibilities of acknowledging
- 9 parentage[paternity]; and
- 10 (c) Provide staff training, guidance, and written instructions regarding voluntary
- 11 acknowledgment of parentage[paternity] as necessary to operate the hospital-
- 12 based program.
- 13 (6) When a birth occurs outside an institution, the certificate shall be prepared and filed
- 14 by one (1) of the following in the indicated order of priority:
- 15 (a) The physician in attendance at or immediately after the birth; or, in the
- 16 absence of such a person:~~;~~
- 17 (b) Any other person in attendance at or immediately after the birth; or, in the
- 18 absence of such a person:~~;~~ or~~;~~
- 19 (c) A parent as defined in Section 1 of this Act~~[The father, the mother,]~~ or in the
- 20 absence of a parent~~[the father and the inability of the mother,]~~ the person in
- 21 charge of the premises where the birth occurred or of the institution to which
- 22 the child was admitted following the birth.
- 23 (7) No physician, midwife, or other attendant shall refuse to sign or delay the filing of a
- 24 birth certificate.
- 25 (8) If a birth occurs on a moving conveyance within the United States and the child is
- 26 first removed from the conveyance in the Commonwealth, the birth shall be
- 27 registered in the Commonwealth, and the place where the child is first removed

1 shall be considered the place of birth. If a birth occurs on a moving conveyance
2 while in international waters or air space or in a foreign country or its air space and
3 the child is first removed from the conveyance in the Commonwealth, the birth shall
4 be registered in the Commonwealth, but the certificate shall show the actual place
5 of birth insofar as can be determined.

6 (9) The following provisions shall apply if the birth mother was married at the time of
7 either conception or birth or anytime between conception and birth:

8 (a) If there is no dispute as to paternity, the name of the birth mother's
9 spouse~~[husband]~~ shall be entered on the certificate as the parent~~[father]~~ of the
10 child. The surname of the child shall be any name chosen by the parents;
11 however, if the parents are separated or divorced at the time of the child's
12 birth, the choice of surname rests with the parent who has legal custody
13 following birth.

14 (b) If the birth mother claims that the other parent~~[father]~~ of the child is not her
15 spouse~~[husband]~~ and the spouse~~[husband]~~ agrees to such a claim and the
16 alleged other parent~~[putative father]~~ agrees to the statement, a three (3) way
17 affidavit of parentage~~[paternity]~~ may be signed by the respective parties and
18 duly notarized. The state registrar of vital statistics shall enter the name of the
19 acknowledged other parent~~[a nonhusband]~~ on the birth certificate as the other
20 parent~~[father]~~ and the surname of the child shall be any name chosen by the
21 birth mother.

22 (c) If a question of parentage~~[paternity determination]~~ arises which is not
23 resolved under paragraph (b) of this subsection, it shall be settled under KRS
24 Chapter 408~~[by the District Court]~~.

25 (10) The following provisions shall apply if the birth mother was not married at the time
26 of either conception or birth or between conception and birth or the marital
27 relationship between the mother and her spouse~~[husband]~~ has been interrupted for

1 more than ten (10) months prior to the birth of the child:

2 (a) The name of the **other parent**~~[father]~~ shall not be entered on the certificate of
3 birth. The state registrar shall upon acknowledgment of **parentage**~~[paternity]~~
4 ~~by the father]~~ and with consent of the **birth** mother pursuant to KRS 213.121,
5 enter the **other parent's**~~[father's]~~ name on the certificate. The surname of the
6 child shall be any name chosen by the **parents**~~[mother and father]~~. If there is
7 no agreement, the child's surname shall be determined by the parent with legal
8 custody of the child.

9 (b) If an affidavit of **parentage**~~[paternity]~~ has been properly completed and the
10 certificate of birth has been filed accordingly, any further modification of the
11 birth certificate regarding the paternity of the child shall require an order from
12 **a court with jurisdiction pursuant to Section 3 of this Act**~~[the District Court]~~.

13 (c) In any case in which **parentage**~~[paternity]~~ of a child is determined by a court
14 order, the name of the **other parent**~~[father]~~ and surname of the child shall be
15 entered on the certificate of birth in accordance with the finding and order of
16 the court.

17 (d) In all other cases, the surname of the child shall be any name chosen by the
18 **birth** mother.

19 (11) If the **other parent**~~[father]~~ is not named on the certificate of birth, no other
20 information about the **other parent**~~[father]~~ shall be entered on the certificate. In all
21 cases, the maiden name of the gestational mother shall be entered on the certificate.

22 (12) Any child whose surname was restricted prior to July 13, 1990, shall be entitled to
23 apply to the state registrar for an amendment of a birth certificate showing as the
24 surname of the child, any surname chosen by the **birth** mother or parents as
25 provided under this section.

26 (13) The birth certificate of a child born as a result of artificial insemination shall be
27 completed in accordance with the provisions of this section.

1 (14) Each birth certificate filed under this section shall include all Social Security
2 numbers that have been issued to the parents of the child.

3 (15) Either of the parents of the child, or other informant, shall attest to the accuracy of
4 the personal data entered on the certificate in time to permit the filing of the
5 certificate within ten (10) days prescribed in subsection (1) of this section.

6 (16) When a birth certificate is filed for any birth that occurred outside an institution, the
7 Cabinet for Health and Family Services shall forward information regarding the
8 need for an auditory screening for an infant and a list of options available for
9 obtaining an auditory screening for an infant. The list shall include the Office for
10 Children with Special Health Care Needs, local health departments as established in
11 KRS Chapter 212, hospitals offering obstetric services, alternative birthing centers
12 required to provide an auditory screening under KRS 216.2970, audiological
13 assessment and diagnostic centers approved by the Office for Children with Special
14 Health Care Needs in accordance with KRS 211.647 and licensed audiologists, and
15 shall specify the hearing methods approved by the Office for Children with Special
16 Health Care Needs in accordance with KRS 216.2970.

17 ➔Section 124. KRS 213.047 is amended to read as follows:

18 The Cabinet for Health and Family Services shall pay the sum of ten dollars (\$10) to an
19 institution for each completed affidavit-of-~~parentage~~~~[paternity]~~ form returned to the local
20 registrar by the institution, pursuant to KRS 213.046, limited to the appropriated funds for
21 the purpose of KRS 213.046.

22 ➔Section 125. KRS 213.049 is amended to read as follows:

23 (1) All ~~parentage~~~~[paternity]~~ judgment orders issued or modified by a court on or after
24 July 15, 1992, shall include, but not be limited to, the following information about
25 the ~~other parent~~~~[father]~~, if the information is known at the time the order is set:

26 (a) Full name;

27 (b) Social Security number;

- 1 (c) Age at time of the child's birth;
- 2 (d) Place of birth as to the state or foreign country; and
- 3 (e) Current address.

4 (2) The order shall be transmitted by the Circuit Court clerk of the court with
5 jurisdiction to the state registrar of vital statistics no later than the fifteenth day of
6 each calendar month.

7 ➔Section 126. KRS 213.071 is amended to read as follows:

8 (1) The state registrar shall establish a new certificate of birth for a person born in the
9 Commonwealth when the state registrar receives the following:

10 (a) A report of adoption as provided in KRS 213.066 or a report of adoption
11 prepared and filed in accordance with the laws of another state or foreign
12 country or a certified copy of the decree of adoption, together with the
13 information necessary to identify the original certificate of birth and to
14 establish a new certificate of birth; or

15 (b) A request that a new certificate be established as prescribed by administrative
16 regulation and the evidence as required by administrative regulation proving
17 that the person has been legitimated, or that a court of competent jurisdiction
18 has determined the parentage~~[paternity]~~ of the person, or that both parents
19 have acknowledged the parentage~~[paternity]~~ of the person in which case the
20 surname of the child shall be changed in accordance with KRS 213.046.

21 (2) If parentage~~[paternity]~~ is determined in a court action, the clerk shall report the
22 findings of the court to the state registrar on forms prescribed and furnished for that
23 purpose. The reports shall be made no later than the fifteenth of the month
24 following the date of the order.

25 (3) If a new certificate is established, the actual place and date of birth shall be shown
26 except in the case of adoption. If the adopted child is under eighteen (18) years of
27 age, the birth certificate shall not contain any information revealing the child is

1 adopted and shall show the adoptive parent or parents as the natural parent or
2 parents of the child. The new birth certificate, when issued, shall not contain the
3 place of birth, hospital, or name of the doctor or midwife. This information shall be
4 given only by an order of the court in which the child was adopted. If the child was
5 born in the Commonwealth, the new birth certificate shall show the residence of the
6 adoptive parents as the birthplace of the child, and this shall be deemed for all legal
7 purposes to be the birthplace of the child.

8 (4) The new certificate shall be substituted for the original certificate of birth in the
9 files, and the original certificate of birth and the evidence of adoption,
10 parentage~~[paternity]~~ determination, or parentage~~[paternity]~~ acknowledgment shall
11 not be subject to inspection except upon order of a court of competent jurisdiction.

12 (5) If any judgment under this section is reversed, amended, modified, or vacated in any
13 particular, the clerk of the court shall notify the state registrar of the reversal or
14 modification, and the state registrar shall make the changes, if any, in the records as
15 may be necessary by the reversal or modification, or if the voluntary
16 acknowledgment of parentage~~[paternity]~~ pursuant to KRS 213.046(4) is rescinded,
17 the state registrar shall make the changes, if any, in the records as may be necessary
18 by the reversal, modification, or rescission of the voluntary acknowledgment of
19 parentage~~[paternity]~~.

20 (6) If a new certificate of birth is established by the state registrar, all copies of the
21 original certificate of birth on file in the local health department shall be sealed and
22 forwarded to the state registrar as the state registrar shall direct.

23 (7) If no birth certificate is on file for an adopted child born in Kentucky, the state
24 registrar shall prepare a certificate of birth in accordance with information furnished
25 by the clerk of the Circuit Court which issued the adoption order. The state registrar
26 shall furnish the clerks of the Circuit Courts the necessary forms to carry out the
27 provisions of this section.

1 ➔Section 127. KRS 213.121 is amended to read as follows:

- 2 (1) A certificate or report registered under this chapter may be amended only in
3 accordance with this section and administrative regulations adopted by the cabinet
4 to protect the integrity and accuracy of vital records.
- 5 (2) A certificate or report that is amended under this section shall be marked
6 "amended," except as otherwise provided in this section. The date of amendment
7 and a summary description of the evidence submitted in support of the amendment
8 shall be endorsed on or made a part of the record. The cabinet shall prescribe by
9 administrative regulation the conditions under which additions or minor corrections
10 may be made to certificates or records within one (1) year after the date of the event
11 without the certificate or record being marked "amended."
- 12 (3) Upon written request of both parents and receipts of a sworn acknowledgment of
13 parentage~~[paternity]~~ signed by both parents of a child born to an unmarried woman,
14 the state registrar shall amend the certificate of birth to show the
15 parentage~~[paternity]~~, if parentage~~[paternity]~~ is not already shown on the certificate
16 of birth. The certificate shall not be marked "amended."
- 17 (4) Upon receipt of a certified copy of an order of a court changing the name of a
18 person born in the Commonwealth and upon request of the person or the person's
19 parents, guardian, or legal representative, the state registrar shall amend the
20 certificate of birth to show the new name.
- 21 (5) Upon receipt of a sworn statement by a licensed physician indicating that the gender
22 of an individual born in the Commonwealth has been changed by surgical procedure
23 and a certified copy of an order of a court of competent jurisdiction changing that
24 individual's name, the certificate of birth of the individual shall be amended as
25 prescribed by regulation to reflect the change.

