

199.570 Adoption records confidential -- Exception -- New birth certificate.

- (1)
 - (a) The files and records of the court during adoption proceedings shall not be open to inspection by persons other than parties to the proceedings, their attorneys, and representatives of the cabinet except under order of the court expressly permitting inspection.
 - (b) Upon the entry of the final order in the case, the clerk shall place all papers and records in the case in a suitable envelope which shall be sealed and shall not be open for inspection by any person except on written order of the court, except that upon the written consent of the biological parents and upon written order of the Circuit Court all papers and records including all files and records of the Circuit Court during proceedings for termination of parental rights provided in KRS 625.108 shall be open for inspection to any adult adopted person who applies in person or in writing to the Circuit Court as provided in KRS 199.572. Health information received pursuant to KRS 199.525 shall be added to the adoption case file. The clerk of the Circuit Court shall set up a separate docket and order book for adoption cases and these files and records shall be kept locked.
 - (c) No person having charge of any adoption records shall disclose the names of any parties appearing in such records or furnish any copy of any such records to any person or other entity that does not meet the requirements of KRS 199.572, except upon order of the court which entered the judgment of adoption.
- (2) After entry of the adoption judgment, the clerk of the Circuit Court shall promptly report to the Cabinet for Health and Family Services of Kentucky full information as called for on forms furnished by the Cabinet for Health and Family Services, necessary to make a new birth certificate conforming to the standard birth certificate form. Upon receipt of this information, the Cabinet for Health and Family Services shall cause to be made a new record of the birth and it shall be filed with the original certificate, and the original certificate shall be stamped with the words, "CONFIDENTIAL -- subject to copy and/or inspection only on written order of the court."
- (3) The new certificate shall set forth the new name, if any, of the adopted child, the names of the adoptive parents, and such other information deemed necessary in accordance with rules and regulations promulgated by the Cabinet for Health and Family Services in issuing of birth certificates. If the adopted child is under eighteen (18) years of age, the birth certificate shall not contain any information revealing the child is adopted and shall show the adoptive parent or parents as the biological parent or parents of the child. If requested by the adoptive parents, the new birth certificate when issued shall contain the location of birth, hospital, and name of doctor or midwife. This information should be given only by an order of the court in which the child was adopted. The new birth certificate shall recite the residence of the adoptive parents as the birthplace of the child and this shall be deemed for all legal purposes to be the birthplace of the child. If no birth certificate is on file for a child born in Kentucky, the Cabinet for Health and Family Services shall prepare a

certificate of birth in accordance with the information furnished the cabinet by the clerk of the Circuit Court which issued the adoption order. The Cabinet for Health and Family Services shall furnish to the clerks of the Circuit Courts the necessary forms to carry out the provisions of this section. If the child was born in another state, the order of adoption shall be forwarded to the division of vital statistics of the state concerned to be changed in accordance with the laws of such state. If the child was born in a foreign country, the report of adoption shall be returned to the attorney or agency handling the adoption for submission to the appropriate federal agency.

- (4) Thereafter when any copy of the certificate of birth of any child is issued it shall be a copy of the new certificate of birth, except when an order of the court granting the judgment of adoption shall request the issuance of the copy of the original certificate of the child's birth.
- (5) If any judgment of adoption is reversed, modified, or vacated in any particular, the clerk of the Circuit Court shall notify the Cabinet for Health and Family Services of the reversal or modification and the effect of same, and the cabinet shall make any necessary changes in its records.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 99, secs. 148 and 182, effective June 20, 2005. -- Amended 2004 Ky. Acts ch. 186, sec. 8, effective July 13, 2004. -- Amended 1998 Ky. Acts ch. 426, sec. 145, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 325, sec. 1, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 242, sec. 11, effective July 15, 1994. -- Amended 1986 Ky. Acts ch. 43, sec. 3, effective July 15, 1986. -- Amended 1976 Ky. Acts ch. 122, sec. 1. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 107(4). -- Amended 1970 Ky. Acts ch. 232, sec. 1. -- Amended 1968 Ky. Acts ch. 69, sec. 1. -- Amended 1956 Ky. Acts ch. 157, sec. 16. -- Created 1950 Ky. Acts ch. 125, sec. 20.

Legislative Research Commission Note (6/20/2005). This section was amended by 2005 Ky. Acts ch. 99, secs. 148 and 182, which are identical and have been codified together.

Legislative Research Commission Note (10/3/90). Pursuant to KRS 7.136(1), KRS 625.108 has been substituted for the prior reference to KRS 625.100(4) in subsection (1) of this statute. KRS 625.100(4) was deleted by 1988 Ky. Acts ch. 350, sec. 76, and the substance of its provisions reenacted in 1988 Ky. Acts ch. 350, sec. 78 which was codified at KRS 625.108.