

### **199.011 Definitions for chapter.**

As used in this chapter, unless the context otherwise requires:

- (1) "Secretary" means the secretary for health and family services;
- (2) "Cabinet" means the Cabinet for Health and Family Services;
- (3) "Department" means the Department for Community Based Services;
- (4) "Child" means any person who has not reached his eighteenth birthday;
- (5) "Adult adopted person" means any adopted person who is twenty-one (21) years of age or older;
- (6) "Child-caring facility" means any institution or group home, including institutions and group homes that are publicly operated, providing residential care on a twenty-four (24) hour basis to children, not related by blood, adoption, or marriage to the person maintaining the facility, other than an institution or group home certified by an appropriate agency as operated primarily for educational or medical purposes, or a residential program operated or contracted by the Department of Juvenile Justice that maintains accreditation, or obtains accreditation within two (2) years of opening from a nationally recognized accrediting organization;
- (7) "Child-placing agency" means any agency licensed by the cabinet which supervises the placement of children in foster family homes or child-caring facilities, or which places children for adoption;
- (8) "Adoption worker" means an employee of the cabinet so designated by the secretary for health and family services, a social worker employed by a county or city who has been approved by the cabinet to handle, under its supervision, adoption placement services to children, or a social worker employed by or under contract to a child-placing adoption agency;
- (9) "Foster family home" means a private home in which children are placed for foster family care under supervision of the cabinet or of a licensed child-placing agency;
- (10) "Group home" means a homelike facility, excluding Department of Juvenile Justice operated or contracted facilities, for not more than eight (8) foster children, not adjacent to or part of an institutional campus, operated by a sponsoring agency for children who may participate in community activities and use community resources;
- (11) "Institution" means a child-caring facility providing care or maintenance for nine (9) or more children;
- (12) "Family rehabilitation home" means a child-caring facility for appropriate families and comprising not more than twelve (12) children and two (2) staff persons;
- (13) "Placement services" means those social services customarily provided by a licensed child-placing or a public agency which are necessary for the arrangement and placement of children in foster family homes, child-placing facilities, or adoptive homes. Placement services are provided through a licensed child-placing or a public agency for children who cannot be cared for by their biological parents and who need and can benefit from new and permanent family ties established through legal adoption. Licensed child-placing agencies and public agencies have a

responsibility to act in the best interests of children, biological parents, and adoptive parents by providing social services to all the parties involved in an adoption; and

(14) "Voluntary and informed consent" means that at the time of the execution of the consent the consenting person was fully informed of the legal effect of the consent, that the consenting person was not given or promised anything of value except those expenses allowable under KRS 199.590(6), that the consenting person was not coerced in any way to execute the consent, and that the consent was voluntarily and knowingly given. If at the time of the execution of the consent the consenting person was represented by independent legal counsel, there shall be a presumption that the consent was voluntary and informed. The consent shall be in writing, signed and sworn to by the consenting person and include the following:

- (a) Date, time, and place of the execution of the consent;
- (b) Name of the child, if any, to be adopted and the date and place of the child's birth;
- (c) Consenting person's relationship to the child;
- (d) Identity of the proposed adoptive parents or a statement that the consenting person does not desire to know the identification of the proposed adoptive parents;
- (e) A statement that the consenting person understands that the consent will be final and irrevocable under this paragraph unless withdrawn under this paragraph.
  - 1. If placement approval by the secretary is required, the voluntary and informed consent shall become final and irrevocable twenty (20) days after the later of the placement approval or the execution of the voluntary and informed consent. This consent may be withdrawn only by written notification sent to the proposed adoptive parent or the attorney for the proposed adoptive parent on or before the twentieth day by certified or registered mail and also by first class mail.
  - 2. If placement approval by the secretary is not required, the voluntary and informed consent shall become final and irrevocable twenty (20) days after the execution of the voluntary and informed consent. This consent may be withdrawn only by written notification sent to the proposed adoptive parent or the attorney for the proposed adoptive parent on or before the twentieth day by certified or registered mail and also by first class mail;
- (f) Disposition of the child if the adoption is not adjudged;
- (g) A statement that the consenting person has received a completed and signed copy of the consent at the time of the execution of the consent;
- (h) Name and address of the person who prepared the consent, name and address of the person who reviewed and explained the consent to the consenting person, and a verified statement from the consenting person that the consent has been reviewed with and fully explained to the consenting person; and

- (i) Total amount of the consenting person's legal fees, if any, for any purpose related to the execution of the consent and the source of payment of the legal fees.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 99, sec. 44, effective June 20, 2005. -- Amended 2001 Ky. Acts ch. 69, sec. 1, effective June 21, 2001. -- Amended 2000 Ky. Acts ch. 14, sec. 17, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 426, sec. 134, effective July 15, 1998; ch. 527, sec. 1, effective July 15, 1998; and ch. 538, sec. 2, effective April 13, 1998. -- Amended 1994 Ky. Acts ch. 242, sec. 1, effective July 15, 1994. -- Amended 1986 Ky. Acts ch. 43, sec. 1, effective July 15, 1986; and ch. 423, sec. 197, effective July 1, 1987. -- Amended 1980 Ky. Acts ch. 188, sec. 148, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 137, sec. 1, effective June 17, 1978; and ch. 314, sec. 3, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 142, sec. 1. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 107(1), (13), (16) and (21). -- Amended 1972 Ky. Acts ch. 153, sec. 1. -- Amended 1962 Ky. Acts ch. 211, sec. 1. -- Amended 1960 Ky. Acts ch. 68, Art. IX, sec. 11. -- Amended 1956 Ky. Acts ch. 157, sec. 9. -- Amended 1952 Ky. Acts ch. 83, sec. 6. -- Created 1950 Ky. Acts ch. 125, sec. 1.

**Legislative Research Commission Note (7/15/98).** This section was amended by 1998 Ky. Acts chs. 426, 527, and 538. Where these Acts are not in conflict, they have been codified together. Where a conflict exists between chs. 527 and 538, Acts ch. 527, which was last enacted by the General Assembly, prevails under KRS 446.250.

**Legislative Research Commission Note.** The amendment of this section by Acts 1980, ch. 280, sec. 140, which was to have taken effect on July 15, 1984, was itself repealed by Acts 1984, ch. 184, § 1, effective July 13, 1984.