26 ➔Section 128. KRS 237.110 is amended to read as follows:

- 27 (1) The Department of Kentucky State Police is authorized to issue and renew licenses

1 to carry concealed firearms or other deadly weapons, or a combination thereof, to
2 persons qualified as provided in this section.

3 (2) An original or renewal license issued pursuant to this section shall:

4 (a) Be valid throughout the Commonwealth and, except as provided in this
5 section or other specific section of the Kentucky Revised Statutes or federal
6 law, permit the holder of the license to carry firearms, ammunition, or other
7 deadly weapons, or a combination thereof, at any location in the
8 Commonwealth;

9 (b) Unless revoked or suspended as provided by law, be valid for a period of five
10 (5) years from the date of issuance;

11 (c) Authorize the holder of the license to carry a concealed firearm or other
12 deadly weapon, or a combination thereof, on or about his or her person; and

13 (d) Authorize the holder of the license to carry ammunition for a firearm on or
14 about his or her person.

15 (3) Prior to the issuance of an original or renewal license to carry a concealed deadly
16 weapon, the Department of Kentucky State Police, upon receipt of a completed
17 application, applicable fees, and any documentation required by this section or
18 administrative regulation promulgated by the Department of Kentucky State Police,
19 shall conduct a background check to ascertain whether the applicant is eligible
20 under 18 U.S.C. sec. 922(g) and (n), any other applicable federal law, and state law
21 to purchase, receive, or possess a firearm or ammunition, or both. The background
22 check shall include:

23 (a) A state records check covering the items specified in this subsection, together
24 with any other requirements of this section;

25 (b) A federal records check, which shall include a National Instant Criminal
26 Background Check System (NICS) check;

27 (c) A federal Immigration Alien Query if the person is an alien who has been

1 lawfully admitted to the United States by the United States government or an
2 agency thereof; and

3 (d) In addition to the Immigration Alien Query, if the applicant has not been
4 lawfully admitted to the United States under permanent resident status, the
5 Department of Kentucky State Police shall, if a doubt exists relating to an
6 alien's eligibility to purchase a firearm, consult with the United States
7 Department of Homeland Security, United States Department of Justice,
8 United States Department of State, or other federal agency to confirm whether
9 the alien is eligible to purchase a firearm in the United States, bring a firearm
10 into the United States, or possess a firearm in the United States under federal
11 law.

12 (4) The Department of Kentucky State Police shall issue an original or renewal license
13 if the applicant:

14 (a) Is not prohibited from the purchase, receipt, or possession of firearms,
15 ammunition, or both pursuant to 18 U.S.C. 922(g), 18 U.S.C. 922(n), or
16 applicable federal or state law;

17 (b) 1. Is a citizen of the United States who is a resident of this Commonwealth;
18 2. Is a citizen of the United States who is a member of the Armed Forces of
19 the United States who is on active duty, who is at the time of application
20 assigned to a military posting in Kentucky;

21 3. Is lawfully admitted to the United States by the United States
22 government or an agency thereof, is permitted by federal law to purchase
23 a firearm, and is a resident of this Commonwealth; or

24 4. Is lawfully admitted to the United States by the United States
25 government or an agency thereof, is permitted by federal law to purchase
26 a firearm, is, at the time of the application, assigned to a military posting
27 in Kentucky, and has been assigned to a posting in the Commonwealth;

- 1 (c) Is twenty-one (21) years of age or older;
- 2 (d) Has not been committed to a state or federal facility for the abuse of a
- 3 controlled substance or been convicted of a misdemeanor violation of KRS
- 4 Chapter 218A or similar laws of any other state relating to controlled
- 5 substances, within a three (3) year period immediately preceding the date on
- 6 which the application is submitted;
- 7 (e) Does not chronically and habitually use alcoholic beverages as evidenced by
- 8 the applicant having two (2) or more convictions for violating KRS 189A.010
- 9 within the three (3) years immediately preceding the date on which the
- 10 application is submitted, or having been committed as an alcoholic pursuant to
- 11 KRS Chapter 222 or similar laws of another state within the three (3) year
- 12 period immediately preceding the date on which the application is submitted;
- 13 (f) Does not owe a child support arrearage which equals or exceeds the
- 14 cumulative amount which would be owed after one (1) year of nonpayment, if
- 15 the Department of Kentucky State Police has been notified of the arrearage by
- 16 the Cabinet for Health and Family Services;
- 17 (g) Has complied with any subpoena or warrant relating to child support or
- 18 parentage~~[paternity]~~ proceedings. If the Department of Kentucky State Police
- 19 has not been notified by the Cabinet for Health and Family Services that the
- 20 applicant has failed to meet this requirement, the Department of Kentucky
- 21 State Police shall assume that parentage~~[paternity]~~ and child support
- 22 proceedings are not an issue;
- 23 (h) Has not been convicted of a violation of KRS 508.030 or 508.080 within the
- 24 three (3) years immediately preceding the date on which the application is
- 25 submitted. The commissioner of the Department of Kentucky State Police
- 26 may waive this requirement upon good cause shown and a determination that
- 27 the applicant is not a danger and that a waiver would not violate federal law;

1 (i) Demonstrates competence with a firearm by successful completion of a
2 firearms safety or training course that is conducted by a firearms instructor
3 who is certified by a national organization with membership open to residents
4 of any state or territory of the United States, which was created to promote
5 firearms education, safety, and the profession of firearms use and training, and
6 to foster professional behavior in its members. The organization shall require
7 members to adhere to its own code of ethics and conduct a program which
8 certifies firearms instructors and includes the use of written tests, in person
9 instruction, and a component of live-fire training. These national
10 organizations shall include but are not limited to the National Rifle
11 Association, the United States Concealed Carry Association, and the National
12 Shooting Sports Foundation. The training requirement may also be fulfilled
13 through any firearms safety course offered or approved by the Department of
14 Criminal Justice Training. The firearms safety course offered or approved by
15 the Department of Criminal Justice Training shall:

- 16 1. Be not more than eight (8) hours in length;
- 17 2. Include instruction on handguns, the safe use of handguns, the care and
18 cleaning of handguns, and handgun marksmanship principles;
- 19 3. Include actual range firing of a handgun in a safe manner, and the firing
20 of not more than twenty (20) rounds at a full-size silhouette target,
21 during which firing, not less than eleven (11) rounds must hit the
22 silhouette portion of the target; and
- 23 4. Include information on and a copy of laws relating to possession and
24 carrying of firearms, as set forth in KRS Chapters 237 and 527, and the
25 laws relating to the use of force, as set forth in KRS Chapter 503; and

26 (j) Demonstrates knowledge of the law regarding the justifiable use of force by
27 including with the application a copy of the concealed carry deadly weapons

1 legal handout made available by the Department of Criminal Justice Training
2 and a signed statement that indicates that applicant has read and understands
3 the handout.

4 (5) (a) A legible photocopy or electronic copy of a certificate of completion issued by
5 a firearms instructor certified by a national organization or the Department of
6 Criminal Justice Training shall constitute evidence of qualification under
7 subsection (4)(i) of this section.

8 (b) Persons qualifying under subsection (6)(d) of this section may submit with
9 their application:

10 1. At least one (1) of the following paper or electronic forms or their
11 successor forms showing evidence of handgun training or handgun
12 qualifications:

- 13 a. Department of Defense Form DD 2586;
- 14 b. Department of Defense Form DD 214;
- 15 c. Coast Guard Form CG 3029;
- 16 d. Department of the Army Form DA 88-R;
- 17 e. Department of the Army Form DA 5704-R;
- 18 f. Department of the Navy Form OPNAV 3591-1; or
- 19 g. Department of the Air Force Form AF 522; or

20 2. a. Documentary evidence of an honorable discharge; and
21 b. A notarized affidavit on a form provided by the Department of
22 Kentucky State Police, signed under penalty of perjury, stating the
23 person has met the training requirements of subsection (6)(d) of
24 this section.

25 (6) (a) Peace officers who are currently certified as peace officers by the Kentucky
26 Law Enforcement Council pursuant to KRS 15.380 to 15.404 and peace
27 officers who are retired and are members of the Kentucky Employees

1 Retirement System, State Police Retirement System, or County Employees
2 Retirement System or other retirement system operated by or for a city,
3 county, or urban-county in Kentucky shall be deemed to have met the training
4 requirement.

5 (b) Current and retired peace officers of the following federal agencies shall be
6 deemed to have met the training requirement:

- 7 1. Any peace officer employed by a federal agency specified in KRS
8 61.365;
- 9 2. Any peace officer employed by a federal civilian law enforcement
10 agency not specified above who has successfully completed the basic
11 law enforcement training course required by that agency;
- 12 3. Any military peace officer of the United States Army, Navy, Marine
13 Corps, or Air Force, or a reserve component thereof, or of the Army
14 National Guard or Air National Guard who has successfully completed
15 the military law enforcement training course required by that branch of
16 the military;
- 17 4. Any member of the United States Coast Guard serving in a peace officer
18 role who has successfully completed the law enforcement training
19 course specified by the United States Coast Guard.

20 (c) Corrections officers who are currently employed by a consolidated local
21 government, an urban-county government, or the Department of Corrections
22 who have successfully completed a basic firearms training course required for
23 their employment, and corrections officers who were formerly employed by a
24 consolidated local government, an urban-county government, or the
25 Department of Corrections who are retired, and who successfully completed a
26 basic firearms training course required for their employment, and are members
27 of a state-administered retirement system or other retirement system operated

1 by or for a city, county, or urban-county government in Kentucky shall be
2 deemed to have met the training requirement.

3 (d) Active or honorably discharged service members in the United States Army,
4 Navy, Marine Corps, Air Force, or Coast Guard, or a reserve component
5 thereof, or of the Army National Guard or Air National Guard shall be
6 deemed to have met the training requirement if these persons:

7 1. Successfully completed handgun training which was conducted by the
8 United States Army, Navy, Marine Corps, Air Force, or Coast Guard, or
9 a reserve component thereof, or of the Army National Guard or Air
10 National Guard; or

11 2. Successfully completed handgun qualification within the United States
12 Army, Navy, Marine Corps, Air Force, or Coast Guard, or a reserve
13 component thereof, or of the Army Guard or Air Force National Guard.

14 (7) (a) 1. A paper application for a license, or renewal of a license, to carry a
15 concealed deadly weapon shall be obtained from and submitted to the
16 office of the sheriff in the county in which the person resides.

17 2. An applicant, in lieu of a paper application, may submit an electronic
18 application for a license, or renewal of a license, to carry a concealed
19 deadly weapon to the Department of Kentucky State Police.

20 3. Persons qualifying under subsection (6)(d) of this section shall be
21 supplied the information in subsection (4)(i)4. of this section upon
22 obtaining an application.

23 (b) 1. The completed paper application and any documentation required by this
24 section plus an application fee or renewal fee, as appropriate, of sixty
25 dollars (\$60) shall be presented to the office of the sheriff of the county
26 in which the applicant resides.

