

1 AN ACT relating to child support.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 403.212 is amended to read as follows:

4 (1) The following provisions and child support table shall be the child support
5 guidelines established for the Commonwealth of Kentucky.

6 **(2) The Cabinet for Health and Family Services shall:**

7 **(a) Promulgate an administrative regulation in accordance with KRS Chapter**
8 **13A establishing a child support obligation worksheet; and**

9 **(b) Make accessible on its Web site a manual providing examples or**
10 **illustrations of the application of the child support guidelines and the child**
11 **support obligation worksheet.**

12 **(3) [(2)]** For the purposes of the child support guidelines:

13 (a) "Income" means actual gross income of the parent if employed to full capacity
14 or potential income if unemployed or underemployed;

15 (b) "Gross income" includes income from any source, except as excluded in this
16 subsection, and includes but is not limited to income from salaries, wages,
17 retirement and pension funds, commissions, bonuses, dividends, severance
18 pay, pensions, interest, trust income, annuities, capital gains, Social Security
19 benefits, workers' compensation benefits, unemployment insurance benefits,
20 disability insurance benefits, Supplemental Security Income (SSI), gifts,
21 prizes, and alimony or maintenance received. Specifically excluded are
22 benefits received from means-tested public assistance programs, including but
23 not limited to public assistance as defined under Title IV-A of the Federal
24 Social Security Act, and food stamps;

25 (c) For income from self-employment, rent, royalties, proprietorship of a
26 business, or joint ownership of a partnership or closely held corporation,
27 "gross income" means gross receipts minus ordinary and necessary expenses

1 required for self-employment or business operation. Straight-line depreciation,
2 using Internal Revenue Service (IRS) guidelines, shall be the only allowable
3 method of calculating depreciation expense in determining gross income.
4 Specifically excluded from ordinary and necessary expenses for purposes of
5 this guideline shall be investment tax credits or any other business expenses
6 inappropriate for determining gross income for purposes of calculating child
7 support. Income and expenses from self-employment or operation of a
8 business shall be carefully reviewed to determine an appropriate level of gross
9 income available to the parent to satisfy a child support obligation. In most
10 cases, this amount will differ from a determination of business income for tax
11 purposes. Expense reimbursement or in-kind payments received by a parent in
12 the course of employment, self-employment, or operation of a business or
13 personal use of business property or payments of expenses by a business, shall
14 be counted as income if they are significant and reduce personal living
15 expenses such as a company or business car, free housing, reimbursed meals,
16 or club dues;

17 (d) "Self-support reserve" means a low-income adjustment amount to the
18 obligated parent of nine hundred fifteen dollars (\$915) per month that
19 considers the subsistence needs of the obligor~~parent~~ with a limited ability to
20 pay in accordance with 45 C.F.R. sec. 302.56(c)(1)(ii), and as applied under
21 subsection (5)~~(3)~~ of this section;

22 (e) 1. If there is a finding that a parent is voluntarily unemployed or
23 underemployed, child support shall be calculated based on a
24 determination of potential income, except that a finding of voluntary
25 unemployment or underemployment and a determination of potential
26 income shall not be made for a parent who is incarcerated, physically or
27 mentally incapacitated, or is caring for a very young child, age three (3)

- 1 or younger, for whom the parents owe a joint legal responsibility;
- 2 2. A court may find a parent is voluntarily unemployed or underemployed
- 3 without finding that the parent intended to avoid or reduce the child
- 4 support obligation; and
- 5 3. Imputation of potential income, when applicable, shall include
- 6 consideration of the following circumstances of the parents, to the extent
- 7 known:
- 8 a. Assets and residence;
- 9 b. Employment, earning history, and job skills;
- 10 c. Educational level, literacy, age, health, and criminal record that
- 11 could impair the ability to gain or continue employment;
- 12 d. Record of seeking work;
- 13 e. Local labor market, including availability of employment for
- 14 which the parent may be qualified and employable;
- 15 f. Prevailing earnings in the local labor market; and
- 16 g. Other relevant background factors, including employment barriers;

17 **(f) "Obligor" has the same meaning as in KRS 205.710;**

18 **(g)**~~(f)~~ "Imputed child support obligation" means the amount of child support

19 the parent would be required to pay from application of the child support

20 guidelines;

21 **(h)**~~(g)~~ Income statements of the parents shall be verified by documentation of

22 both current and past income. Suitable documentation shall include, but shall

23 not be limited to, income tax returns, paystubs, employer statements, or

24 receipts and expenses if self-employed;

25 **(i)**~~(h)~~ "Combined monthly adjusted parental gross income" means the

26 combined monthly gross incomes of both parents, less any of the following

27 payments made by the parent:

- 1 1. The amount of pre-existing orders for current maintenance for prior
2 spouses to the extent payment is actually made and the amount of
3 current maintenance, if any, ordered paid in the proceeding before the
4 court;
- 5 2. The amount of pre-existing orders of current child support for prior-born
6 children to the extent payment is actually made under those orders; and
- 7 3. A deduction for the support to the extent payment is made, if a parent is
8 legally responsible for and is actually providing support for other prior-
9 born children who are not the subject of a particular proceeding. If the
10 prior-born children reside with that parent, an "imputed child support
11 obligation" shall be allowed in the amount which would result from
12 application of the guidelines for the support of the prior-born children;
13 and

14 ~~(j)~~~~(i)~~ "Split custody arrangement" means a situation where each parent ***has***
15 ***sole custody and decision-making authority while the child or children is in***
16 ***his or her residence. Visitation only occurs when the child is in residence***
17 ***with the other parent.***~~[is the residential custodian for one (1) or more children~~
18 ~~for whom the parents share a joint legal responsibility.]~~

19 **(4) Any child support obligation shall be calculated by using the number of children**
20 **for whom the parents share a joint legal responsibility.**

21 ~~(5)~~~~(3)~~ (a) Except as provided in paragraph (b) of this subsection, the child support
22 obligation set forth in the child support guidelines table shall be divided
23 between the parents in proportion to their combined monthly adjusted parental
24 gross income.

