

1 AN ACT relating to termination of parental rights.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 625 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) Notwithstanding KRS 625.040, a parent may elect to voluntarily terminate his or*
6 *her parental rights during the pendency of a proceeding under KRS Chapter 620*
7 *by signing a consent form prescribed by the Administrative Office of the Courts,*
8 *which shall be filed with the court and contain the following:*

9 *(a) Date, time, and place of the execution of the consent;*

10 *(b) Name and place of residence of the parent;*

11 *(c) Name, sex, date of birth, and place of residence of the child;*

12 *(d) A concise statement of the factual basis for the termination of parental*
13 *rights;*

14 *(e) A statement that the parent:*

15 *1. Was fully informed of the legal effect of the consent;*

16 *2. Was not coerced in any way to execute the consent;*

17 *3. Understands that the consent will be final and irrevocable seventy-two*
18 *(72) hours after the execution of the consent, and that the consent may*
19 *be withdrawn only by written notification filed with the court on or*
20 *before the expiration of the seventy-two (72) hours; and*

21 *4. Has received a completed and signed copy of the consent at the time of*
22 *the execution of the consent;*

23 *(f) Name and address of the individual or of the cabinet or authorized agency*
24 *to which parental rights are sought to be transferred, if known;*

25 *(g) A statement that the individual, cabinet, or authorized agency to whom*
26 *custody is to be given has facilities available, is willing to receive the custody*
27 *of the child, and in the case of an individual, that he or she, if not excepted*

1 by KRS 199.470(4), has applied for the written approval of the secretary or
2 the secretary's designee for the child's placement;

3 (h) A statement of acknowledgement and agreement waiving the parent's
4 appearance at a hearing, signed by the parent, counsel for the parent, and
5 the cabinet;

6 (i) Any address to which the parent requests the final judgment be served; and

7 (j) The parent's notarized signature. If the parent is a minor, the form shall
8 also be signed by the guardian of the minor parent.

9 (2) The parent seeking termination shall not be required to attend proceedings under
10 this section.

11 (3) (a) Proceedings under this section shall otherwise be governed by KRS
12 625.0405, 625.0407, 625.041, 625.042, 625.043, 625.044, 625.045, and
13 625.046, but any reference to a petition shall be considered a reference to a
14 consent form under subsection (1) of this section, and any reference to the
15 petitioner shall be considered a reference to the parent seeking termination
16 under this section.

17 (b) If proceedings under this section are in District Court, then any reference to
18 the Circuit Court shall be considered a reference to the District Court, as
19 applicable.

20 ➔Section 2. KRS 625.020 is amended to read as follows:

21 The Circuit Court shall have jurisdiction of proceedings under this chapter. In any case
22 where the consent form under Section 1 of this Act is filed with the District Court, the
23 District Court shall have jurisdiction of voluntary termination proceedings under this
24 chapter.

25 ➔Section 3. KRS 625.041 is amended to read as follows:

26 (1) The parties to an action for voluntary termination of parental rights shall be the
27 parent seeking termination, whose presence is not required if represented by

1 counsel for the parent when an appearance-waiver and consent-to-adopt form is
2 filed with the court, but the court shall appoint a guardian ad litem to represent the
3 best interest of the child, *unless one has already been appointed in a proceeding*
4 *under KRS Chapter 620.*

5 (2) The guardian ad litem shall be paid a fee to be fixed by the court, not to exceed five
6 hundred dollars (\$500), to be paid by the petitioner, except if the Cabinet for Health
7 and Family Services receives custody of the child, the guardian ad litem shall be
8 paid by the Finance and Administration Cabinet.

9 (3) The parent may sign an appearance-waiver and consent-to-adopt form when the
10 parent chooses not to attend a voluntary termination of parental rights proceedings.

11 This form, prescribed by the Administrative Office of the Courts, shall:

12 (a) Contain a statement of acknowledgment and agreement, regarding the
13 appearance at the proceeding, signed by the parent, counsel for the parent, and
14 the cabinet. If the parent is a minor, the form shall also be signed by the
15 guardian of the minor parent;

16 (b) Contain the parent's notarized signature;

17 (c) Contain any address to which the parent requests the final judgment be
18 served.

19 (4) If a joint petition is filed, counsel shall be designated as attorney for both parties.