27 2. The sheriff shall transmit the paper application and accompanying

1 material to the Department of Kentucky State Police within five (5)
2 working days.

3 3. Twenty dollars (\$20) of the paper application fee shall be retained by the
4 office of the sheriff for official expenses of the office. Twenty dollars
5 (\$20) shall be sent to the Department of Kentucky State Police with the
6 application. Ten dollars (\$10) shall be transmitted by the sheriff to the
7 Administrative Office of the Courts to fund background checks for
8 youth leaders, and ten dollars (\$10) shall be transmitted to the
9 Administrative Office of the Courts to fund background checks for
10 applicants for concealed weapons.

11 (c) 1. A completed electronic application submitted in lieu of a paper
12 application, any documentation required by this section, and an
13 application fee or renewal fee, as appropriate, of seventy dollars (\$70)
14 shall be presented to the Department of Kentucky State Police.

15 2. If an electronic application is submitted in lieu of a paper application,
16 thirty dollars (\$30) of the electronic application fee shall be retained by
17 the Department of Kentucky State Police. Twenty dollars (\$20) shall be
18 sent to the office of the sheriff of the applicant's county of residence for
19 official expenses of the office. Ten dollars (\$10) shall be transmitted to
20 the Administrative Office of the Courts to fund background checks for
21 youth leaders, and ten dollars (\$10) shall be transmitted to the
22 Administrative Office of the Courts to fund background checks for
23 applicants for concealed weapon carry permits.

24 (d) A full-time or part-time peace officer who is currently certified as a peace
25 officer by the Kentucky Law Enforcement Council and who is authorized by
26 his or her employer or government authority to carry a concealed deadly
27 weapon at all times and all locations within the Commonwealth pursuant to

1 KRS 527.020, or a retired peace officer who is a member of the Kentucky
2 Employees Retirement System, State Police Retirement System, County
3 Employees Retirement System, or other retirement system operated by or for a
4 city, county, or urban-county government in Kentucky, shall be exempt from
5 paying the paper or electronic application or renewal fees.

6 (e) The application, whether paper or electronic, shall be completed, under oath,
7 on a form or in a manner promulgated by the Department of Kentucky State
8 Police by administrative regulation which shall include:

- 9 1. a. The name, address, place and date of birth, citizenship, gender,
10 Social Security number of the applicant; and
- 11 b. If not a citizen of the United States, alien registration number if
12 applicable, passport number, visa number, mother's maiden name,
13 and other information necessary to determine the immigration
14 status and eligibility to purchase a firearm under federal law of a
15 person who is not a citizen of the United States;
- 16 2. A statement that, to the best of his or her knowledge, the applicant is in
17 compliance with criteria contained within subsections (3) and (4) of this
18 section;
- 19 3. A statement that the applicant, if qualifying under subsection (6)(c) of
20 this section, has provided:
 - 21 a. At least one (1) of the forms listed in subsection (5) of this section;
22 or
 - 23 b. i. Documentary evidence of an honorable discharge; and
24 ii. A notarized affidavit on a form provided by the Department
25 of Kentucky State Police stating the person has met the
26 training requirements of subsection (6)(c) of this section;
- 27 4. A statement that the applicant has been furnished a copy of this section

1 and is knowledgeable about its provisions;

2 5. A statement that the applicant has been furnished a copy of, has read,
3 and understands KRS Chapter 503 as it pertains to the use of deadly
4 force for self-defense in Kentucky; and

5 6. A conspicuous warning that the application is executed under oath and
6 that a materially false answer to any question, or the submission of any
7 materially false document by the applicant, subjects the applicant to
8 criminal prosecution under KRS 523.030.

9 (8) The applicant shall submit to the sheriff of the applicant's county of residence or
10 county of military posting if submitting a paper application, or to the Department of
11 Kentucky State Police if submitting an electronic application:

12 (a) A completed application as described in subsection (7) of this section;

13 (b) A recent color photograph of the applicant, as prescribed by administrative
14 regulation;

15 (c) A paper or electronic certificate or an affidavit or document as described in
16 subsection (5) of this section;

17 (d) A paper or electronic document establishing the training exemption as
18 described in subsection (6) of this section; and

19 (e) For an applicant who is not a citizen of the United States and has been
20 lawfully admitted to the United States by the United States government or an
21 agency thereof, an affidavit as prescribed by administrative regulation
22 concerning his or her immigration status and his or her United States
23 government issued:

24 1. Permanent Resident Card I-551 or its equivalent successor
25 identification;

26 2. Other United States government issued evidence of lawful admission to
27 the United States which includes the category of admission, if admission

1 has not been granted as a permanent resident; and
2 3. Evidence of compliance with the provisions of 18 U.S.C. sec. 922(g)(5),
3 18 U.S.C. sec. 922(d)(5), or 18 U.S.C. sec. 922(y)(2), and 27 C.F.R. Part
4 178, including, as appropriate, but not limited to evidence of ninety (90)
5 day residence in the Commonwealth, a valid current Kentucky hunting
6 license if claiming exemption as a hunter, or other evidence of eligibility
7 to purchase a firearm by an alien which is required by federal law or
8 regulation.

9 If an applicant presents identification specified in this paragraph, the sheriff
10 shall examine the identification, may record information from the
11 identification presented, and shall return the identification to the applicant.

12 (9) The Department of Kentucky State Police shall, within sixty (60) days after the date
13 of receipt of the items listed in subsection (8) of this section if the applicant
14 submitted a paper application, or within fifteen (15) business days after the date of
15 receipt of the items listed in subsection (8) of this section if the applicant applied
16 electronically, either:

- 17 (a) Issue the license; or
18 (b) Deny the application based solely on the grounds that the applicant fails to
19 qualify under the criteria listed in subsection (3) or (4) of this section. If the
20 Department of Kentucky State Police denies the application, it shall notify the
21 applicant in writing, stating the grounds for denial and informing the applicant
22 of a right to submit, within thirty (30) days, any additional documentation
23 relating to the grounds of denial. Upon receiving any additional
24 documentation, the Department of Kentucky State Police shall reconsider its
25 decision and inform the applicant within twenty (20) days of the result of the
26 reconsideration. The applicant shall further be informed of the right to seek de
27 novo review of the denial in the District Court of his or her place of residence

1 within ninety (90) days from the date of the letter advising the applicant of the
2 denial.

3 (10) The Department of Kentucky State Police shall maintain an automated listing of
4 license holders and pertinent information, and this information shall be available
5 upon request, at all times to all Kentucky, federal, and other states' law enforcement
6 agencies. A request for the entire list of licensees, or for all licensees in a
7 geographic area, shall be denied. Only requests relating to a named licensee shall be
8 honored or available to law enforcement agencies. Information on applications for
9 licenses, names and addresses, or other identifying information relating to license
10 holders shall be confidential and shall not be made available except to law
11 enforcement agencies. No request for lists of local or statewide permit holders shall
12 be made to any state or local law enforcement agency, peace officer, or other agency
13 of government other than the Department of Kentucky State Police, and no state or
14 local law enforcement agency, peace officer, or agency of government, other than
15 the Department of Kentucky State Police, shall provide any information to any
16 requester not entitled to it by law.

17 (11) Within thirty (30) days after the changing of a permanent address, or within thirty
18 (30) days after the loss, theft, or destruction of a license, the licensee shall notify the
19 Department of Kentucky State Police of the loss, theft, or destruction. Failure to
20 notify the Department of Kentucky State Police shall constitute a noncriminal
21 violation with a penalty of twenty-five dollars (\$25) payable to the clerk of the
22 District Court. No court costs shall be assessed for a violation of this subsection.
23 When a licensee makes application to change his or her residence address or other
24 information on the license, neither the sheriff nor the Department of Kentucky State
25 Police shall require a surrender of the license until a new license is in the office of
26 the applicable sheriff and available for issuance. Upon the issuance of a new
27 license, the old license shall be destroyed by the sheriff.

- 1 (12) If a license is lost, stolen, or destroyed, the license shall be automatically invalid,
2 and the person to whom the same was issued may, upon payment of fifteen dollars
3 (\$15) for a paper request, or twenty-five dollars (\$25) for an electronic request
4 submitted in lieu of a paper request, to the Department of Kentucky State Police,
5 obtain a duplicate, upon furnishing a notarized statement to the Department of
6 Kentucky State Police that the license has been lost, stolen, or destroyed.
- 7 (13) (a) The commissioner of the Department of Kentucky State Police, or his or her
8 designee in writing, shall revoke the license of any person who becomes
9 permanently ineligible to be issued a license or have a license renewed under
10 the criteria set forth in this section.
- 11 (b) The commissioner of the Department of Kentucky State Police, or his or her
12 designee in writing, shall suspend the license of any person who becomes
13 temporarily ineligible to be issued a license or have a license renewed under
14 the criteria set forth in this section. The license shall remain suspended until
15 the person is again eligible for the issuance or renewal of a license.
- 16 (c) Upon the suspension or revocation of a license, the commissioner of the
17 Department of Kentucky State Police, or his or her designee in writing, shall:
- 18 1. Order any peace officer to seize the license from the person whose
19 license was suspended or revoked; or
- 20 2. Direct the person whose license was suspended or revoked to surrender
21 the license to the sheriff of the person's county of residence within two
22 (2) business days of the receipt of the notice.
- 23 (d) If the person whose license was suspended or revoked desires a hearing on the
24 matter, the person shall surrender the license as provided in paragraph (c)2. of
25 this subsection and petition the commissioner of the Department of Kentucky
26 State Police to hold a hearing on the issue of suspension or revocation of the
27 license.

- 1 (e) Upon receipt of the petition, the commissioner of the Department of Kentucky
2 State Police shall cause a hearing to be held in accordance with KRS Chapter
3 13B on the suspension or revocation of the license. If the license has not been
4 surrendered, no hearing shall be scheduled or held.
- 5 (f) If the hearing officer determines that the licensee's license was wrongly
6 suspended or revoked, the hearing officer shall order the commissioner of the
7 Department of Kentucky State Police to return the license and abrogate the
8 suspension or revocation of the license.
- 9 (g) Any party may appeal a decision pursuant to this subsection to the District
10 Court in the licensee's county of residence in the same manner as for the
11 denial of a license.
- 12 (h) If the license is not surrendered as ordered, the commissioner of the
13 Department of Kentucky State Police shall order a peace officer to seize the
14 license and deliver it to the commissioner.
- 15 (i) Failure to surrender a suspended or revoked license as ordered is a Class A
16 misdemeanor.
- 17 (j) The provisions of this subsection relating to surrender of a license shall not
18 apply if a court of competent jurisdiction has enjoined its surrender.
- 19 (k) When a domestic violence order or emergency protective order is issued
20 pursuant to the provisions of KRS Chapter 403 against a person holding a
21 license issued under this section, the holder of the permit shall surrender the
22 license to the court or to the officer serving the order. The officer to whom the
23 license is surrendered shall forthwith transmit the license to the court issuing
24 the order. The license shall be suspended until the order is terminated, or until
25 the judge who issued the order terminates the suspension prior to the
26 termination of the underlying domestic violence order or emergency protective
27 order, in writing and by return of the license, upon proper motion by the

1 license holder. Subject to the same conditions as above, a peace officer against
2 whom an emergency protective order or domestic violence order has been
3 issued shall not be permitted to carry a concealed deadly weapon when not on
4 duty, the provisions of KRS 527.020 to the contrary notwithstanding.