25 (b) **The child support obligation of an obligated parent whose monthly adjusted**
26 **gross income is equal to or less than the amounts in subparagraphs 1. to 5.**
27 **of this paragraph shall be calculated using the monthly adjusted gross**

1 income of the obligated parent alone to provide for the self-support reserve.

2 The following monthly adjusted gross income amounts shall qualify an

3 individual for the self-support reserve [If the monthly adjusted gross income

4 of the obligated parent and the number of children for whom support is being

5 determined fall within the following defined areas, which represent the self-

6 support reserve, the basic child support obligation shall be calculated by using

7 the monthly adjusted gross income of the obligated parent only to provide the

8 obligated parent with the self-support reserve]:

9 1. [Equal to or less than] One thousand one hundred dollars (\$1,100) with

10 one (1) [or more] child [children];

11 2. [Equal to or less than] One thousand three hundred dollars (\$1,300) with

12 two (2) [or more] children;

13 3. [Equal to or less than] One thousand four hundred dollars (\$1,400) with

14 three (3) [or more] children;

15 4. [Equal to or less than] One thousand five hundred dollars (\$1,500) with

16 four (4) or five (5) [or more] children; or

17 5. [Equal to or less than] One thousand six hundred dollars (\$1,600) with

18 six (6) or more children.

19 (c) The obligated parent shall pay the lesser support amount calculated in

20 accordance with:

21 1. Paragraph (a) of this subsection;

22 2. Paragraph (b) of this subsection; and

23 3. As determined under Section 2 of this Act if the shared parenting time

24 credit is applicable.

25 ~~[(4) The child support obligation shall be the appropriate amount for the number of~~

26 ~~children in the table for whom the parents share a joint legal responsibility.]~~

27 (6) The minimum amount of child support shall be sixty dollars (\$60) per month.

1 except as provided in subsection (3) of Section 2 of this Act.

2 ~~(7)(5)~~ The court may use its judicial discretion in determining child support in
3 circumstances where combined adjusted parental gross income exceeds the
4 uppermost levels of the guideline table.

5 ~~(8)(6)~~ The child support obligation in a split custody arrangement shall be calculated
6 in the following manner:

7 (a) Two (2) separate child support obligation worksheets shall be prepared, one
8 (1) for each household, using the number of children born of the relationship
9 in each separate household, rather than the total number of children born of
10 the relationship.

11 (b) The parent with the greater monthly obligation amount shall pay the
12 difference between the obligation amounts, as determined by the worksheets,
13 to the other parent.

14 ~~(9)(7)~~ The child support guidelines table is as follows:

15 COMBINED

16 MONTHLY

17 ADJUSTED

18 PARENTAL

19 GROSS

SIX

20 INCOME ONE TWO THREE FOUR FIVE OR

21 CHILD CHILDREN MORE

22 \$ 0 \$60 \$60 \$60 \$60 \$60 \$60

23 100 60 60 60 60 60 60

24 200 60 60 60 60 60 60

25 300 60 60 60 60 60 60

26 400 60 60 60 60 60 60

27 500 60 60 60 60 60 60

1	600	60	60	60	60	60	60
2	700	60	60	60	60	60	60
3	800	60	60	60	60	60	60
4	900	60	60	60	60	60	60
5	1,000	85	85	85	85	85	85
6	1,100	148	150	152	154	155	157
7	1,200	200	231	234	237	239	242
8	1,300	216	312	316	320	323	327
9	1,400	231	339	398	403	407	412
10	1,500	247	362	437	486	491	497
11	1,600	262	384	464	518	570	582
12	1,700	277	406	491	548	603	655
13	1,800	292	428	517	578	635	691
14	1,900	307	450	544	607	668	726
15	2,000	322	472	570	637	701	762
16	2,100	337	494	597	667	734	797
17	2,200	352	516	624	697	766	833
18	2,300	367	538	650	726	799	869
19	2,400	382	560	677	756	832	904
20	2,500	397	582	704	786	865	940
21	2,600	412	604	730	816	897	975
22	2,700	427	626	757	845	930	1,011
23	2,800	442	648	783	875	963	1,046
24	2,900	457	670	810	905	995	1,082
25	3,000	472	692	837	935	1,028	1,118
26	3,100	487	714	863	964	1,061	1,153
27	3,200	502	737	890	994	1,094	1,189

1	3,300	517	759	917	1,024	1,126	1,224
2	3,400	532	781	943	1,054	1,159	1,260
3	3,500	547	803	970	1,083	1,192	1,295
4	3,600	562	825	997	1,113	1,224	1,331
5	3,700	577	847	1,023	1,143	1,257	1,367
6	3,800	592	869	1,050	1,173	1,290	1,402
7	3,900	607	891	1,076	1,202	1,323	1,438
8	4,000	621	912	1,102	1,230	1,353	1,471
9	4,100	634	931	1,125	1,256	1,382	1,502
10	4,200	647	950	1,148	1,282	1,410	1,533
11	4,300	660	969	1,171	1,308	1,439	1,564
12	4,400	673	988	1,194	1,334	1,467	1,595
13	4,500	686	1,007	1,217	1,359	1,495	1,625
14	4,600	699	1,026	1,240	1,385	1,524	1,656
15	4,700	712	1,045	1,263	1,411	1,552	1,687
16	4,800	725	1,064	1,286	1,437	1,580	1,718
17	4,900	738	1,084	1,309	1,463	1,609	1,749
18	5,000	751	1,103	1,332	1,488	1,637	1,780
19	5,100	764	1,122	1,356	1,514	1,666	1,810
20	5,200	777	1,141	1,379	1,540	1,694	1,841
21	5,300	790	1,160	1,402	1,566	1,722	1,872
22	5,400	799	1,172	1,415	1,581	1,739	1,890
23	5,500	805	1,177	1,419	1,585	1,744	1,896
24	5,600	810	1,181	1,423	1,590	1,749	1,901
25	5,700	815	1,186	1,427	1,594	1,753	1,906
26	5,800	820	1,191	1,431	1,598	1,758	1,911
27	5,900	825	1,195	1,435	1,603	1,763	1,916

