

1 AN ACT relating to parental rights.

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

3 ➔Section 1. KRS 403.322 is amended to read as follows:

- 4 (1) The Commonwealth recognizes that certain victims of sexual assault may conceive
5 a child as a result of the sexual assault and may choose to bear and raise the child.
6 The Commonwealth also recognizes that victims of a sexual assault who have
7 elected to raise a child born as a result of the sexual assault, as well as that child,
8 may suffer serious emotional or physical trauma if the perpetrator of the assault is
9 granted parental rights with the child.
- 10 (2) Except as provided in subsection (3) of this section, any person who:
- 11 **(a) Has been convicted of a felony offense under KRS Chapter 510, *KRS***
12 ***530.020, or a comparable offense under another jurisdiction; or***
13 **(b) *Is shown by clear and convincing evidence to have committed a felony***
14 ***offense under KRS Chapter 510, KRS 530.020, or a comparable offense***
15 ***from another jurisdiction;***^[,]
- 16 in which the victim of that offense has conceived and delivered a child, shall
17 not have custody or visitation rights, or the rights of inheritance under KRS
18 Chapter 391 with respect to that child.
- 19 (3) The mother of the child may waive the protection afforded under subsection (2) of
20 this section regarding visitation and request that the court grant reasonable visitation
21 rights with the child if paternity has been acknowledged.
- 22 (4) Unless waived by the mother and, if applicable, the public agency substantially
23 contributing to the support of the child, a court shall establish a child support
24 obligation against the father of the child pursuant to KRS 403.211.

25 ➔Section 2. KRS 405.028 is amended to read as follows:

- 26 (1) Except as provided in subsection (2) of this section, any person who:
- 27 **(a) Has been convicted of a felony offense under KRS Chapter 510, *KRS***

1 530.020, or a comparable offense from another jurisdiction; or
 2 (b) Is shown by clear and convincing evidence to have committed a felony
 3 offense under KRS Chapter 510, KRS 530.020, or a comparable offense
 4 from another jurisdiction;[,]

5 in which the victim of that offense has conceived and delivered a child, shall
 6 not have custody or visitation rights, or the right of inheritance under KRS
 7 Chapter 391 with respect to that child.

8 (2) The mother of the child may waive the protection afforded under subsection (1) of
 9 this section regarding visitation and request that the court grant reasonable visitation
 10 rights with the child if paternity has been acknowledged.

11 (3) Unless waived by the mother and, if applicable, the public agency substantially
 12 contributing to the support of the child, a court shall establish a child support
 13 obligation against the father of the child pursuant to KRS 403.211.

14 ➔Section 3. KRS 625.050 is amended to read as follows:

15 (1) A petition for involuntary termination of parental rights shall be entitled "In the
 16 interest of ..., a child."

17 (2) The petition shall be filed in the Circuit Court for any of the following counties:

- 18 (a) The county in which either parent resides or may be found;
- 19 (b) The county in which juvenile court actions, if any, concerning the child have
- 20 commenced; or
- 21 (c) The county in which the child involved resides or is present.

22 (3) Proceedings for involuntary termination of parental rights may be initiated upon
 23 petition by:

- 24 (a) The cabinet;[,]
- 25 (b) Any child-placing agency licensed by the cabinet;[,]
- 26 (c) Any county or Commonwealth's attorney;

27 (d) In the case of a minor mother:

- 1 1. A guardian of the minor mother;
- 2 2. A guardian of the child; or
- 3 3. A de facto custodian of the child. As used in this subsection, "de facto
- 4 custodian" has the same meaning as in KRS 403.270; or

5 (e) A parent.

6 (4) The petition for involuntary termination of parental rights shall be verified and
7 contain the following:

- 8 (a) Name and mailing address of each petitioner;
- 9 (b) Name, sex, date of birth and place of residence of the child;
- 10 (c) Name and address of the living parents of the child;
- 11 (d) Name, date of death and cause of death, if known, of any deceased parent;
- 12 (e) Name and address of the putative father, if known by the petitioner, of the
- 13 child if not the same person as the legal father;
- 14 (f) Name and address of the person, cabinet or agency having custody of the
- 15 child;
- 16 (g) Name and identity of the person, cabinet or authorized agency to whom
- 17 custody is sought to be transferred;
- 18 (h) Statement that the person, cabinet or agency to whom custody is to be given
- 19 has facilities available and is willing to receive the custody of the child;
- 20 (i) All pertinent information concerning termination or disclaimers of parenthood
- 21 or voluntary consent to termination;
- 22 (j) Information as to the legal status of the child and the court so adjudicating;
- 23 and
- 24 (k) A concise statement of the factual basis for the termination of parental rights.

25 (5) No petition may be filed under this section prior to five (5) days after the birth of
26 the child.

27 (6) No petition may be filed to terminate the parental rights of a woman solely because

1 of her use of a nonprescribed controlled substance during pregnancy if she enrolls in
2 and maintains substantial compliance with both a substance abuse treatment or
3 recovery program and a regimen of prenatal care as recommended by her health care
4 practitioner throughout the remaining term of her pregnancy. Upon certified
5 completion of the treatment or recovery program, or six (6) months after giving
6 birth during which time substantial compliance with a substance abuse treatment or
7 recovery program has occurred, whichever is earlier, any records maintained by a
8 court or by the cabinet relating to a positive test for a nonprescribed controlled
9 substance shall be sealed by the court and may not be used in any future criminal
10 prosecution or future petition to terminate the woman's parental rights.

11 (7) Any petition filed pursuant to this section shall be fully adjudicated and a final
12 judgment shall be entered by the court within six (6) months of the service of the
13 petition on the parents.

14 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 625 IS CREATED TO
15 READ AS FOLLOWS:

16 **KRS 625.090 to the contrary notwithstanding, the Circuit Court shall involuntarily**
17 **terminate all parental rights of a parent of a named child if the Circuit Court finds by**
18 **clear and convincing evidence that the parent:**

19 **(1) Has been convicted of a felony offense under KRS Chapter 510, KRS 530.020, or**
20 **a comparable offense from another jurisdiction; or**

21 **(2) Committed a felony offense under KRS Chapter 510, KRS 530.020, or a**
22 **comparable offense from another jurisdiction;**

23 **in which the victim of that offense has conceived and delivered the named child.**