5 (14) (a) Not less than one hundred twenty (120) days prior to the expiration date of the
6 license, the Department of Kentucky State Police shall mail to each licensee a
7 written notice of the expiration and a renewal form prescribed by the
8 Department of Kentucky State Police. The outside of the envelope containing
9 the license renewal notice shall bear only the name and address of the
10 applicant. No other information relating to the applicant shall appear on the
11 outside of the envelope sent to the applicant. The licensee may renew his or
12 her license on or before the expiration date by filing with the sheriff of his or
13 her county of residence the paper renewal form, or by filing with the
14 Department of Kentucky State Police an electronic renewal form in lieu of a
15 paper renewal form, stating that the licensee remains qualified pursuant to the
16 criteria specified in subsections (3) and (4) of this section, and the required
17 renewal fee set forth in subsection (7) of this section. The sheriff shall issue to
18 the applicant a receipt for the paper application for renewal of the license and
19 shall date the receipt. The Department of Kentucky State Police shall issue to
20 the applicant a receipt for an electronic application for renewal of the license
21 submitted in lieu of a paper application for renewal and shall date the receipt.

22 (b) A license which has expired shall be void and shall not be valid for any
23 purpose other than surrender to the sheriff in exchange for a renewal license.

24 (c) The license shall be renewed to a qualified applicant upon receipt of the
25 completed renewal application, records check as specified in subsection (3) of
26 this section, determination that the renewal applicant is not ineligible for a
27 license as specified in subsection (4), and appropriate payment of fees. Upon

1 the issuance of a new license, the old license shall be destroyed by the sheriff.
2 A licensee who fails to file a renewal application on or before its expiration
3 date may renew his or her license by paying, in addition to the license fees, a
4 late fee of fifteen dollars (\$15). No license shall be renewed six (6) months or
5 more after its expiration date, and the license shall be deemed to be
6 permanently expired six (6) months after its expiration date. A person whose
7 license has permanently expired may reapply for licensure pursuant to
8 subsections (7), (8), and (9) of this section.

9 (15) The licensee shall carry the license at all times the licensee is carrying a concealed
10 firearm or other deadly weapon and shall display the license upon request of a law
11 enforcement officer. Violation of the provisions of this subsection shall constitute a
12 noncriminal violation with a penalty of twenty-five dollars (\$25), payable to the
13 clerk of the District Court, but no court costs shall be assessed.

14 (16) Except as provided in KRS 527.020, no license issued pursuant to this section shall
15 authorize any person to carry a concealed firearm into:

- 16 (a) Any police station or sheriff's office;
- 17 (b) Any detention facility, prison, or jail;
- 18 (c) Any courthouse, solely occupied by the Court of Justice courtroom, or court
19 proceeding;
- 20 (d) Any meeting of the governing body of a county, municipality, or special
21 district; or any meeting of the General Assembly or a committee of the
22 General Assembly, except that nothing in this section shall preclude a member
23 of the body, holding a concealed deadly weapon license, from carrying a
24 concealed deadly weapon at a meeting of the body of which he or she is a
25 member;
- 26 (e) Any portion of an establishment licensed to dispense beer or alcoholic
27 beverages for consumption on the premises, which portion of the

- 1 establishment is primarily devoted to that purpose;
- 2 (f) Any elementary or secondary school facility without the consent of school
3 authorities as provided in KRS 527.070, any child-caring facility as defined in
4 KRS 199.011, any day-care center as defined in KRS 199.894, or any certified
5 family child-care home as defined in KRS 199.8982, except however, any
6 owner of a certified child-care home may carry a concealed firearm into the
7 owner's residence used as a certified child-care home;
- 8 (g) An area of an airport to which access is controlled by the inspection of
9 persons and property; or
- 10 (h) Any place where the carrying of firearms is prohibited by federal law.
- 11 (17) The owner, business or commercial lessee, or manager of a private business
12 enterprise, day-care center as defined in KRS 199.894 or certified or licensed family
13 child-care home as defined in KRS 199.8982, or a health-care facility licensed
14 under KRS Chapter 216B, except facilities renting or leasing housing, may prohibit
15 persons holding concealed deadly weapon licenses from carrying concealed deadly
16 weapons on the premises and may prohibit employees, not authorized by the
17 employer, holding concealed deadly weapons licenses from carrying concealed
18 deadly weapons on the property of the employer. If the building or the premises are
19 open to the public, the employer or business enterprise shall post signs on or about
20 the premises if carrying concealed weapons is prohibited. Possession of weapons, or
21 ammunition, or both in a vehicle on the premises shall not be a criminal offense so
22 long as the weapons, or ammunition, or both are not removed from the vehicle or
23 brandished while the vehicle is on the premises. A private but not a public employer
24 may prohibit employees or other persons holding a concealed deadly weapons
25 license from carrying concealed deadly weapons, or ammunition, or both in vehicles
26 owned by the employer, but may not prohibit employees or other persons holding a
27 concealed deadly weapons license from carrying concealed deadly weapons, or

1 ammunition, or both in vehicles owned by the employee, except that the Justice and
2 Public Safety Cabinet may prohibit an employee from carrying any weapons, or
3 ammunition, or both other than the weapons, or ammunition, or both issued or
4 authorized to be used by the employee of the cabinet, in a vehicle while transporting
5 persons under the employee's supervision or jurisdiction. Carrying of a concealed
6 weapon, or ammunition, or both in a location specified in this subsection by a
7 license holder shall not be a criminal act but may subject the person to denial from
8 the premises or removal from the premises, and, if an employee of an employer,
9 disciplinary measures by the employer.

10 (18) All moneys collected by the Department of Kentucky State Police pursuant to this
11 section shall be used to administer the provisions of this section and KRS 237.138
12 to 237.142. By March 1 of each year, the Department of Kentucky State Police and
13 the Administrative Office of the Courts shall submit reports to the Governor, the
14 President of the Senate, and the Speaker of the House of Representatives, indicating
15 the amounts of money collected and the expenditures related to this section, KRS
16 237.138 to 237.142, and KRS 237.115, 244.125, 527.020, and 527.070, and the
17 administration of the provisions of this section, KRS 237.138 to 237.142, and KRS
18 237.115, 244.125, 527.020, and 527.070.

19 (19) The General Assembly finds as a matter of public policy that it is necessary to
20 provide statewide uniform standards for issuing licenses to carry concealed firearms
21 and to occupy the field of regulation of the bearing of concealed firearms to ensure
22 that no person who qualifies under the provisions of this section is denied his rights.
23 The General Assembly does not delegate to the Department of Kentucky State
24 Police the authority to regulate or restrict the issuing of licenses provided for in this
25 section beyond those provisions contained in this section. This section shall be
26 liberally construed to carry out the constitutional right to bear arms for self-defense.

27 (20) (a) A person who is not a resident of Kentucky and who has a valid license issued

1 by another state of the United States to carry a concealed deadly weapon in
2 that state may, subject to provisions of Kentucky law, carry a concealed
3 deadly weapon in Kentucky, and his or her license shall be considered as valid
4 in Kentucky.

5 (b) If a person with a valid license to carry a concealed deadly weapon issued
6 from another state that has entered into a reciprocity agreement with the
7 Department of Kentucky State Police becomes a resident of Kentucky, the
8 license issued by the other state shall be considered as valid for the first one
9 hundred twenty (120) days of the person's residence in Kentucky, if within
10 sixty (60) days of moving to Kentucky, the person completes a form
11 promulgated by the Department of Kentucky State Police which shall include:

- 12 1. A signed and notarized statement averring that to the best of his or her
13 knowledge the person's license to carry a concealed deadly weapon is
14 valid and in compliance with applicable out-of-state law, and has not
15 been revoked or suspended for any reason except for valid forfeiture due
16 to departure from the issuing state;
- 17 2. The person's name, date of birth, citizenship, gender, Social Security
18 number if applicable, proof that he or she is a citizen of the United
19 States, a permanent resident of the United States, or otherwise lawfully
20 present in the United States, former out-of-state address, current address
21 within the state of Kentucky, date on which Kentucky residence began,
22 state which issued the concealed carry license, the issuing state's
23 concealed carry license number, and the state of issuance of license; and
- 24 3. A photocopy of the person's out-of-state license to carry a concealed
25 deadly weapon.

26 (c) Within sixty (60) days of moving to Kentucky, the person shall deliver the
27 form and accompanying documents by registered or certified mail, return

1 receipt requested, to the address indicated on the form provided by the
2 Department of Kentucky State Police pursuant to this subsection.

3 (d) The out-of-state concealed carry license shall become invalid in Kentucky
4 upon the earlier of:

5 1. The out-of-state person having resided in Kentucky for more than one
6 hundred twenty (120) days; or

7 2. The person being issued a Kentucky concealed deadly weapon license
8 pursuant to this section.

9 (e) The Department of Kentucky State Police shall, not later than thirty (30) days
10 after July 15, 1998, and not less than once every twelve (12) months
11 thereafter, make written inquiry of the concealed deadly weapon carrying
12 licensing authorities in each other state as to whether a Kentucky resident may
13 carry a concealed deadly weapon in their state based upon having a valid
14 Kentucky concealed deadly weapon license, or whether a Kentucky resident
15 may apply for a concealed deadly weapon carrying license in that state based
16 upon having a valid Kentucky concealed deadly weapon license. The
17 Department of Kentucky State Police shall attempt to secure from each other
18 state permission for Kentucky residents who hold a valid Kentucky concealed
19 deadly weapon license to carry concealed deadly weapons in that state, either
20 on the basis of the Kentucky license or on the basis that the Kentucky license
21 is sufficient to permit the issuance of a similar license by the other state. The
22 Department of Kentucky State Police shall enter into a written reciprocity
23 agreement with the appropriate agency in each state that agrees to permit
24 Kentucky residents to carry concealed deadly weapons in the other state on the
25 basis of a Kentucky-issued concealed deadly weapon license or that will issue
26 a license to carry concealed deadly weapons in the other state based upon a
27 Kentucky concealed deadly weapon license. If a reciprocity agreement is

1 reached, the requirement to recontact the other state each twelve (12) months
2 shall be eliminated as long as the reciprocity agreement is in force. The
3 information shall be a public record and shall be available to individual
4 requesters free of charge for the first copy and at the normal rate for open
5 records requests for additional copies.

6 (21) By March 1 of each year, the Department of Kentucky State Police shall submit a
7 statistical report to the Governor, the President of the Senate, and the Speaker of the
8 House of Representatives, indicating the number of licenses issued, revoked,
9 suspended, and denied since the previous report and in total and also the number of
10 licenses currently valid. The report shall also include the number of arrests,
11 convictions, and types of crimes committed since the previous report by individuals
12 licensed to carry concealed weapons.

