

**199.480 Parties defendant in an adoption proceeding -- Process -- Guardian ad litem.**

- (1) The following persons shall be made parties defendant in an action for leave to adopt a child:
    - (a) The child to be adopted;
    - (b) The biological living parents of a child under eighteen (18), if the child is born in lawful wedlock. If the child is born out of wedlock, its mother; and its father, if one (1) of the following requirements is met:
      1. He is known and voluntarily identified by the mother by affidavit;
      2. Prior to the entry of a final order in a termination proceeding, he has acknowledged the child as his own by affirmatively asserting paternity in the action or to the custodial agency or the party bringing the action within sixty (60) days after the birth of the child;
      3. He has caused his name to be affixed to the birth certificate of the child;
      4. He has commenced a judicial proceeding claiming parental right;
      5. He has contributed financially to the support of the child, either by paying the medical or hospital bills associated with the birth of the child or financially contributed to the child's support; or
      6. He has married the mother of the child or has lived openly or is living openly with the child or the person designated on the birth certificate as the biological mother of the child.
  - (c) The child's guardian, if it has one.
  - (d) If the care, custody, and control of the child has been transferred to the cabinet, or any other individual or individuals, institution, or agency, then the cabinet, the other individual or individuals, institution, or agency shall be named a party defendant, unless the individual or individuals, or the institution or agency is also the petitioner.
- (2) Each party defendant shall be brought before the court in the same manner as provided in other civil cases except that if the child to be adopted is under fourteen (14) years of age and the cabinet, individual, institution, or agency has custody of the child, the service of process upon the child shall be had by serving a copy of the summons in the action upon the cabinet, individual, institution or agency, any provision of CR 4.04(3) to the contrary notwithstanding.
  - (3) If the child's biological living parents, if the child is born in lawful wedlock, or if the child is born out of wedlock, its mother, and if paternity is established in legal action or if an affidavit is filed stating that the affiant is father of the child, its

father, are parties defendant, no guardian ad litem need be appointed to represent the child to be adopted.

**Effective:** July 15, 1994

**History:** Amended 1994 Ky. Acts ch. 242, sec. 4, effective July 15, 1994. -- Amended 1986 Ky. Acts ch. 423, sec. 188, effective July 1, 1987. -- Amended 1984 Ky. Acts ch. 16, sec. 3, effective July 13, 1984. -- Amended 1980 Ky. Acts ch. 188, sec. 183, effective July 15, 1980. -- Amended 1974 Ky. Acts ch. 51, sec. 1; and ch. 386, sec. 35. -- Amended 1962 Ky. Acts ch. 210, sec. 27; and ch. 211, sec. 4. -- Created 1950 Ky. Acts ch. 125, sec. 11.

**Note:** This section was amended by 1980 Ky. Acts ch. 280, sec. 145, which was to have become effective July 1, 1982. Thereafter, 1982 Ky. Acts ch. 284 changed the effective date of that act to July 15, 1984. Then, 1984 Ky. Acts ch. 184 repealed both 1980 Ky. Acts ch. 280, and 1982 Ky. Acts ch. 284.