

620.350 Abandoned newborn infant -- Emergency custody order -- No investigation of abandonment -- Placement in foster home -- Inquiry to ensure that infant is not missing child -- Involuntary termination of parental rights.

- (1) As used in this section, "newborn infant" means an infant who is medically determined to be less than seventy-two (72) hours old.
- (2) Upon notice from any emergency medical services provider or hospital staff that a newborn infant has been abandoned at a hospital, the cabinet shall immediately seek an order for emergency custody of the infant.
 - (a) No child protective services investigation or assessment shall be initiated regarding the abandonment of an infant in accordance with KRS 405.075. The provisions of this subsection shall not apply when indicators of child physical abuse or child neglect are present.
 - (b) Upon the infant's release from the hospital, the cabinet shall place the child in a foster home approved by the cabinet to provide concurrent planning placement services. As used in this paragraph, "concurrent planning placement services" means the foster family shall work with the cabinet on reunification with the birth family, if known, and shall seek to adopt the infant if reunification cannot be accomplished.
- (3) At the temporary removal hearing required by KRS 620.080, if the court places temporary custody with the cabinet, the custody order shall remain in effect for a minimum of thirty (30) days.
- (4) During the initial thirty (30) days of placement, the cabinet shall request assistance from law enforcement officials to investigate through the Missing Child Information Center established by KRS 17.450 and other national resources to ensure that the infant is not a missing child.
- (5) As soon as practicable following the thirty (30) day placement period, the cabinet shall file a petition in Circuit Court seeking the involuntary termination of parental rights of the unknown parents and authority to place the child for adoption in accordance with KRS Chapter 625.
- (6) If a claim of parental rights is made at any time prior to the court order issued under KRS 625.100, the Circuit Court may hold the action for involuntary termination of parental rights in abeyance for a period of time not to exceed ninety (90) days and immediately remand the case to the District Court.
 - (a) If a case is remanded to District Court under this subsection, an adjudicatory hearing shall be conducted as required by KRS 620.100 within ten (10) days of the assertion of parental rights;
 - (b) The District Court may order genetic testing to establish maternity or paternity at the expense of the claimant;
 - (c) The cabinet shall conduct a child protective services investigation or assessment and home evaluation to develop recommendations for the District Court; and

- (d) Further proceedings shall be conducted in accordance with KRS Chapter 620; however, a newborn infant who has been placed in accordance with KRS 405.075 shall not be found to be a neglected child based on that act alone.

Effective: April 9, 2002

History: Created 2002 Ky. Acts ch. 303, sec. 5, effective April 9, 2002.

Legislative Research Commission Note (7/15/2002). In subsection (1) of this section, the words "means an infant" have been inserted by the Reviser of Statutes to correct a manifest clerical or typographical error in accordance with KRS 7.136.