1	6,000	831	1,200	1,439	1,607	1,768	1,922
2	6,100	837	1,208	1,449	1,618	1,780	1,935
3	6,200	844	1,217	1,459	1,629	1,792	1,948
4	6,300	851	1,226	1,469	1,641	1,805	1,962
5	6,400	858	1,234	1,479	1,652	1,817	1,975
6	6,500	865	1,243	1,489	1,663	1,829	1,988
7	6,600	871	1,251	1,499	1,674	1,841	2,002
8	6,700	881	1,263	1,513	1,690	1,859	2,021
9	6,800	892	1,278	1,530	1,709	1,880	2,044
10	6,900	903	1,292	1,548	1,729	1,902	2,067
11	7,000	914	1,306	1,565	1,748	1,923	2,090
12	7,100	925	1,320	1,582	1,767	1,944	2,113
13	7,200	935	1,335	1,600	1,787	1,965	2,136
14	7,300	946	1,348	1,616	1,805	1,986	2,159
15	7,400	954	1,360	1,630	1,820	2,003	2,177
16	7,500	962	1,372	1,643	1,836	2,019	2,195
17	7,600	969	1,384	1,657	1,851	2,036	2,213
18	7,700	977	1,396	1,670	1,866	2,052	2,231
19	7,800	984	1,407	1,683	1,880	2,068	2,248
20	7,900	991	1,419	1,696	1,895	2,084	2,266
21	8,000	996	1,426	1,704	1,903	2,094	2,276
22	8,100	1,000	1,429	1,709	1,908	2,099	2,282
23	8,200	1,004	1,433	1,713	1,914	2,105	2,288
24	8,300	1,008	1,437	1,718	1,919	2,110	2,294
25	8,400	1,012	1,441	1,722	1,924	2,116	2,300
26	8,500	1,016	1,444	1,727	1,929	2,122	2,306
27	8,600	1,020	1,448	1,731	1,934	2,127	2,312

1	8,700	1,026	1,456	1,740	1,944	2,138	2,324
2	8,800	1,033	1,464	1,749	1,953	2,149	2,336
3	8,900	1,039	1,472	1,758	1,963	2,160	2,347
4	9,000	1,046	1,480	1,766	1,973	2,170	2,359
5	9,100	1,052	1,488	1,775	1,983	2,181	2,371
6	9,200	1,059	1,496	1,784	1,993	2,192	2,382
7	9,300	1,065	1,502	1,792	2,002	2,202	2,393
8	9,400	1,070	1,507	1,799	2,010	2,211	2,403
9	9,500	1,075	1,511	1,807	2,018	2,220	2,413
10	9,600	1,080	1,516	1,814	2,026	2,229	2,423
11	9,700	1,085	1,520	1,822	2,035	2,238	2,433
12	9,800	1,090	1,524	1,829	2,043	2,247	2,443
13	9,900	1,094	1,529	1,836	2,051	2,256	2,453
14	10,000	1,099	1,533	1,844	2,059	2,265	2,463
15	10,100	1,104	1,538	1,851	2,068	2,275	2,472
16	10,200	1,109	1,542	1,859	2,076	2,284	2,482
17	10,300	1,115	1,549	1,867	2,086	2,294	2,494
18	10,400	1,123	1,560	1,878	2,098	2,308	2,509
19	10,500	1,130	1,571	1,889	2,110	2,321	2,523
20	10,600	1,137	1,582	1,900	2,123	2,335	2,538
21	10,700	1,145	1,593	1,911	2,135	2,349	2,553
22	10,800	1,152	1,604	1,922	2,147	2,362	2,568
23	10,900	1,159	1,615	1,933	2,160	2,376	2,582
24	11,000	1,167	1,626	1,944	2,172	2,389	2,597
25	11,100	1,174	1,637	1,956	2,185	2,403	2,612
26	11,200	1,182	1,649	1,968	2,198	2,418	2,628
27	11,300	1,191	1,661	1,980	2,212	2,433	2,644

1	11,400	1,199	1,673	1,992	2,225	2,448	2,660
2	11,500	1,207	1,685	2,004	2,239	2,462	2,677
3	11,600	1,215	1,695	2,016	2,252	2,477	2,693
4	11,700	1,222	1,705	2,029	2,266	2,493	2,710
5	11,800	1,229	1,714	2,041	2,280	2,508	2,726
6	11,900	1,237	1,723	2,054	2,294	2,523	2,743
7	12,000	1,244	1,732	2,066	2,308	2,539	2,759
8	12,100	1,252	1,742	2,078	2,322	2,554	2,776
9	12,200	1,259	1,751	2,091	2,336	2,569	2,793
10	12,300	1,267	1,760	2,103	2,349	2,584	2,809
11	12,400	1,274	1,769	2,116	2,363	2,600	2,826
12	12,500	1,282	1,778	2,128	2,377	2,615	2,842
13	12,600	1,289	1,788	2,141	2,391	2,630	2,859
14	12,700	1,296	1,797	2,153	2,405	2,645	2,876
15	12,800	1,304	1,806	2,165	2,419	2,661	2,892
16	12,900	1,311	1,815	2,178	2,433	2,676	2,909
17	13,000	1,319	1,825	2,190	2,447	2,691	2,925
18	13,100	1,326	1,834	2,203	2,461	2,707	2,942
19	13,200	1,334	1,843	2,215	2,474	2,722	2,959
20	13,300	1,341	1,852	2,228	2,488	2,737	2,975
21	13,400	1,348	1,861	2,238	2,500	2,750	2,990
22	13,500	1,353	1,868	2,247	2,510	2,761	3,001
23	13,600	1,359	1,875	2,255	2,519	2,771	3,012
24	13,700	1,364	1,882	2,264	2,529	2,781	3,023
25	13,800	1,370	1,889	2,272	2,538	2,792	3,035
26	13,900	1,375	1,896	2,281	2,547	2,802	3,046
27	14,000	1,381	1,903	2,289	2,557	2,812	3,057

