

1 AN ACT relating to adoption records.

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

3 ➔Section 1. KRS 199.572 is amended to read as follows:

4 (1) At the time the biological parents give up the child for adoption, they shall be asked  
5 by the cabinet whether they consent to the inspection of the adoption records, to  
6 personal contact by the child, or to both when he ***or she*** becomes an adult. If  
7 consent is then given, it can later be revoked. If consent is withheld at that time, the  
8 biological parents may give consent at any later time. The initial written statement  
9 of consent or refusal of consent to inspection of records and personal contact shall  
10 be filed with the Circuit Court not later than the date of finalization of the adoption  
11 proceedings. When a written consent is on file, the records shall be available to the  
12 adult adopted person, upon his ***or her*** request therefor in writing.

13 (2) When any adult adopted person applies in person or in writing to the Circuit Court  
14 for authorization to inspect all papers and records pertaining to the adoption  
15 proceedings of that adult adopted person as provided in KRS 199.570(1), and the  
16 biological parents have previously refused consent to inspection of records and to  
17 personal contact, the court may, if satisfied as to the identity of the adult adopted  
18 person, authorize the adult adopted person to inspect the papers and records if  
19 written consent is obtained from the biological parents identified on the adult  
20 adopted person's original birth certificate.

21 (3) ***When any adult person who is the child, grandchild, or sibling of a deceased***  
22 ***birth parent who gave a child up for adoption under this chapter, or who is the***  
23 ***child, grandchild, or sibling of a deceased adoptee who was given up for adoption***  
24 ***under this chapter, applies in person or in writing to the Circuit Court for***  
25 ***authorization to inspect all papers and records pertaining to the adoption***  
26 ***proceedings of that deceased birth parent or deceased adoptee who was part of an***  
27 ***adoption proceeding in accordance with KRS 199.570, the court may, if satisfied***

1 as to the identity of the adult person and that each birth parent who gave a child  
2 up for the adoption listed in the petition is deceased or has given consent to the  
3 inspection pursuant to this section, authorize the adult person to inspect the  
4 papers and records.

5 **(4)** The Circuit Court shall, within seven (7) working days of the receipt of the request,  
6 direct the secretary of the cabinet to notify each biological parent identified on the  
7 adult adopted person's original birth certificate that the person has applied to the  
8 court for information identifying the biological parent. Within six (6) months of  
9 receiving the notice of the request of the adult adopted person, the secretary of the  
10 cabinet shall make complete and reasonable efforts to notify each biological parent  
11 identified on the adult adopted person's original birth certificate. The secretary may  
12 charge a reasonable fee not to exceed two hundred fifty dollars (\$250) to the adult  
13 adopted person for making this search. Every child-caring facility and child-placing  
14 agency in the Commonwealth shall cooperate with the secretary in his or her efforts  
15 to notify these biological parents.

16 ~~(5)~~~~(4)~~ If the cabinet utilizes the services of another person or entity to perform a  
17 search under subsection ~~(4)~~~~(3)~~ of this section, the cabinet shall enter into a formal  
18 contract with that person or entity. A person or entity contracted to perform a search  
19 shall be licensed under the provisions of KRS Chapter 329A.

20 ~~(6)~~~~(5)~~ The notification of the biological parents shall not be by mail and shall be by  
21 personal and confidential contact by the cabinet. The notification shall be done  
22 without disclosing the identity of the adult adopted person. The personal and  
23 confidential contact with the biological parents shall be evidenced by filing with the  
24 Circuit Court an affidavit of notification executed by the person who notified each  
25 parent and certifying each parent was given the following information:

- 26 (a) The nature of the information requested by the adult adopted person;  
27 (b) The date of the request of the adult adopted person;

- 1 (c) The right of the biological parent to file, within sixty (60) days of receipt of  
2 the notice, an affidavit with the Circuit Court stating that the adult adopted  
3 person shall be authorized to inspect all papers and records pertaining to his  
4 or her adoption proceedings;
- 5 (d) The right of the biological parent to file at any time an affidavit authorizing  
6 the adult adopted person to inspect all papers and records pertaining to his or  
7 her adoption proceedings; and
- 8 (e) The right of a biological parent to file an affidavit with the Circuit Court  
9 stating that all papers and records pertaining to the adoption proceedings of  
10 the adult adopted person shall not be open for inspection by the adult adopted  
11 person.
- 12 ~~(7)(6)~~ The adult adopted person shall not be authorized to inspect the papers and  
13 records pertaining to his or her adoption proceedings unless those biological parents  
14 identified on the original birth certificate agree in writing to that inspection.
- 15 ~~(8)(7)~~ If after diligent and reasonable effort, the secretary of the cabinet certifies that  
16 both biological parents identified in the original birth certificate are deceased or the  
17 secretary is unable to locate said parents, then a judge of the Circuit Court, upon  
18 motion of the adult adopted person, may order that all papers and records of the  
19 Cabinet for Health and Family Services and those of the Circuit Court pertaining to  
20 the adoption shall be open for inspection to the adult adopted person. In any case,  
21 the court shall order that only identifying information about the biological parents  
22 be shared with the adult adopted person.