

**199.470 Petition for adoption of child -- Parties -- Residence requirement -- Approval of secretary -- Exceptions.**

- (1) Any person who is eighteen (18) years of age and who is a resident of this state or who has resided in this state for twelve (12) months next before filing may file a petition for leave to adopt a child in the Circuit Court of the county in which the petitioner resides.
- (2) If the petitioner is married, the husband or wife shall join in a petition for leave to adopt a child unless the petitioner is married to a biological parent of the child to be adopted, except that if the court finds the requirement of a joint petition would serve to deny the child a suitable home, the requirement may be waived.
- (3) If a child is placed for adoption by the cabinet, by an agency licensed by the cabinet, or with written approval by the secretary of the cabinet, the petition may be filed at the time of placement. In all other adoptions, the petition shall not be filed until the child has resided continuously in the home of the petitioner for at least ninety (90) days immediately prior to the filing of the adoption petition.
- (4) No petition for adoption shall be filed unless prior to the filing of the petition the child sought to be adopted has been placed for adoption by a child-placing institution or agency, or by the cabinet, or the child has been placed with written approval of the secretary; but no approval shall be necessary in the case of:
  - (a) A child sought to be adopted by a stepparent, grandparent, sister, brother, aunt, uncle, great grandparent, great aunt, or great uncle; however, the court in its discretion may order a report in accordance with KRS 199.510 and a background check as provided in KRS 199.473(8);
  - (b) A child received by the proposed adopting parent or parents from an agency without this state with the written consent of the secretary; or
  - (c) A child adopted under the provisions of KRS 199.585(1).
- (5) Subsection (4) of this section shall not apply to children placed for adoption prior to June 14, 1962.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 175, sec. 1, effective June 20, 2005; and ch. 68, sec. 2, effective June 20, 2005. -- Amended 1994 Ky. Acts ch. 242, sec. 2, effective July 15, 1994. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 107(21); and ch. 121, sec. 1. -- Amended 1968 Ky. Acts ch. 100, sec. 3. -- Amended 1964 Ky. Acts ch. 182, sec. 1(1) to (5). -- Amended 1962 Ky. Acts ch. 211, sec. 3. -- Created 1950 Ky. Acts ch. 125, sec. 10.

**Legislative Research Commission Note** (6/20/2005). This section was amended by 2005 Ky. Acts chs. 68 and 175, which do not appear to be in conflict and have been codified together.