1	14,100	1,386	1,910	2,297	2,566	2,822	3,068
2	14,200	1,391	1,916	2,304	2,574	2,831	3,078
3	14,300	1,396	1,922	2,312	2,582	2,841	3,088
4	14,400	1,401	1,929	2,319	2,591	2,850	3,098
5	14,500	1,406	1,935	2,327	2,599	2,859	3,108
6	14,600	1,410	1,941	2,334	2,607	2,868	3,118
7	14,700	1,415	1,947	2,342	2,616	2,877	3,128
8	14,800	1,420	1,954	2,349	2,624	2,886	3,138
9	14,900	1,425	1,960	2,357	2,632	2,896	3,147
10	15,000	1,430	1,966	2,364	2,641	2,905	3,157
11	15,100	1,435	1,972	2,371	2,649	2,914	3,167
12	15,200	1,440	1,978	2,379	2,657	2,923	3,177
13	15,300	1,444	1,985	2,386	2,666	2,932	3,187
14	15,400	1,449	1,991	2,394	2,674	2,941	3,197
15	15,500	1,454	1,997	2,401	2,682	2,950	3,207
16	15,600	1,459	2,003	2,409	2,691	2,960	3,217
17	15,700	1,464	2,010	2,416	2,699	2,969	3,227
18	15,800	1,469	2,016	2,424	2,707	2,978	3,237
19	15,900	1,474	2,022	2,431	2,715	2,987	3,247
20	16,000	1,478	2,028	2,439	2,724	2,996	3,257
21	16,100	1,484	2,035	2,445	2,732	3,005	3,266
22	16,200	1,490	2,041	2,452	2,739	3,013	3,275
23	16,300	1,495	2,047	2,459	2,747	3,022	3,285
24	16,400	1,501	2,053	2,466	2,755	3,030	3,294
25	16,500	1,506	2,059	2,473	2,763	3,039	3,303
26	16,600	1,512	2,065	2,480	2,770	3,047	3,313
27	16,700	1,518	2,071	2,487	2,778	3,056	3,322

1	16,800	1,523	2,077	2,494	2,786	3,065	3,331
2	16,900	1,529	2,083	2,501	2,794	3,073	3,340
3	17,000	1,534	2,089	2,508	2,801	3,082	3,350
4	17,100	1,540	2,095	2,515	2,809	3,090	3,359
5	17,200	1,545	2,102	2,522	2,817	3,099	3,368
6	17,300	1,551	2,108	2,529	2,825	3,107	3,378
7	17,400	1,557	2,114	2,536	2,832	3,116	3,387
8	17,500	1,562	2,120	2,543	2,840	3,124	3,396
9	17,600	1,568	2,126	2,550	2,848	3,133	3,405
10	17,700	1,573	2,132	2,557	2,856	3,141	3,415
11	17,800	1,579	2,138	2,563	2,863	3,149	3,423
12	17,900	1,584	2,144	2,570	2,870	3,157	3,432
13	18,000	1,589	2,149	2,576	2,878	3,166	3,441
14	18,100	1,595	2,155	2,583	2,885	3,174	3,450
15	18,200	1,600	2,161	2,590	2,893	3,182	3,459
16	18,300	1,605	2,167	2,596	2,900	3,190	3,467
17	18,400	1,611	2,173	2,603	2,907	3,198	3,476
18	18,500	1,616	2,178	2,609	2,915	3,206	3,485
19	18,600	1,621	2,184	2,616	2,922	3,214	3,494
20	18,700	1,627	2,190	2,623	2,929	3,222	3,503
21	18,800	1,632	2,196	2,629	2,937	3,231	3,512
22	18,900	1,637	2,202	2,636	2,944	3,239	3,520
23	19,000	1,642	2,207	2,642	2,952	3,247	3,529
24	19,100	1,648	2,213	2,649	2,959	3,255	3,538
25	19,200	1,653	2,219	2,656	2,966	3,263	3,547
26	19,300	1,658	2,225	2,662	2,974	3,271	3,556
27	19,400	1,664	2,231	2,669	2,981	3,279	3,565

1	19,500	1,669	2,236	2,675	2,989	3,287	3,573
2	19,600	1,674	2,242	2,682	2,996	3,295	3,582
3	19,700	1,680	2,248	2,689	3,003	3,304	3,591
4	19,800	1,685	2,254	2,695	3,011	3,312	3,600
5	19,900	1,690	2,260	2,702	3,018	3,320	3,609
6	20,000	1,696	2,265	2,709	3,025	3,328	3,617
7	20,100	1,701	2,271	2,715	3,033	3,336	3,626
8	20,200	1,706	2,277	2,722	3,040	3,344	3,635
9	20,300	1,710	2,282	2,728	3,047	3,352	3,643
10	20,400	1,713	2,287	2,733	3,053	3,358	3,651
11	20,500	1,717	2,292	2,739	3,059	3,365	3,658
12	20,600	1,720	2,297	2,745	3,066	3,372	3,666
13	20,700	1,723	2,302	2,750	3,072	3,379	3,673
14	20,800	1,726	2,307	2,756	3,078	3,386	3,681
15	20,900	1,730	2,313	2,761	3,084	3,393	3,688
16	21,000	1,733	2,318	2,767	3,091	3,400	3,695
17	21,100	1,736	2,323	2,773	3,097	3,407	3,703
18	21,200	1,739	2,328	2,778	3,103	3,413	3,710
19	21,300	1,743	2,333	2,784	3,109	3,420	3,718
20	21,400	1,746	2,338	2,789	3,116	3,427	3,725
21	21,500	1,749	2,343	2,795	3,122	3,434	3,733
22	21,600	1,752	2,348	2,801	3,128	3,441	3,740
23	21,700	1,756	2,353	2,806	3,134	3,448	3,748
24	21,800	1,759	2,358	2,812	3,141	3,455	3,755
25	21,900	1,762	2,363	2,817	3,147	3,462	3,763
26	22,000	1,765	2,368	2,823	3,153	3,469	3,770
27	22,100	1,769	2,373	2,829	3,160	3,475	3,778

