

RENDERED: JUNE 18, 2021; 10:00 A.M.  
NOT TO BE PUBLISHED

**Commonwealth of Kentucky**  
**Court of Appeals**

NO. 2020-CA-1366-ME

A.T., MOTHER

APPELLANT

v. APPEAL FROM CALLOWAY CIRCUIT COURT  
HONORABLE JILL CLARK, SPECIAL JUDGE  
ACTION NO. 18-AD-00043

P.M. AND S.T., A CHILD

APPELLEES

AND

NO. 2020-CA-1370-ME

A.T., MOTHER

APPELLANT

v. APPEAL FROM CALLOWAY CIRCUIT COURT  
HONORABLE JILL CLARK, SPECIAL JUDGE  
ACTION NO. 18-AD-00044

P.M. AND I.T., A CHILD

APPELLEES

AND

NO. 2020-CA-1372-ME

A.T., MOTHER

APPELLANT

v. APPEAL FROM CALLOWAY CIRCUIT COURT  
HONORABLE JILL CLARK, SPECIAL JUDGE  
ACTION NO. 18-AD-00045

P.M. AND J.T., JR., A CHILD

APPELLEES

AND

NO. 2020-CA-1373-ME

A.T., MOTHER

APPELLANT

v. APPEAL FROM CALLOWAY CIRCUIT COURT  
HONORABLE JILL CLARK, SPECIAL JUDGE  
ACTION NO. 18-AD-00046

P.M. AND A.T., A CHILD

APPELLEES

OPINION  
REVERSING AND REMANDING

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BEFORE: DIXON, GOODWINE, AND TAYLOR, JUDGES.

DIXON, JUDGE: A.T., Mother, appeals the Calloway Circuit Court’s orders entered September 14, 2020, terminating her parental rights and granting the petitions of P.M. (“Grandmother”) to adopt Mother’s four children. After careful review of the briefs, record, and law, we reverse and remand.

### **FACTS AND PROCEDURAL BACKGROUND**

A.T. and J.T.<sup>1</sup> are the parents of the four children at issue in these related appeals. On July 24, 2018, P.M., A.T.’s mother and grandmother to the children, petitioned to adopt the children; A.T. objected. A final hearing was conducted on August 6, 2020, and completed on August 11, 2020. Thereafter, on September 14, 2020, the family court entered findings of fact and conclusions of law, orders terminating A.T.’s parental rights, and orders of adoption. This appeal timely followed.

### **ANALYSIS**

Adoption exists only as a right granted by statute and, as such, strict compliance with statutory procedures is required to protect the rights of the natural parents. *Day v. Day*, 937 S.W.2d 717, 719 (Ky. 1997). Failure to adhere to statutory dictates results in an invalid judgment. *Wright v. Howard*, 711 S.W.2d 492, 494 (Ky. App. 1986). Accordingly, identifying the applicable law is critical.

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<sup>1</sup> J.T. voluntarily terminated his parental rights and is not a party to this action.

Herein, the court in its orders, and the parties in their briefs, erroneously rely upon KRS<sup>2</sup> Chapter 625, which pertains to actions involving involuntary termination of parental rights.<sup>3</sup> However, adoption proceedings are governed by KRS 199.470-199.590. While the two chapters are similar in some respects, we reiterate that KRS Chapter 199 governs all adoption actions.

KRS 199.510(1) provides that:

[u]pon filing a petition for the adoption of a minor child, the clerk of the court shall forward two (2) copies of the petition to the cabinet. The cabinet . . . shall, to the extent of available facilities, investigate and report in writing to the court: (a) Whether the contents of the petition required by KRS 199.490 are true; (b) Whether the proposed adoptive parents are financially able and morally fit to have the care, custody and training of the child; and (c) Whether the adoption is to the best interest of the child and the child is suitable for adoption.

Further, pursuant to KRS 199.515, a hearing on the adoption petition may be set only after the report required by KRS 199.510 has been filed. *See also R.M. v. R.B.*, 281 S.W.3d 293, 298 (Ky. App. 2009).

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<sup>2</sup> Kentucky Revised Statutes.

<sup>3</sup> We note that the court expressly found that KRS Chapter 625 applied and that P.M. was authorized to bring such an action. In support, the court cited KRS 625.180, which we assume is a typo as this is not a valid statutory citation, and KRS 625.090(1)(b), which is wholly inapplicable. The court was incorrect. KRS Chapter 625 is inapplicable to these proceedings as only “the cabinet, any child-placing agency licensed by the cabinet, any county or Commonwealth’s attorney or parent” may initiate such an action. KRS 625.050(3).

We have searched the record, and while the Cabinet was served by the Circuit Court Clerk, the required reports have not been filed. The reversal of a judgment of adoption is not something this Court does lightly; however, strict compliance with the adoption statutes has not been undertaken, and we are required as a matter of law to reverse and remand for further proceedings. *R.M.*, 281 S.W.3d at 298 (*see also E.K. v. T.A.*, 572 S.W.3d 80 (Ky. App. 2019); *S.J.L.S. v. T.L.S.*, 265 S.W.3d 804 (Ky. App. 2008)). As we have determined that reversal is required, we need not address A.T.'s claims.

### **CONCLUSION**

Therefore, and for the foregoing reasons, the orders of the Calloway Circuit Court are REVERSED, and these actions are REMANDED for further proceedings. On remand, the court and the parties shall review and apply KRS Chapter 199 to ensure that further needless disruption to the children does not occur through inadvertence.

ALL CONCUR.

BRIEF FOR APPELLANT:

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