GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2015 REGULAR SESSION

SENATE BILL NO. 54

AS ENACTED

WEDNESDAY, MARCH 25, 2015

RECEIVED AND FILED
DATE March 30, 2015
3:42pm

ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K. Adler

1 AN ACT relating to drug-dependent newborns.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 218A IS CREATED TO

4 READ AS FOLLOWS:

5 ***Substance abuse treatment or recovery service providers that receive state funding***

6 ***shall give pregnant women priority in accessing services and shall not refuse access to***

7 ***services solely due to pregnancy as long as the provider's services are appropriate for***

8 ***pregnant women.***

9 ➔Section 2. KRS 625.050 is amended to read as follows:

10 (1) A petition for involuntary termination of parental rights shall be entitled "In the

11 interest of ..., a child."

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

13 (a) The county in which either parent resides or may be found;

14 (b) The county in which juvenile court actions, if any, concerning the child have

15 commenced; or

16 (c) The county in which the child involved resides or is present.

17 (3) Proceedings for involuntary termination of parental rights may be initiated upon

18 petition by the cabinet, any child-placing agency licensed by the cabinet, any county

19 or Commonwealth's attorney, or *a* parent.

20 (4) The petition for involuntary termination of parental rights shall be verified and

21 contain the following:

22 (a) Name and mailing address of each petitioner;

23 (b) Name, sex, date of birth and place of residence of the child;

24 (c) Name and address of the living parents of the child;

25 (d) Name, date of death and cause of death, if known, of any deceased parent;

26 (e) Name and address of the putative father, if known by the petitioner, of the

27 child if not the same person as the legal father;

1 (f) Name and address of the person, cabinet or agency having custody of the
2 child;
3 (g) Name and identity of the person, cabinet or authorized agency to whom
4 custody is sought to be transferred;
5 (h) Statement that the person, cabinet or agency to whom custody is to be given
6 has facilities available and is willing to receive the custody of the child;
7 (i) All pertinent information concerning termination or disclaimers of parenthood
8 or voluntary consent to termination;
9 (j) Information as to the legal status of the child and the court so adjudicating;
10 and
11 (k) A concise statement of the factual basis for the termination of parental rights.
12 (5) No petition may be filed under this section prior to five (5) days after the birth of
13 the child.
14 ***(6) No petition may be filed to terminate the parental rights of a woman solely***
15 ***because of her use of a nonprescribed controlled substance during pregnancy if***
16 ***she enrolls in and maintains substantial compliance with both a substance abuse***
17 ***treatment or recovery program and a regimen of prenatal care as recommended***
18 ***by her health care practitioner throughout the remaining term of her pregnancy.***
19 ***Upon certified completion of the treatment or recovery program, or six (6)***
20 ***months after giving birth during which time substantial compliance with a***
21 ***substance abuse treatment or recovery program has occurred, whichever is***
22 ***earlier, any records maintained by a court or by the cabinet relating to a positive***
23 ***test for a nonprescribed controlled substance shall be sealed and may not be used***
24 ***in any future criminal prosecution or future petition to terminate the woman's***
25 ***parental rights.***

President of Senate

Speaker-House of Representatives

Attest: Chief Clerk of Senate

Approved Governor

Date 3/30/15