1	22,200	1,772	2,378	2,834	3,166	3,482	3,785
2	22,300	1,775	2,383	2,840	3,172	3,489	3,793
3	22,400	1,778	2,388	2,845	3,178	3,496	3,800
4	22,500	1,782	2,393	2,851	3,185	3,503	3,808
5	22,600	1,785	2,398	2,857	3,191	3,510	3,815
6	22,700	1,788	2,403	2,862	3,197	3,517	3,823
7	22,800	1,791	2,408	2,868	3,203	3,524	3,830
8	22,900	1,795	2,413	2,873	3,210	3,531	3,838
9	23,000	1,798	2,418	2,879	3,216	3,537	3,845
10	23,100	1,801	2,423	2,885	3,222	3,544	3,853
11	23,200	1,804	2,429	2,890	3,228	3,551	3,860
12	23,300	1,808	2,434	2,896	3,235	3,558	3,868
13	23,400	1,811	2,439	2,901	3,241	3,565	3,875
14	23,500	1,814	2,444	2,907	3,247	3,572	3,883
15	23,600	1,817	2,449	2,913	3,253	3,579	3,890
16	23,700	1,821	2,454	2,918	3,260	3,586	3,898
17	23,800	1,824	2,459	2,924	3,266	3,593	3,905
18	23,900	1,827	2,464	2,929	3,272	3,599	3,913
19	24,000	1,830	2,469	2,935	3,278	3,606	3,920
20	24,100	1,834	2,474	2,941	3,285	3,613	3,928
21	24,200	1,837	2,479	2,946	3,291	3,620	3,935
22	24,300	1,840	2,484	2,952	3,297	3,627	3,943
23	24,400	1,843	2,489	2,957	3,304	3,634	3,950
24	24,500	1,847	2,494	2,963	3,310	3,641	3,957
25	24,600	1,850	2,499	2,969	3,316	3,648	3,965
26	24,700	1,853	2,504	2,974	3,322	3,655	3,972
27	24,800	1,856	2,509	2,980	3,329	3,661	3,980

1	24,900	1,860	2,514	2,986	3,335	3,668	3,987
2	25,000	1,863	2,519	2,991	3,341	3,675	3,995
3	25,100	1,866	2,524	2,997	3,347	3,682	4,002
4	25,200	1,869	2,529	3,002	3,354	3,689	4,010
5	25,300	1,873	2,534	3,008	3,360	3,696	4,017
6	25,400	1,876	2,540	3,014	3,366	3,703	4,025
7	25,500	1,879	2,545	3,019	3,372	3,710	4,032
8	25,600	1,882	2,550	3,025	3,379	3,716	4,040
9	25,700	1,886	2,555	3,030	3,385	3,723	4,047
10	25,800	1,889	2,560	3,036	3,391	3,730	4,055
11	25,900	1,892	2,565	3,042	3,397	3,737	4,062
12	26,000	1,895	2,570	3,047	3,404	3,744	4,070
13	26,100	1,899	2,575	3,053	3,410	3,751	4,077
14	26,200	1,902	2,580	3,058	3,416	3,758	4,085
15	26,300	1,905	2,585	3,064	3,422	3,765	4,092
16	26,400	1,908	2,590	3,070	3,429	3,772	4,100
17	26,500	1,912	2,595	3,075	3,435	3,778	4,107
18	26,600	1,915	2,600	3,081	3,441	3,785	4,115
19	26,700	1,918	2,605	3,086	3,447	3,792	4,122
20	26,800	1,921	2,610	3,092	3,454	3,799	4,130
21	26,900	1,925	2,615	3,098	3,460	3,806	4,137
22	27,000	1,928	2,620	3,103	3,466	3,813	4,145
23	27,100	1,931	2,625	3,109	3,473	3,820	4,152
24	27,200	1,934	2,630	3,114	3,479	3,827	4,160
25	27,300	1,938	2,635	3,120	3,485	3,834	4,167
26	27,400	1,941	2,640	3,126	3,491	3,840	4,175
27	27,500	1,944	2,645	3,131	3,498	3,847	4,182

1	27,600	1,948	2,650	3,137	3,504	3,854	4,190
2	27,700	1,951	2,656	3,142	3,510	3,861	4,197
3	27,800	1,954	2,661	3,148	3,516	3,868	4,205
4	27,900	1,957	2,666	3,154	3,523	3,875	4,212
5	28,000	1,961	2,671	3,159	3,529	3,882	4,219
6	28,100	1,964	2,676	3,165	3,535	3,889	4,227
7	28,200	1,967	2,681	3,170	3,541	3,896	4,234
8	28,300	1,970	2,686	3,176	3,548	3,902	4,242
9	28,400	1,972	2,689	3,179	3,551	3,907	4,247
10	28,500	1,974	2,691	3,182	3,555	3,911	4,251
11	28,600	1,976	2,694	3,185	3,558	3,914	4,255
12	28,700	1,978	2,696	3,188	3,561	3,918	4,259
13	28,800	1,980	2,699	3,191	3,565	3,922	4,263
14	28,900	1,982	2,701	3,194	3,568	3,926	4,268
15	29,000	1,984	2,704	3,197	3,571	3,930	4,272
16	29,100	1,986	2,707	3,200	3,575	3,934	4,276
17	29,200	1,988	2,709	3,203	3,578	3,938	4,280
18	29,300	1,990	2,712	3,206	3,581	3,941	4,284
19	29,400	1,992	2,714	3,209	3,584	3,945	4,289
20	29,500	1,993	2,717	3,212	3,588	3,949	4,293
21	29,600	1,995	2,719	3,215	3,591	3,953	4,297
22	29,700	1,997	2,722	3,218	3,594	3,957	4,301
23	29,800	1,999	2,724	3,221	3,598	3,961	4,305
24	29,900	2,001	2,727	3,224	3,601	3,965	4,310
25	30,000	2,003	2,730	3,227	3,604	3,968	4,314