13 (22) The following provisions shall apply to concealed deadly weapon training classes
14 conducted by the Department of Criminal Justice Training or any other agency
15 pursuant to this section:

16 (a) No concealed deadly weapon instructor trainer shall have his or her
17 certification as a concealed deadly weapon instructor trainer reduced to that of
18 instructor or revoked except after a hearing conducted pursuant to KRS
19 Chapter 13B in which the instructor is found to have committed an act in
20 violation of the applicable statutes or administrative regulations;

21 (b) No concealed deadly weapon instructor shall have his or her certification as a
22 concealed deadly weapon instructor license suspended or revoked except after
23 a hearing conducted pursuant to KRS Chapter 13B in which the instructor is
24 found to have committed an act in violation of the applicable statutes or
25 administrative regulations;

26 (c) The department shall not require prior notification that an applicant class or
27 instructor class will be conducted by a certified instructor or instructor trainer;

- 1 (d) Each concealed deadly weapon instructor or instructor trainer who teaches a
2 concealed deadly weapon applicant or concealed deadly weapon instructor
3 class shall supply the Department of Criminal Justice Training with a class
4 roster indicating which students enrolled and successfully completed the class,
5 and which contains the name and address of each student, within five (5)
6 working days of the completion of the class. The information may be sent by
7 mail, facsimile, e-mail, or other method which will result in the receipt of or
8 production of a hard copy of the information. The postmark, facsimile date, or
9 e-mail date shall be considered as the date on which the notice was sent.
10 Concealed deadly weapon class applicant, instructor, and instructor trainer
11 information and records shall be confidential. The department may release to
12 any person or organization the name, address, and telephone number of a
13 concealed deadly weapon instructor or instructor trainer if that instructor or
14 instructor trainer authorizes the release of the information in writing. The
15 department shall include on any application for an instructor or instructor
16 trainer certification a statement that the applicant either does or does not
17 desire the applicant's name, address, and telephone number to be made public;
- 18 (e) An instructor trainer who assists in the conduct of a concealed deadly weapon
19 instructor class or concealed deadly weapon applicant class for more than two
20 (2) hours shall be considered as to have taught a class for the purpose of
21 maintaining his or her certification. All class record forms shall include spaces
22 for assistant instructors to sign and certify that they have assisted in the
23 conduct of a concealed deadly weapon instructor or concealed deadly weapon
24 class;
- 25 (f) An instructor who assists in the conduct of a concealed deadly weapon
26 applicant class for more than two (2) hours shall be considered as to have
27 taught a class for the purpose of maintaining his or her license. All class

1 record forms shall include spaces for assistant instructors to sign and certify
2 that they have assisted in the conduct of a concealed deadly weapon class;

3 (g) If the Department of Criminal Justice Training believes that a firearms
4 instructor trainer or certified firearms instructor has not in fact complied with
5 the requirements for teaching a certified firearms instructor or applicant class
6 by not teaching the class as specified in KRS 237.126, or who has taught an
7 insufficient class as specified in KRS 237.128, the department shall send to
8 each person who has been listed as successfully completing the concealed
9 deadly weapon applicant class or concealed deadly weapon instructor class a
10 verification form on which the time, date, date of range firing if different from
11 the date on which the class was conducted, location, and instructor of the class
12 is listed by the department and which requires the person to answer "yes" or
13 "no" to specific questions regarding the conduct of the training class. The
14 form shall be completed under oath and shall be returned to the Department of
15 Criminal Justice Training not later than forty-five (45) days after its receipt. A
16 person who fails to complete the form, to sign the form, or to return the form
17 to the Department of Criminal Justice Training within the time frame
18 specified in this section or who, as a result of information on the returned
19 form, is determined by the Department of Criminal Justice Training, following
20 a hearing pursuant to KRS Chapter 13B, to not have received the training
21 required by law shall have his or her concealed deadly weapon license
22 revoked by the Department of Kentucky State Police, following a hearing
23 conducted by the Department of Criminal Justice Training pursuant to KRS
24 Chapter 13B, at which hearing the person is found to have violated the
25 provisions of this section or who has been found not to have received the
26 training required by law;

27 (h) The department shall annually, not later than December 31 of each year, report

1 to the Legislative Research Commission:

- 2 1. The number of firearms instructor trainers and certified firearms
3 instructors whose certifications were suspended, revoked, denied, or
4 who were otherwise disciplined;
 - 5 2. The reasons for the imposition of suspensions, revocations, denials, or
6 other discipline; and
 - 7 3. Suggestions for improvement of the concealed deadly weapon applicant
8 training program and instructor process;
- 9 (i) If a concealed deadly weapon license holder is convicted of, pleads guilty to,
10 or enters an Alford plea to a felony offense, then his or her concealed deadly
11 weapon license shall be forthwith revoked by the Department of Kentucky
12 State Police as a matter of law;
- 13 (j) If a concealed deadly weapon instructor or instructor trainer is convicted of,
14 pleads guilty to, or enters an Alford plea to a felony offense, then his or her
15 concealed deadly weapon instructor certification or concealed deadly weapon
16 instructor trainer certification shall be revoked by the Department of Criminal
17 Justice Training as a matter of law; and
- 18 (k) The following shall be in effect:
- 19 1. Action to eliminate the firearms instructor trainer program is prohibited.
20 The program shall remain in effect, and no firearms instructor trainer
21 shall have his or her certification reduced to that of certified firearms
22 instructor;
 - 23 2. The Department of Kentucky State Police shall revoke the concealed
24 deadly weapon license of any person who received no firearms training
25 as required by KRS 237.126 and administrative regulations, or who
26 received insufficient training as required by KRS 237.128 and
27 administrative regulations, if the person voluntarily admits nonreceipt of

1 training or admits receipt of insufficient training, or if either nonreceipt
2 of training or receipt of insufficient training is proven following a
3 hearing conducted by the Department of Criminal Justice Training
4 pursuant to KRS Chapter 13B.

5 ➔Section 129. KRS 403.322 is amended to read as follows:

- 6 (1) The Commonwealth recognizes that certain victims of sexual assault may conceive
7 a child as a result of the sexual assault and may choose to bear and raise the child.
8 The Commonwealth also recognizes that victims of a sexual assault who have
9 elected to raise a child born as a result of the sexual assault, as well as that child,
10 may suffer serious emotional or physical trauma if the perpetrator of the assault is
11 granted parental rights with the child.
- 12 (2) Except as provided in subsection (3) of this section, any person who has been
13 convicted of a felony offense under KRS Chapter 510, in which the victim of that
14 offense has conceived and delivered a child, shall not have custody or visitation
15 rights, or the rights of inheritance under KRS Chapter 391 with respect to that child.
- 16 (3) The mother of the child may waive the protection afforded under subsection (2) of
17 this section regarding visitation and request that the court grant reasonable visitation
18 rights with the child if parentage~~[paternity]~~ has been acknowledged.
- 19 (4) Unless waived by the mother and, if applicable, the public agency substantially
20 contributing to the support of the child, a court shall establish a child support
21 obligation against the father of the child pursuant to KRS 403.211.

22 ➔Section 130. KRS 403.800 is amended to read as follows:

23 As used in KRS 403.800 to 403.880:

- 24 (1) "Abandoned" means left without provision for reasonable and necessary care or
25 supervision;
- 26 (2) "Child" means an individual who has not attained eighteen (18) years of age;
- 27 (3) "Child custody determination" means a judgment, decree, or other order of a court

- 1 providing for the legal custody, physical custody, or visitation with respect to a
2 child. The term includes permanent, temporary, initial, and modification orders. The
3 term does not include an order relating to child support or other monetary obligation
4 of an individual;
- 5 (4) "Child custody proceeding" means a proceeding in which legal custody, physical
6 custody, or visitation with respect to a child is an issue. The term includes a
7 proceeding for divorce, separation, neglect, abuse, dependency, guardianship,
8 paternity, parentage, termination of parental rights, and protection from domestic
9 violence, in which the issue may appear. The term does not include a proceeding
10 involving juvenile delinquency, contractual emancipation, or enforcement under
11 Article 3;
- 12 (5) "Commencement" means the filing of the first pleading in a proceeding;
- 13 (6) "Court" means an entity authorized under the law of a state to establish, enforce, or
14 modify a child custody determination;
- 15 (7) "Home state" means the state in which a child lived with a parent or a person acting
16 as a parent for at least six (6) consecutive months immediately before the
17 commencement of a child custody proceeding. In the case of a child less than six (6)
18 months of age, the term means the state in which the child lived from birth with any
19 of the persons mentioned. A period of temporary absence of any of the mentioned
20 persons is part of the period;
- 21 (8) "Initial determination" means the first child custody determination concerning a
22 particular child;
- 23 (9) "Issuing court" means the court that makes a child custody determination for which
24 enforcement is sought under KRS 403.800 to 403.880;
- 25 (10) "Issuing state" means the state in which a child custody determination is made;
- 26 (11) "Modification" means a child custody determination that changes, replaces,
27 supersedes, or is otherwise made after a previous determination concerning the

1 same child, whether or not it is made by the court that made the previous
2 determination;

3 (12) "Person" means an individual, corporation, business trust, estate, trust, partnership,
4 limited liability company, association, joint venture, government; governmental
5 subdivision, agency, or instrumentality; public corporation; or any other legal or
6 commercial entity;

7 (13) "Person acting as a parent" means a person, other than a parent, who:

8 (a) Has physical custody of the child or has had physical custody for a period of
9 six (6) consecutive months, including any temporary absence, within one (1)
10 year immediately before the commencement of a child custody proceeding;
11 and

12 (b) Has been awarded legal custody by a court or claims a right to legal custody
13 under the law of this state;

14 (14) "Physical custody" means the physical care and supervision of a child;

15 (15) "State" means a state of the United States, the District of Columbia, Puerto Rico,
16 the United States Virgin Islands, or any territory or insular possession subject to the
17 jurisdiction of the United States;

18 (16) "Tribe" means an Indian tribe or band, or Alaskan Native village, which is
19 recognized by federal law or formally acknowledged by a state; and

20 (17) "Warrant" means an order issued by a court authorizing law enforcement officers to
21 take physical custody of a child.

22 ➔Section 131. KRS 405.028 is amended to read as follows:

23 (1) Except as provided in subsection (2) of this section, any person who has been
24 convicted of a felony offense under KRS Chapter 510, in which the victim of that
25 offense has conceived and delivered a child, shall not have custody or visitation
26 rights, or the right of inheritance under KRS Chapter 391 with respect to that child.

27 (2) The mother of the child may waive the protection afforded under subsection (1) of

1 this section regarding visitation and request that the court grant reasonable visitation
2 rights with the child if parentage[paternity] has been acknowledged.

3 (3) Unless waived by the mother and, if applicable, the public agency substantially
4 contributing to the support of the child, a court shall establish a child support
5 obligation against the father of the child pursuant to KRS 403.211.

6 ➔Section 132. KRS 405.430 is amended to read as follows:

7 (1) When a parent presents himself or herself to the cabinet for the voluntary
8 establishment of parentage[paternity] and clear evidence of parentage is not
9 present, the cabinet shall pay when administratively ordered the cost of genetic
10 testing to establish paternity, subject to recoupment from the alleged other
11 parent[father] when parentage[paternity] is established.

12 (2) The cabinet shall obtain additional testing in any case if an original test is contested,
13 upon request and advance payment by the contestant.

