

### **625.080 Conduct of hearings.**

In any involuntary action for termination of parental rights:

- (1) The Circuit Court shall conduct a private hearing. An official stenographic or mechanical record shall be made of the proceedings and retained for a period of five (5) years. The court shall make findings of fact and conclusions of law, which may be made on the record, to support its judgment;
- (2) Any child to whom an involuntary action directly relates shall be made a party to the action and a guardian ad litem shall be appointed to represent the best interests of the child. The person appointed as a guardian ad litem shall be paid a fee not to exceed five hundred dollars (\$500), to be paid by the Finance and Administration Cabinet when the cabinet is the proposed custodian. When the cabinet is not the proposed custodian, the court may order the cost to be paid by the proposed adoptive parent, parents, agency, or the petitioner. Upon motion of any party, the child may be permitted to be present during the proceedings and to testify if the court finds such to be in the best interests of the child. In its discretion, the Circuit Court may interview the child in private, but a record of the interview shall be made, which, in the discretion of the court, may be sealed to be used only by an appellate court;
- (3) The parents have the right to legal representation in involuntary termination actions. The Circuit Court shall determine if the parent is indigent and, therefore, entitled to counsel pursuant to KRS Chapter 31. If the Circuit Court so finds, the Circuit Court shall inform the parent; and, upon request, if it appears reasonably necessary in the interest of justice, the Circuit Court shall appoint an attorney to represent the parent pursuant to KRS Chapter 31 to be provided or paid for by the Finance and Administration Cabinet a fee to be set by the court and not to exceed five hundred dollars (\$500);
- (4) If the parent is currently authorized to visit with the child, the court may continue to permit the parent to visit the child pending the final hearing unless it finds that visitation would not be in the best interest of the child.
- (5) The hearing under this chapter shall be held within sixty (60) days of the motion by a party or the guardian ad litem for a trial date.

**Effective:** March 17, 1998

**History:** Amended 1998 Ky. Acts ch. 57, sec. 15, effective March 17, 1998. -- Amended 1988 Ky. Acts ch. 350, sec. 74, effective April 10, 1988. -- Created 1988 Ky. Acts ch. 423, sec. 104, effective July 1, 1987.