26 ➔SECTION 2. KRS 403.2121 (Effective March 1, 2022) IS REPEALED AND
27 REENACTED TO READ AS FOLLOWS:

1 (1) For purposes of this section, "day":

2 (a) Means more than twelve (12) consecutive hours in a twenty-four (24) hour
3 period under the care, control, or direct supervision of one (1) parent or
4 caretaker, or as the court determines based on findings of substantially
5 equivalent care or expense; and

6 (b) Unless the context requires otherwise, includes housing, entertaining,
7 feeding, and transporting the child, attending to school work, athletic
8 events, extracurricular activities, or other activities that transfer with the
9 child as he or she moves from one parent to the other;

10 (2) (a) In order to receive a shared parenting time credit, a parent shall maintain
11 care, custody, and control over the child for a minimum of seventy-three
12 (73) days per year, as defined by this section.

13 (b) The shared parenting time credit shall only be applicable for parenting time
14 that is court-ordered or approved and consistently exercised.

15 (3) Except as provided in subsection (6) of this section or otherwise provided in this
16 chapter, the child support obligation determined under Section 1 of this Act shall
17 be subject to further adjustment as follows:

18 (a) For parents who share parenting time under either a court-ordered time-
19 sharing schedule or a time-sharing schedule exercised by agreement of the
20 parties, the court shall:

21 1. a. Calculate the child support obligation set forth in the child
22 support guidelines table in accordance with subsection (5)(a) of
23 Section 1 of this Act using the combined gross adjusted income
24 of the parties;

25 b. If both parents exercise fifty percent (50%) of their parenting
26 time, the parent with the higher gross monthly income shall be
27 considered the obligor;

- 1 2. Determine the number of days for both parents on an annual basis
2 based upon either a court-ordered time-sharing schedule or a time-
3 sharing schedule exercised by agreement of the parties;
- 4 3. Using the days a child spends with the obligated parent, determine the
5 adjustment percentage using the shared parenting time credit chart in
6 subsection (4) of this section;
- 7 4. Determine the shared parenting time credit adjustment by multiplying
8 the obligated parent's adjustment percentage by the total support
9 obligation found on the child support obligation worksheet to establish
10 the shared parenting expense adjustment for the obligated parent, as
11 determined in subparagraph 1. of this paragraph; and
- 12 5. Subtract the amount calculated in subparagraph 4. of this paragraph
13 from the obligated parent's monthly obligation, found on the child
14 support obligation worksheet, as determined in subparagraph 1. of
15 this paragraph;
- 16 (b) The court may use its discretion in adjusting each parent's child support
17 obligation under this paragraph in accordance with the factors proscribed
18 in this section, and the following:
 - 19 1. The obligated parent's low income and ability to maintain the basic
20 necessities of the home for the child;
 - 21 2. The likelihood that either parent will actually exercise the time-
22 sharing schedule set forth in the court-ordered time-sharing schedule
23 or time-sharing agreement between the parents;
 - 24 3. Whether all of the children are subject to the same time-sharing
25 schedule;
 - 26 4. Whether the time-sharing plan results in fewer overnights due to a
27 significant geographical distance between the parties that may affect

1 the child support obligation; and

2 5. The military deployment or extended service obligations of the parties;

3 and

4 (c) The self-support reserve, as calculated under subsection (5)(b) of Section 1

5 of this Act, and the shared parenting time credit, as calculated under this

6 subsection, shall not be applied together. The obligor shall be responsible

7 for the lesser support amount as determined under subsection (5)(c) of

8 Section 1 of this Act.

9 (4) The shared parenting time credit chart is as follows:

<u>Parenting Time Days</u>	<u>Adjustment Percentage</u>
<u>73-87</u>	<u>10.5%</u>
<u>88-115</u>	<u>15%</u>
<u>116-129</u>	<u>20.5%</u>
<u>130-142</u>	<u>25%</u>
<u>143-152</u>	<u>30.5%</u>
<u>153-162</u>	<u>36%</u>
<u>163-172</u>	<u>42%</u>
<u>173-181</u>	<u>48.5%</u>
<u>182-182.5</u>	<u>50%</u>

20 (5) Failure by one (1) party to consistently comply with the parenting schedule shall

21 be grounds for the other party to seek modification from the court. A party may

22 seek modification following a fifteen percent (15%) change in the number of

23 timesharing days and shall have the burden of proving a material change in

24 circumstances.

25 (6) This section shall not apply if the child or children subject to the child support

26 award receive public assistance, including:

27 (a) Kentucky Children's Health Insurance Program (KCHIP);

1 (b) Kentucky Transitional Assistance Program (K-TAP);

2 (c) Supplemental Nutrition Assistance Program (SNAP); or

3 (d) Medicaid.

4 ➔Section 3. KRS 620.090 is amended to read as follows:

- 5 (1) If, after completion of the temporary removal hearing, the court finds there are
6 reasonable grounds to believe the child is dependent, neglected or abused, the court
7 shall:

8 (a) Issue an order for temporary removal and shall grant temporary custody to the
9 cabinet or other appropriate person or agency. Preference shall be given to
10 available and qualified relatives of the child considering the wishes of the
11 parent or other person exercising custodial control or supervision, if known.
12 The order shall state the specific reasons for removal and show that alternative
13 less restrictive placements and services have been considered. The court may
14 recommend a placement for the child;

15 (b) Inquire as to an existing child support order; and

16 (c) If there is no existing order, or if the order is to be amended, the court shall:

17 1. Make specific findings, either written or on the record, as to:

18 a. The child support obligation in the best interest of the child;

19 b. The action to be taken by the payee, payor, or any other party by
20 making an application for services to the child support office
21 who shall take all appropriate action; or

22 c. Setting a hearing as soon as practicable; and

23 2. Require proper service before establishing a new child support order.