14 (3) In a contested parentage[paternity] case, the child, the birth[mother], and a man
15 registered pursuant to Sections 25 to 39 of this Act in relation to the child[the
16 ~~putative father~~] shall submit to genetic testing upon a request of any of the parties,
17 unless the person or guardian of the person who is requested to submit to genetic
18 testing shows good cause, taking into account the best interests of the child, why the
19 genetic tests cannot be performed. The request shall be supported by a sworn
20 statement of the party, requesting that the test be performed, which shall include the
21 information required by 42 U.S.C. sec. 666(a)(5)(B)(i) or (ii).

22 (4) When a parent who fails to support a child is not obligated to provide child support
23 by court order, the cabinet may administratively establish a child support obligation
24 based upon a voluntary acknowledgment of parentage[paternity] as set forth in
25 KRS Chapter 408[406], the parent's minimum monthly child support obligation and
26 proportionate share of child care costs incurred due to employment or job search of
27 either parent, or incurred while receiving elementary or secondary education, or

1 higher education or vocational training which will lead to employment. The
2 monthly child support obligation shall be determined pursuant to the Kentucky child
3 support guidelines set forth in KRS 403.212. The actual cost of child care shall be
4 reasonable and shall be allocated between the parents in the same proportion as each
5 parent's gross income, as determined under the guidelines, bears to the total family
6 gross income.

7 (5) The cabinet shall recognize a voluntary acknowledgment of parentage~~[paternity]~~ as
8 a basis for seeking a support order, irrespective of the alleged father's willingness to
9 consent to a support order.

10 (6) When in the best interest of the child, the cabinet may review and adjust a parent's
11 child support obligation or child care obligation as established by the cabinet, upon
12 a request of the cabinet when an assignment has been made, or upon either parent's
13 petition if the amount of the child support awarded under the order differs from the
14 amount that would be awarded in accordance with KRS 403.212. The cabinet shall
15 notify parents at least once every three (3) years of the right to a review.

16 (7) In establishing or modifying a parent's monthly child support obligation, the cabinet
17 may use automated methods to identify orders eligible for review, conduct the
18 review, identify orders eligible for adjustment, and apply the adjustment to eligible
19 orders in accordance with KRS 403.212. The cabinet shall utilize information,
20 including financial records, about the parent and child which it has good reason to
21 believe is reliable and may require the parents to provide income verification.

22 (8) In cases in which past-due support is owed for a child receiving public assistance
23 under Title IV-A of the Federal Social Security Act, the cabinet shall issue an
24 administrative order, or seek a judicial order, requiring the obligated parent to
25 participate in work activities, or educational or vocational training activities for at
26 least twenty (20) hours per week, unless the parent is incapacitated as defined by 42
27 U.S.C. sec. 607.

- 1 (9) The cabinet may disclose financial records only for the purpose of establishing,
2 modifying, or enforcing a child support obligation of an individual. A financial
3 institution shall not be liable to any individual for disclosing any financial record of
4 the individual to the cabinet attempting to establish, modify, or enforce a child
5 support obligation.
- 6 (10) The cabinet may issue both intrastate and interstate administrative subpoenas to any
7 individual or entity for financial or other information or documents which are
8 needed to establish, modify, or enforce a child support obligation pursuant to Title
9 IV-D of the Social Security Act, 42 U.S.C. secs. 651 et seq. An administrative
10 subpoena lawfully issued in another state to an individual or entity residing in this
11 state shall be honored and enforced in the Circuit Court of the county in which the
12 individual or entity resides.
- 13 (11) In any case where a person or entity fails to respond to a subpoena within the
14 specified time frame, the cabinet shall impose a penalty.
- 15 (12) No person shall knowingly make, present, or cause to be made or presented to an
16 employee or officer of the cabinet any false, fictitious, or fraudulent statement,
17 representation, or entry in any application, report, document, or financial record
18 used in determining child support or child care obligations.
- 19 (13) If a person knowingly or by reason of negligence discloses a financial record of an
20 individual, that individual may pursue civil action for damages in a federal District
21 Court or appropriate state court. No liability shall arise with respect to any
22 disclosure which results from a good faith, but erroneous, interpretation. In any civil
23 action brought for reason of negligence of disclosure of financial records, upon
24 finding of liability on the part of the defendant, the defendant shall be liable to the
25 plaintiff in an amount equal to:
- 26 (a) The sum of the greater of one thousand dollars (\$1,000) for each act of
27 unauthorized disclosure of financial records; or

1 (b) The sum of the actual damages sustained by the plaintiff resulting from the
2 unauthorized disclosure; plus

3 (c) If willful disclosure or disclosure was a result of gross negligence, punitive
4 damages, plus the costs, including attorney fees, of the action.

5 (14) The cabinet shall issue an administrative order or seek a judicial order requiring a
6 parent with a delinquent child support obligation, as defined by administrative
7 regulation promulgated under KRS 15.055, to participate in the program described
8 in KRS 205.732 to help low-income, noncustodial parents find and keep
9 employment unless the parent is incapacitated as defined by 42 U.S.C. sec. 607.

10 ➔Section 133. KRS 405.435 is amended to read as follows:

11 (1) An employer or labor organization in the Commonwealth of Kentucky shall provide
12 information to the Cabinet for Health and Family Services when that employer or
13 labor organization hires an employee who resides or works in the Commonwealth,
14 or rehires or permits the return to work of an employee who has been laid-off,
15 furloughed, separated, granted a leave without pay, or terminated from employment,
16 unless the reporting could endanger the safety of the employee or compromise an
17 ongoing investigation or intelligence mission as determined by the secretary of
18 health and family services.

19 (2) The employer shall provide the information within twenty (20) days of the hiring or
20 return to work of the employee. The information shall include:

21 (a) The employee's name, address, and Social Security number;

22 (b) The employer's name, address, and, if the employer has been assigned one,
23 federal and state employer identification numbers; and

24 (c) The date services for remuneration were first performed by the employee.

25 (3) An employer shall report the required information by submitting a copy of the
26 employee's W-4 form or, at the option of the employer, an equivalent form provided
27 by the Cabinet for Health and Family Services as prescribed by administrative

1 regulation promulgated by the Cabinet for Health and Family Services in
2 accordance with KRS Chapter 13A.

3 (4) The Cabinet for Health and Family Services shall enter all new hire information into
4 the database of the cabinet within five (5) business days.

5 (5) The Cabinet for Health and Family Services may promulgate administrative
6 regulations in accordance with KRS Chapter 13A if the Cabinet for Health and
7 Family Services determines exceptions are needed to reduce unnecessary or
8 burdensome reporting or are needed to facilitate cost-effective operation of the
9 cabinet under this section.

10 (6) The Cabinet for Health and Family Services shall use the information collected
11 pursuant to this section for the location of noncustodial parents, establishment,
12 modification, and enforcement of child support and any other matter related to
13 parentage~~[paternity]~~ or child support.

14 (7) If the employer fails to report as required by this section, the Cabinet for Health and
15 Family Services shall give the employer written notice of the provisions of this
16 section, including the penalty for failure to report.

17 (8) If the employer has not filed a report within twenty (20) days from the date that the
18 written notice is sent to him, the Cabinet for Health and Family Services shall send
19 a second written notice.

20 (9) If the employer fails to file a W-4 or equivalent form within twenty (20) days from
21 the date that the second written notice is sent, or supplies a false or incomplete
22 report, and the failure is a result of a conspiracy between the employee and the
23 employer to prevent the proper information from being filed within twenty (20)
24 days from the date that the second written notice is sent, the Cabinet for Health and
25 Family Services shall send the employer by certified mail, return receipt request,
26 notice of an administrative fine. The fine shall be two hundred fifty dollars (\$250)
27 per calendar month per person for any violation occurring after the second notice

1 has been given, and continuing until a W-4 or equivalent form is received by the
2 Cabinet for Health and Family Services. No fine shall be imposed for any period of
3 less than one (1) full calendar month.

4 (10) The employer shall have ten (10) days after receipt of the administrative fine notice
5 to request a hearing before the Cabinet for Health and Family Services on whether
6 the administrative fine was properly assessed. If a timely request for a hearing is
7 received, the Cabinet for Health and Family Services shall schedule and conduct a
8 hearing in accordance with administrative regulations promulgated by the cabinet in
9 accordance with KRS Chapter 13A.

10 ➔Section 134. KRS 407.5201 is amended to read as follows:

11 (1) In a proceeding to establish or enforce a support order or to determine parentage of
12 a child, a tribunal of this state may exercise personal jurisdiction over a nonresident
13 individual or the individual's guardian or conservator if:

14 (a) The individual is personally served with summons, or notice within this state;

15 (b) The individual submits to the jurisdiction of this state by consent in a record,
16 by entering a general appearance, or by filing a responsive pleading having the
17 effect of waiving any contest to personal jurisdiction;

18 (c) The individual resided with the child in this state;

19 (d) The individual resided in this state and provided prenatal expenses or support
20 for the child;

21 (e) The child resides in this state as a result of the acts or directives of the
22 individual;

23 (f) The individual engaged in sexual intercourse in this state and the child may
24 have been conceived by that act of intercourse;

25 (g) The individual asserted parentage of a child in the~~[-putative-father]~~ registry
26 maintained in this state by the Cabinet for Health and Family Services
27 **pursuant to Sections 25 to 39 of this Act**; or

1 (h) There is any other basis consistent with the constitutions of this state and the
2 United States for the exercise of personal jurisdiction.

3 (2) The bases of personal jurisdiction set forth in subsection (1) of this section or in any
4 other law of this state may not be used to acquire personal jurisdiction for a tribunal
5 of this state to modify a child support order of another state unless the requirements
6 of KRS 407.5611 are met, or, in the case of a foreign support order, unless the
7 requirements of KRS 407.5615 are met.

8 ➔Section 135. KRS 407.5316 is amended to read as follows:

9 (1) The physical presence of a nonresident party who is an individual in a tribunal of
10 this state is not required for the establishment, enforcement, or modification of a
11 support order or the rendition of a judgment determining parentage of a child.

12 (2) An affidavit, a document substantially complying with federally mandated forms, or
13 a document incorporated by reference in any of them, which would not be excluded
14 under the hearsay rule if given in person, is admissible in evidence if given under
15 penalty of perjury by a party or witness residing outside this state.

16 (3) A copy of the record of child support payments certified as a true copy of the
17 original by the custodian of the record may be forwarded to a responding tribunal.
18 The copy is evidence of facts asserted in it, and is admissible to show whether
19 payments were made.

20 (4) Copies of bills for testing for parentage of a child, and for prenatal and postnatal
21 health care of the mother and child, furnished to the adverse party at least ten (10)
22 days before trial, are admissible in evidence to prove the amount of the charges
23 billed and that the charges were reasonable, necessary, and customary.

24 (5) Documentary evidence transmitted from outside this state to a tribunal of this state
25 by telephone, telecopier, or other electronic means that do not provide an original
26 record may not be excluded from evidence on an objection based on the means of
27 transmission.

