

625.0405 Appointment of attorney to represent indigent parent for termination of rights for purpose of adoption -- Expenses paid by prospective adoptive parents to be submitted to court -- Penalty.

- (1) A parent desiring the termination of his or her parental rights and a transfer of the parental rights to a person, persons, the cabinet, or a child-placing agency licensed by the cabinet for the purpose of adoption may prior to or upon the filing of the petition request the Circuit Court to appoint an attorney to represent the parent and provide legal representation in the termination action. If the court determines pursuant to KRS Chapter 31 that the requesting parent is indigent, the court shall appoint an attorney (within forty-eight (48) hours) to represent the indigent parent. The attorney for the indigent parent shall receive a fee to be fixed by the court, not to exceed five hundred dollars (\$500) and assessed as costs, and the court may order the costs to be paid by the proposed adoptive parent, parents, or agency before the entry of a judgment of termination, except the attorney's fee shall be paid by the Finance and Administration Cabinet if termination is not granted, or if custody of the child is placed with the cabinet.
- (2)
 - (a) In every voluntary termination proceeding, the expenses paid, including but not limited to any fees for legal services, placement services, and expenses of the biological parent or parents, by the prospective adoptive parent for any purpose related to a termination of parental rights shall be submitted to the court, supported by an affidavit, setting forth in detail a listing of the expenses for the court's approval or modification.
 - (b) In the event the court modifies the expense request as it relates to legal fees and legal expenses only, the attorney for the prospective adoptive parents shall not have any claim against the prospective adoptive parents for the amount not approved.
- (3) Any person who violates subsection (2) of this section shall be guilty of a Class A misdemeanor.

Effective: March 17, 1998

History: Amended 1998 Ky. Acts ch. 57, sec. 9, effective March 17, 1998. -- Created 1994 Ky. Acts ch. 242, sec. 18, effective July 15, 1994.