- 24 (2) In placing a child under an order of temporary custody, the cabinet or its designee
25 shall use the least restrictive appropriate placement available. Preference shall be
26 given to available and qualified relatives of the child considering the wishes of the
27 parent or other person exercising custodial control or supervision, if known. The

1 child may also be placed in a facility or program operated or approved by the
2 cabinet, including a foster home, or any other appropriate available placement.
3 However, under no circumstance shall the child be placed in a home, facility, or
4 other shelter with a child who has been committed to the Department of Juvenile
5 Justice for commission of a sex crime as that term is defined in KRS 17.500, unless
6 the child committed for the commission of a sex crime is kept segregated from other
7 children in the home, facility, or other shelter that have not been committed for the
8 commission of a sex crime.

9 (3) If the court finds there are not reasonable grounds to believe the child is dependent,
10 neglected or abused, or if no action is taken within seventy-two (72) hours, the
11 emergency custody order shall be dissolved automatically and the cabinet or its
12 designee shall return the child to the parent or other person exercising custodial
13 control or supervision. A request for a continuance of the hearing by the parent or
14 other person exercising custodial control or supervision shall constitute action
15 precluding automatic dissolution of the emergency custody order.

16 ~~(4) [When the court issues a temporary order for the custody of a child, the order shall~~
17 ~~initiate an action to establish child support in accordance with KRS 403.211. The~~
18 ~~court shall establish a child support order, or modify an existing order, within seven~~
19 ~~(7) days of the issuance of the order of temporary removal.~~

20 ~~(5) —~~ When the court issues a temporary order for the custody of a child, the court may
21 order that, within two (2) weeks, arrangements be made for the child to receive a
22 thorough medical, visual, and dental examination by a professional authorized by
23 the Kentucky Revised Statutes to conduct such examinations. The costs of the
24 examination shall be paid by the cabinet.

25 ~~(5)~~~~(6)~~ The child shall remain in temporary custody with the cabinet for a period of
26 time not to exceed forty-five (45) days from the date of the removal from his home.
27 The court shall conduct the adjudicatory hearing and shall make a final disposition

1 within forty-five (45) days of the removal of the child. The court may extend such
2 time after making written findings establishing the need for the extension and after
3 finding that the extension is in the child's best interest.

4 ~~(6)~~~~(7)~~ If custody is granted to a grandparent of the child pursuant to this section, the
5 court shall consider granting reasonable visitation rights to any other grandparent of
6 the child if the court determines the grandparent has a significant and viable
7 relationship with the child as established in KRS 405.021(1)(c).

8 ➔Section 4. KRS 403.090 is amended to read as follows:

9 (1) The fiscal court of any county may, by resolution, authorize the appointment of a
10 "friend of the court." If the Circuit Court of the county has but one (1) judge, the
11 appointment shall be made by the judge. If the court has two (2) or more judges, the
12 appointment shall be made by joint action of the judges, at the general term. The
13 person appointed to the office of friend of the court shall serve at the pleasure of,
14 and subject to removal by, the appointing authority. The person appointed shall be a
15 licensed practicing attorney. The appointed person shall take the constitutional oath
16 of office and shall give bond in such sum as may be fixed by the appointing judge
17 or judges.

18 (2) Except for those cases administered pursuant to 42 U.S.C. secs. 651 et seq., it shall
19 be the duty of the friend of the court to supervise and enforce the payment of sums
20 ordered or adjudged by the Circuit Court in divorce actions to be paid for the care
21 and maintenance of minor children. All persons who have been ordered or adjudged
22 by the court, in connection with divorce actions, to make payments for the care and
23 maintenance of children, shall, if so ordered by the court, make such payments to
24 the friend of the court. The friend of the court shall see that the payments, except for
25 those cases administered pursuant to 42 U.S.C. secs. 651 et seq., are properly
26 applied in accordance with the order or judgment. However, if the court so directs,
27 the payments may be made through the juvenile session of District Court of the

1 county; in such case the friend of the court shall render such assistance as may be
2 required in keeping records concerning such payments and in the enforcement of
3 delinquent payments, and the Circuit Court may direct that a designated amount or
4 portion of the funds appropriated by the fiscal court for expenses of the friend of the
5 court be paid to the juvenile session of District Court as reimbursement for the
6 expenses incurred by the juvenile session of District Court in connection with the
7 handling of such payments. The friend of the court shall promptly investigate all
8 cases where payments have become delinquent, and when necessary shall cause the
9 delinquent person to be brought before the court for the purpose of compelling
10 payment. The friend of the court shall ascertain the facts concerning the care,
11 custody, and maintenance of children for whom payments are being made, and shall
12 report to the court all cases in which the children are not receiving proper care or
13 maintenance, or in which the person having custody is failing to furnish proper
14 custody. He shall make such other reports to the court as the court may require.

15 (3) In the event that a waiver is granted under 42 U.S.C. secs. 651 et seq., allowing
16 payment of wage withholding collections to be directed to the friend of the court, an
17 obligor shall be given the option of payment either to the friend of the court or the
18 centralized collection agency.

19 (4) In any action for divorce where the parties have minor children, the friend of the
20 court, if requested by the trial judge, shall make such investigation as will enable
21 the friend of the court to ascertain all facts and circumstances that will affect the
22 rights and interests of the children and will enable the court to enter just and proper
23 orders and judgment concerning the care, custody, and maintenance of the children.
24 The friend of the court shall make a report to the trial judge, at a time fixed by the
25 judge, setting forth recommendations as to the care, custody, and maintenance of
26 the children. The friend of the court may request the court to postpone the final
27 submission of any case to give the friend of the court a reasonable time in which to

1 complete the investigation.