- 1 (6) In a proceeding under KRS 407.5101 to 407.5902, a tribunal of this state shall
2 permit a party or witness residing outside this state to be deposed or to testify under
3 penalty of perjury by telephone, audiovisual means, or other electronic means at a
4 designated tribunal or other location. A tribunal of this state shall cooperate with
5 other tribunals in designating an appropriate location for the deposition or
6 testimony.
- 7 (7) If a party called to testify at a civil hearing refuses to answer on the ground that the
8 testimony may be self-incriminating, the trier of fact may draw an adverse inference
9 from the refusal.
- 10 (8) A privilege against disclosure of communications between spouses does not apply
11 in a proceeding under KRS 407.5101 to 407.5902.
- 12 (9) The defense of immunity based on the relationship of husband and wife or parent
13 and child does not apply in a proceeding under KRS 407.5101 to 407.5902.
- 14 (10) A voluntary acknowledgment of parentage~~[paternity]~~, certified as a true copy, is
15 admissible to establish parentage of the child.
- 16 ➔Section 136. KRS 407.5401 is amended to read as follows:
- 17 (1) If a support order entitled to recognition under KRS 407.5101 to 407.5902 has not
18 been issued, a responding tribunal of this state with personal jurisdiction over the
19 parties may issue a support order if:
- 20 (a) The individual seeking the order resides outside this state; or
21 (b) The support enforcement agency seeking the order is located outside this state.
- 22 (2) The tribunal may issue a temporary child support order if the tribunal determines
23 that such an order is appropriate and the individual ordered to pay is:
- 24 (a) A presumed parent~~[father]~~ of the child;
25 (b) Petitioning to have parentage~~[his paternity]~~ adjudicated;
26 (c) Identified as the parent~~[father]~~ of the child through genetic testing;
27 (d) An alleged parent~~[father]~~ who has declined to submit to genetic testing;

- 1 (e) Shown by clear and convincing evidence to be the parent~~[father]~~ of the child;
- 2 (f) An acknowledged parent~~[father]~~ as provided by KRS Chapter 408~~[213.046]~~;
- 3 (g) The birth mother of the child; or
- 4 (h) An individual who has been ordered to pay child support in a previous
- 5 proceeding and the order has not been reversed or vacated.

6 (3) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty
7 of support, the tribunal shall issue a support order directed to the obligor and may
8 issue other orders pursuant to KRS 407.5305.

9 ➔Section 137. KRS 620.055 is amended to read as follows:

10 (1) An external child fatality and near fatality review panel is hereby created and
11 established for the purpose of conducting comprehensive reviews of child fatalities
12 and near fatalities, reported to the Cabinet for Health and Family Services,
13 suspected to be a result of abuse or neglect. The panel shall be attached to the
14 Justice and Public Safety Cabinet for staff and administrative purposes.

15 (2) The external child fatality and near fatality review panel shall be composed of the
16 following five (5) ex officio nonvoting members and fifteen (15) voting members:

- 17 (a) The chairperson of the House Health and Welfare Committee of the Kentucky
18 General Assembly, who shall be an ex officio nonvoting member;
- 19 (b) The chairperson of the Senate Health and Welfare Committee of the Kentucky
20 General Assembly, who shall be an ex officio nonvoting member;
- 21 (c) The commissioner of the Department for Community Based Services, who
22 shall be an ex officio nonvoting member;
- 23 (d) The commissioner of the Department for Public Health, who shall be an ex
24 officio nonvoting member;
- 25 (e) A family court judge selected by the Chief Justice of the Kentucky Supreme
26 Court, who shall be an ex officio nonvoting member;
- 27 (f) A pediatrician from the University of Kentucky's Department of Pediatrics

- 1 who is licensed and experienced in forensic medicine relating to child abuse
2 and neglect to be selected by the Attorney General from a list of three (3)
3 names provided by the dean of the University of Kentucky School of
4 Medicine;
- 5 (g) A pediatrician from the University of Louisville's Department of Pediatrics
6 who is licensed and experienced in forensic medicine relating to child abuse
7 and neglect to be selected by the Attorney General from a list of three (3)
8 names provided by the dean of the University of Louisville School of
9 Medicine;
- 10 (h) The state medical examiner or designee;
- 11 (i) A court-appointed special advocate (CASA) program director to be selected
12 by the Attorney General from a list of three (3) names provided by the
13 Kentucky CASA Association;
- 14 (j) A peace officer with experience investigating child abuse and neglect fatalities
15 and near fatalities to be selected by the Attorney General from a list of three
16 (3) names provided by the commissioner of the Kentucky State Police;
- 17 (k) A representative from Prevent Child Abuse Kentucky, Inc. to be selected by
18 the Attorney General from a list of three (3) names provided by the president
19 of the Prevent Child Abuse Kentucky, Inc. board of directors;
- 20 (l) A practicing local prosecutor to be selected by the Attorney General;
- 21 (m) The executive director of the Kentucky Domestic Violence Association or the
22 executive director's designee;
- 23 (n) The chairperson of the State Child Fatality Review Team established in
24 accordance with KRS 211.684 or the chairperson's designee;
- 25 (o) A practicing social work clinician to be selected by the Attorney General from
26 a list of three (3) names provided by the Board of Social Work;
- 27 (p) A practicing addiction counselor to be selected by the Attorney General from

- 1 a list of three (3) names provided by the Kentucky Association of Addiction
2 Professionals;
- 3 (q) A representative from the family resource and youth service centers to be
4 selected by the Attorney General from a list of three (3) names submitted by
5 the Cabinet for Health and Family Services;
- 6 (r) A representative of a community mental health center to be selected by the
7 Attorney General from a list of three (3) names provided by the Kentucky
8 Association of Regional Mental Health and Mental Retardation Programs,
9 Inc.;
- 10 (s) A member of a citizen foster care review board selected by the Chief Justice
11 of the Kentucky Supreme Court; and
- 12 (t) An at-large representative who shall serve as chairperson to be selected by the
13 Secretary of State.
- 14 (3) (a) By August 1, 2013, the appointing authority or the appointing authorities, as
15 the case may be, shall have appointed panel members. Initial terms of
16 members, other than those serving ex officio, shall be staggered to provide
17 continuity. Initial appointments shall be: five (5) members for terms of one (1)
18 year, five (5) members for terms of two (2) years, and five (5) members for
19 terms of three (3) years, these terms to expire, in each instance, on June 30
20 and thereafter until a successor is appointed and accepts appointment.
- 21 (b) Upon the expiration of these initial staggered terms, successors shall be
22 appointed by the respective appointing authorities, for terms of two (2) years,
23 and until successors are appointed and accept their appointments. Members
24 shall be eligible for reappointment. Vacancies in the membership of the panel
25 shall be filled in the same manner as the original appointments.
- 26 (c) At any time, a panel member shall recuse himself or herself from the review
27 of a case if the panel member believes he or she has a personal or private

1 conflict of interest.

2 (d) If a voting panel member is absent from two (2) or more consecutive,
3 regularly scheduled meetings, the member shall be considered to have
4 resigned and shall be replaced with a new member in the same manner as the
5 original appointment.

6 (e) If a voting panel member is proven to have violated subsection (13) of this
7 section, the member shall be removed from the panel, and the member shall
8 be replaced with a new member in the same manner as the original
9 appointment.

10 (4) The panel shall meet at least quarterly and may meet upon the call of the
11 chairperson of the panel.

12 (5) Members of the panel shall receive no compensation for their duties related to the
13 panel, but may be reimbursed for expenses incurred in accordance with state
14 guidelines and administrative regulations.

15 (6) Each panel member shall be provided copies of all information set out in this
16 subsection, including but not limited to records and information, upon request, to be
17 gathered, unredacted, and submitted to the panel within thirty (30) days by the
18 Cabinet for Health and Family Services from the Department for Community Based
19 Services or any agency, organization, or entity involved with a child subject to a
20 fatality or near fatality:

21 (a) Cabinet for Health and Family Services records and documentation regarding
22 the deceased or injured child and his or her caregivers, residents of the home,
23 and persons supervising the child at the time of the incident that include all
24 records and documentation set out in this paragraph:

- 25 1. All prior and ongoing investigations, services, or contacts;
- 26 2. Any and all records of services to the family provided by agencies or
27 individuals contracted by the Cabinet for Health and Family Services;

1 and

2 3. All documentation of actions taken as a result of child fatality internal
3 reviews conducted pursuant to KRS 620.050(12)(b);

4 (b) Licensing reports from the Cabinet for Health and Family Services, Office of
5 Inspector General, if an incident occurred in a licensed facility;

6 (c) All available records regarding protective services provided out of state;

7 (d) All records of services provided by the Department for Juvenile Justice
8 regarding the deceased or injured child and his or her caregivers, residents of
9 the home, and persons involved with the child at the time of the incident;

10 (e) Autopsy reports;

11 (f) Emergency medical service, fire department, law enforcement, coroner, and
12 other first responder reports, including but not limited to photos and
13 interviews with family members and witnesses;

14 (g) Medical records regarding the deceased or injured child, including but not
15 limited to all records and documentation set out in this paragraph:

16 1. Primary care records, including progress notes; developmental
17 milestones; growth charts that include head circumference; all laboratory
18 and X-ray requests and results; and birth record that includes record of
19 delivery type, complications, and initial physical exam of baby;

20 2. In-home provider care notes about observations of the family, bonding,
21 others in home, and concerns;

22 3. Hospitalization and emergency department records;

23 4. Dental records;

24 5. Specialist records; and

25 6. All photographs of injuries of the child that are available;

26 (h) Educational records of the deceased or injured child, or other children residing
27 in the home where the incident occurred, including but not limited to the

1 records and documents set out in this paragraph:

- 2 1. Attendance records;
- 3 2. Special education services;
- 4 3. School-based health records; and
- 5 4. Documentation of any interaction and services provided to the children
- 6 and family.

