

1 AN ACT relating to putative fathers.

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

3 ➔Section 1. 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), if the child is born  
8 in lawful wedlock. If the child is born out of wedlock, its mother; and its  
9 father, if one (1) of the following requirements is met:

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

11 2. He has registered with the cabinet pursuant to KRS 199.503 as a  
12 putative father prior to the birth of the child, or if he did not have notice  
13 prior to the birth of the child, within seventy-two (72) hours ~~twenty-one~~  
14 ~~(21) days~~ after the birth of the child;

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

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

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

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

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

- 1 (c) The child's guardian, if it has one.
- 2 (d) If the care, custody, and control of the child has been transferred to the
- 3 cabinet, or any other individual or individuals, institution, or agency, then the
- 4 cabinet, the other individual or individuals, institution, or agency shall be
- 5 named a party defendant, unless the individual or individuals, or the
- 6 institution or agency is also the petitioner.

7 (2) Each party defendant shall be brought before the court in the same manner as

8 provided in other civil cases except that if the child to be adopted is under fourteen

9 (14) years of age and the cabinet, individual, institution, or agency has custody of

10 the child, the service of process upon the child shall be had by serving a copy of the

11 summons in the action upon the cabinet, individual, institution or agency, any

12 provision of CR 4.04(3) to the contrary notwithstanding.

13 (3) If the child's biological living parents, if the child is born in lawful wedlock, or if

14 the child is born out of wedlock, its mother, and if paternity is established in legal

15 action or if an affidavit is filed stating that the affiant is father of the child, its

16 father, are parties defendant, no guardian ad litem need be appointed to represent

17 the child to be adopted.

18 ➔Section 2. KRS 625.065 is amended to read as follows:

19 (1) The putative father of a child shall be made a party and brought before the circuit

20 court in the same manner as any other party to an involuntary termination action if

21 one (1) of the following conditions exists:

- 22 (a) He is known and voluntarily identified by the mother by affidavit;
- 23 (b) He has registered with the cabinet pursuant to KRS 199.503 as a putative
- 24 father prior to the birth of the child, or if he did not have notice prior to the
- 25 birth of the child, within seventy-two (72) hours~~twenty-one (21) days~~ after
- 26 the birth of the child;
- 27 (c) He has caused his name to be affixed to the birth certificate of the child;

- 1           (d) He has commenced a judicial proceeding claiming parental right;
- 2           (e) He has contributed financially to the support of the child, either by paying the
- 3                 medical or hospital bills associated with the birth of the child or financially
- 4                 contributing to the child's support; or
- 5           (f) He has married the mother of the child or has lived openly or is living openly
- 6                 with the child or the person designated on the birth certificate as the biological
- 7                 mother of the child.
- 8   (2) Any person to whom none of the above conditions apply shall be deemed to have no
- 9           parental rights to the child in question.