7 The release of educational records shall be in compliance with the Family
8 Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g and its
9 implementing regulations;

10 (i) Head Start records or records from any other child care or early child care
11 provider;

12 (j) Records of any Family, Circuit, or District Court involvement with the
13 deceased or injured child and his or her caregivers, residents of the home and
14 persons involved with the child at the time of the incident that include but are
15 not limited to the juvenile and family court records and orders set out in this
16 paragraph, pursuant to KRS Chapters 199, 403, 405, ~~408~~[406], and 600 to
17 645:

- 18 1. Petitions;
- 19 2. Court reports by the Department for Community Based Services,
20 guardian ad litem, court-appointed special advocate, and the Citizen
21 Foster Care Review Board;
- 22 3. All orders of the court, including temporary, dispositional, or
23 adjudicatory; and
- 24 4. Documentation of annual or any other review by the court;

25 (k) Home visit records from the Department for Public Health or other services;

26 (l) All information on prior allegations of abuse or neglect and deaths of children
27 of adults residing in the household;

- 1 (m) All law enforcement records and documentation regarding the deceased or
2 injured child and his or her caregivers, residents of the home, and persons
3 involved with the child at the time of the incident; and
- 4 (n) Mental health records regarding the deceased or injured child and his or her
5 caregivers, residents of the home, and persons involved with the child at the
6 time of the incident.
- 7 (7) The panel may seek the advice of experts, such as persons specializing in the fields
8 of psychiatric and forensic medicine, nursing, psychology, social work, education,
9 law enforcement, family law, or other related fields, if the facts of a case warrant
10 additional expertise.
- 11 (8) The panel shall post updates after each meeting to the Web site of the Justice and
12 Public Safety Cabinet regarding case reviews, findings, and recommendations.
- 13 (9) The panel chairperson, or other requested persons, shall report a summary of the
14 panel's discussions and proposed or actual recommendations to the Interim Joint
15 Committee on Health and Welfare of the Kentucky General Assembly monthly or at
16 the request of a committee co-chair. The goal of the committee shall be to ensure
17 impartiality regarding the operations of the panel during its review process.
- 18 (10) The panel shall publish an annual report by December 1 of each year consisting of
19 case reviews, findings, and recommendations for system and process improvements
20 to help prevent child fatalities and near fatalities that are due to abuse and neglect.
21 The report shall be submitted to the Governor, the secretary of the Cabinet for
22 Health and Family Services, the Chief Justice of the Supreme Court, the Attorney
23 General, and the director of the Legislative Research Commission for distribution to
24 the Child Welfare Oversight and Advisory Committee established in KRS 6.943
25 and the Judiciary Committee.
- 26 (11) Information and record copies that are confidential under state or federal law and
27 are provided to the external child fatality and near fatality review panel by the

1 Cabinet for Health and Family Services, the Department for Community Based
2 Services, or any agency, organization, or entity for review shall not become the
3 information and records of the panel and shall not lose their confidentiality by virtue
4 of the panel's access to the information and records. The original information and
5 records used to generate information and record copies provided to the panel in
6 accordance with subsection (6) of this section shall be maintained by the
7 appropriate agency in accordance with state and federal law and shall be subject to
8 the Kentucky Open Records Act, KRS 61.870 to 61.884. All open records requests
9 shall be made to the appropriate agency, not to the external child fatality and near
10 fatality review panel or any of the panel members. Information and record copies
11 provided to the panel for review shall be exempt from the Kentucky Open Records
12 Act, KRS 61.870 to 61.884. At the conclusion of the panel's examination, all copies
13 of information and records provided to the panel involving an individual case shall
14 be destroyed by the Justice and Public Safety Cabinet.

15 (12) Notwithstanding any provision of law to the contrary, the portions of the external
16 child fatality and near fatality review panel meetings during which an individual
17 child fatality or near fatality case is reviewed or discussed by panel members may
18 be a closed session and subject to the provisions of KRS 61.815(1) and shall only
19 occur following the conclusion of an open session. At the conclusion of the closed
20 session, the panel shall immediately convene an open session and give a summary
21 of what occurred during the closed session.

22 (13) Each member of the external child fatality and near fatality review panel, any person
23 attending a closed panel session, and any person presenting information or records
24 on an individual child fatality or near fatality shall not release information or
25 records not available under the Kentucky Open Records Act, KRS 61.870 to 61.884
26 to the public.

27 (14) A member of the external child fatality and near fatality review panel shall not be

1 prohibited from making a good faith report to any state or federal agency of any
2 information or issue that the panel member believes should be reported or disclosed
3 in an effort to facilitate effectiveness and transparency in Kentucky's child
4 protective services.

5 (15) A member of the external child fatality and near fatality review panel shall not be
6 held liable for any civil damages or criminal penalties pursuant to KRS 620.990 as a
7 result of any action taken or omitted in the performance of the member's duties
8 pursuant to this section and KRS 620.050, except for violations of subsection (11),
9 (12), or (13) of this section.

10 (16) Beginning in 2014 the Legislative Program Review and Investigations Committee
11 of the Kentucky General Assembly shall conduct an annual evaluation of the
12 external child fatality and near fatality review panel established pursuant to this
13 section to monitor the operations, procedures, and recommendations of the panel
14 and shall report its findings to the General Assembly.

15 ➔Section 138. KRS 625.050 is amended to read as follows:

16 (1) A petition for involuntary termination of parental rights shall be entitled "In the
17 interest of ..., a child."

18 (2) The petition shall be filed in the Circuit Court for any of the following counties:

19 (a) The county in which either parent resides or may be found;

20 (b) The county in which juvenile court actions, if any, concerning the child have
21 commenced; or

22 (c) The county in which the child involved resides or is present.

23 (3) Proceedings for involuntary termination of parental rights may be initiated upon
24 petition by the cabinet, any child-placing agency licensed by the cabinet, any county
25 or Commonwealth's attorney or parent.

26 (4) The petition for involuntary termination of parental rights shall be verified and
27 contain the following:

- 1 (a) Name and mailing address of each petitioner;
- 2 (b) Name, sex, date of birth and place of residence of the child;
- 3 (c) Name and address of the living parents of the child;
- 4 (d) Name, date of death and cause of death, if known, of any deceased parent;
- 5 (e) Name and address of **a man registered pursuant to Sections 25 to 39 of this**
- 6 **Act in relation to the child**~~[the putative father]~~, if known by the petitioner,~~[of~~
- 7 ~~the child]~~ if not the same person as the legal **other parent**~~[father]~~;
- 8 (f) Name and address of the person, cabinet or agency having custody of the
- 9 child;
- 10 (g) Name and identity of the person, cabinet or authorized agency to whom
- 11 custody is sought to be transferred;
- 12 (h) Statement that the person, cabinet or agency to whom custody is to be given
- 13 has facilities available and is willing to receive the custody of the child;
- 14 (i) All pertinent information concerning termination or disclaimers of parenthood
- 15 or voluntary consent to termination;
- 16 (j) Information as to the legal status of the child and the court so adjudicating;
- 17 and
- 18 (k) A concise statement of the factual basis for the termination of parental rights.
- 19 (5) No petition may be filed under this section prior to five (5) days after the birth of
- 20 the child.
- 21 (6) No petition may be filed to terminate the parental rights of a woman solely because
- 22 of her use of a nonprescribed controlled substance during pregnancy if she enrolls in
- 23 and maintains substantial compliance with both a substance abuse treatment or
- 24 recovery program and a regimen of prenatal care as recommended by her health care
- 25 practitioner throughout the remaining term of her pregnancy. Upon certified
- 26 completion of the treatment or recovery program, or six (6) months after giving
- 27 birth during which time substantial compliance with a substance abuse treatment or

1 recovery program has occurred, whichever is earlier, any records maintained by a
2 court or by the cabinet relating to a positive test for a nonprescribed controlled
3 substance shall be sealed by the court and may not be used in any future criminal
4 prosecution or future petition to terminate the woman's parental rights.

- 5 (7) Any petition filed pursuant to this section shall be fully adjudicated and a final
6 judgment shall be entered by the court within six (6) months of the service of the
7 petition on the parents.

8 ➔Section 139. KRS 625.060 is amended to read as follows:

- 9 (1) In addition to the child, the following shall be the parties in an action for
10 involuntary termination of parental rights:

- 11 (a) The petitioner;
12 (b) The cabinet, if not the petitioner;
13 (c) The~~biological~~ parents, if known and if their rights have not been previously
14 terminated. It shall not be necessary to make a man registered pursuant to
15 Sections 25 to 39 of this Act in relation to the child~~the putative father~~ a
16 party if he is exempted by KRS 625.065; and
17 (d) A foster parent of a child who is currently placed with the foster parent, and
18 the child is part of the involuntary termination of parental rights action that is
19 related to an allegation of dependency, neglect, or abuse pursuant to KRS
20 Chapter 620, unless the judge determines this involvement is inappropriate.

- 21 (2) Any party other than the child who is not the petitioner shall be a respondent.

22 ➔Section 140. KRS 625.065 is amended to read as follows:

- 23 (1) The man registered pursuant to Sections 25 to 39 of this Act in relation
24 to~~putative father of~~ a child shall be made a party and brought before the circuit
25 court in the same manner as any other party to an involuntary termination action if
26 one (1) of the following conditions exists:

- 27 (a) He is known and voluntarily identified by the mother by affidavit;

- 1 (b) He has registered with the cabinet pursuant to Sections 25 to 39 of this
2 Act~~[KRS 199.503 as a putative father prior to the birth of the child, or if he~~
3 ~~did not have notice prior to the birth of the child, within twenty one (21) days~~
4 ~~after the birth of the child]~~;
- 5 (c) He has caused his name to be affixed to the birth certificate of the child;
- 6 (d) He has commenced a judicial proceeding claiming parental right;
- 7 (e) He has contributed financially to the support of the child, either by paying the
8 medical or hospital bills associated with the birth of the child or financially
9 contributing to the child's support; or
- 10 (f) He has married the mother of the child or has lived openly or is living openly
11 with the child or the person designated on the birth certificate as the biological
12 mother of the child.
- 13 (2) Any person to whom none of the above conditions apply shall be deemed to have no
14 parental rights to the child in question.
- 15 ➔Section 141. KRS 625.070 is amended to read as follows:
- 16 (1) In any action for involuntary termination of parental rights, service upon the parties
17 shall be accomplished by personal service where possible or constructive service
18 where personal service is not possible, pursuant to the Kentucky Rules of Civil
19 Procedure.
- 20 (2) No service shall be necessary if a disclaimer of parentage~~[paternity]~~ or a petition
21 for voluntary termination of parental rights has been executed by a parent or alleged
22 parent and filed in the record, or an order terminating parental rights has been
23 entered by a Circuit Court of competent jurisdiction.
- 24 (3) Notwithstanding the provisions of the Kentucky Rules of Civil Procedure,
25 appointment of a guardian ad litem for a child in an action for termination of
26 parental rights, and service of the petition upon the guardian ad litem shall be
27 sufficient for personal jurisdiction over the child in the action.

- 1 ➔Section 142. The following KRS sections are repealed:
- 2 199.503 Putative father registry -- Administrative regulations -- Registration --
- 3 Notification of opportunity to register -- Data storage -- Certified copy of
- 4 registration form -- Confidentiality -- Information on Web site.
- 5 406.005 Definitions for KRS 406.011 to 406.180.
- 6 406.011 Obligations of father -- Presumption of paternity.
- 7 406.021 Determination of paternity -- Liability of noncustodial parent.
- 8 406.025 Rebuttable presumption of voluntary acknowledgment-of-paternity affidavit --
- 9 Temporary support order if paternity is indicated -- Continuation of child support
- 10 until final determination of paternity.
- 11 406.031 Limitation of action.
- 12 406.035 Written order of paternity -- Limit on public inspection -- Persons who may
- 13 inspect.
- 14 406.041 Effect of death of father on liabilities.
- 15 406.051 Remedies -- District Court's concurrent jurisdiction for child custody and
- 16 visitation in paternity cases.
- 17 406.061 Jury trial in paternity action.
- 18 406.071 Time of trial.
- 19 406.081 Authority for genetic tests -- Failure of alleged father to submit to tests.
- 20 406.091 Ratification of unchallenged acknowledgment of paternity -- Genetic tests to
- 21 include tests for inherited characteristics -- Appointment of examiner of genetic
- 22 markers -- Genetic testing in contested paternity case -- Admissibility of test results
- 23 -- Additional tests -- Costs.
- 24 406.101 Compensation of expert witnesses.
- 25 406.111 Effect of test results -- Rebuttable presumption.
- 26 406.121 Judgment, how enforced.
- 27 406.131 Bond to secure payment of judgment.

- 1 406.141 Settlement agreements.
- 2 406.151 Venue.
- 3 406.161 Uniformity of interpretation.
- 4 406.170 Short title.
- 5 406.180 Applicability.