2 (5) The friend of the court shall have authority to secure the issuance by the court of
3 any order, rule, or citation necessary for the proper enforcement of orders and
4 judgments in divorce actions concerning the custody, care, and maintenance of
5 children. In performing duties under subsection (4) of this section the friend of the
6 court shall attend the taking of depositions within the county, and shall have
7 authority to cross-examine the witnesses. In the case of depositions taken on
8 interrogatories, the friend of the court may file cross-interrogatories. The friend of
9 the court shall be duly notified of the time and place of the taking of depositions in
10 all divorce actions where the parties have minor children, and shall attend the taking
11 of all such depositions when the friend of the court deems it necessary for the
12 protection of the minor children, or when the friend of the court may be directed by
13 the court to attend.

14 (6) The friend of the court shall not directly or indirectly represent any party to a
15 divorce action except as herein authorized to represent the minor children of parties
16 to a divorce action, but if an allowance is made for the support of a spouse and an
17 infant child or children, may proceed to enforce the payment of the allowance made
18 to the spouse also.

19 (7) Where a friend of the court is acting as a designee of the cabinet pursuant to KRS
20 205.712 and an applicant for Title IV-D services pursuant to KRS 205.721 has
21 requested a modification of an existing child support order pursuant to a divorce or
22 other judicial order, the friend of the court shall seek the modification, providing all
23 jurisdictional requirements are met. The friend of the court's representation shall
24 extend only for the limited purpose of seeking a modification of an existing child
25 support order consistent with the provisions of KRS 403.212 or Section 2 of this
26 Act.

27 (8) The fiscal court of any county which has authorized the appointment of a friend of

1 the court under this section shall, by resolution, fix a reasonable compensation for
2 the friend of the court and make a reasonable allowance for necessary expenses,
3 equipment, and supplies, payable out of the general fund of the county, upon
4 approval of the appointing judge or judges.

5 ➔Section 5. KRS 403.160 is amended to read as follows:

6 (1) In a proceeding for dissolution of marriage or for legal separation, or in a
7 proceeding for disposition of property or for maintenance or support following
8 dissolution of the marriage by a court which lacked personal jurisdiction over the
9 absent spouse, either party may move for temporary maintenance. The motion shall
10 be accompanied by an affidavit setting forth the factual basis for the motion and the
11 amounts requested.

12 (2) (a) In a proceeding for dissolution of marriage, legal separation, or child support,
13 either party, with notice to the opposing party, may move for temporary child
14 support. The motion shall be accompanied by an affidavit setting forth the
15 number of children of the marriage and the information required to calculate
16 the combined adjusted parental gross income set forth in KRS
17 403.212~~[(2)(b)]~~, and the Social Security numbers, provided in accordance
18 with KRS 403.135, of all parties subject to the motion. The court shall, within
19 fourteen (14) days from the filing of said motion, order an amount of
20 temporary child support based upon the child support guidelines as provided
21 by law, and the ordered child support shall be retroactive to the date of the
22 filing of the motion unless otherwise ordered by the court.

23 (b) Upon a showing of good cause, either party may move the court to enter an
24 order for temporary child support without written or oral notice to the adverse
25 party. After reviewing the affidavit required by paragraph (a) of this
26 subsection, the court may issue a temporary child support order based upon
27 the child support guidelines. The order shall provide that the order becomes

1 effective seven (7) days following service of the order and movant's affidavit
2 upon the adverse party unless the adverse party, within the seven (7) day
3 period, files a motion for a hearing before the court. The motion for hearing
4 shall be accompanied by the affidavit required by paragraph (a) of this
5 subsection. Pending the hearing, the adverse party shall pay child support in
6 an amount based upon the guidelines and the adverse party's affidavit. The
7 child support order entered following the hearing shall be retroactive to the
8 date of the filing of the motion for temporary support unless otherwise ordered
9 by the court.

10 (3) As part of a motion for temporary maintenance or support or by independent motion
11 accompanied by affidavit, either party may request the court to issue a temporary
12 injunction or restraining order pursuant to the Rules of Civil Procedure.

13 (4) If the court or agent of the court is made aware that there is reasonable evidence of
14 domestic violence or child abuse, the court shall determine whether disclosure to
15 any other person of the information could be harmful to the parent or child, and if
16 the court determines that disclosure to any person could be harmful, the court and
17 its agents shall not make the disclosure.

18 (5) On the basis of the showing made and in conformity with KRS 403.200, the court
19 may issue a temporary injunction or restraining order and an order for temporary
20 maintenance in amounts and on terms just and proper in the circumstances.

21 (6) A temporary order or temporary injunction:

22 (a) Does not prejudice the rights of the parties or the child which are to be
23 adjudicated at subsequent hearings in the proceeding;

24 (b) May be revoked or modified before final decree on a showing of the facts
25 necessary to revocation or modification under the circumstances; and

26 (c) Terminates when the final decree is entered or when the petition for
27 dissolution or legal separation is voluntarily dismissed.

1 ➔Section 6. KRS 403.211 is amended to read as follows:

- 2 (1) An action to establish or enforce child support may be initiated by the parent,
3 custodian, or agency substantially contributing to the support of the child. The
4 action may be brought in the county in which the child resides or where the
5 defendant resides.
- 6 (2) At the time of initial establishment of a child support order, whether temporary or
7 permanent, or in any proceeding to modify a support order, the child support
8 guidelines in KRS 403.212 or Section 2 of this Act shall serve as a rebuttable
9 presumption for the establishment or modification of the amount of child support.
10 Courts may deviate from the guidelines where their application would be unjust or
11 inappropriate. Any deviation shall be accompanied by a written finding or specific
12 finding on the record by the court, specifying the reason for the deviation.
- 13 (3) A written finding or specific finding on the record that the application of the
14 guidelines would be unjust or inappropriate in a particular case shall be sufficient to
15 rebut the presumption and allow for an appropriate adjustment of the guideline
16 award if based upon one (1) or more of the following criteria:
- 17 (a) A child's extraordinary medical or dental needs;
18 (b) A child's extraordinary educational, job training, or special needs;
19 (c) Either parent's own extraordinary needs, such as medical expenses;
20 (d) The independent financial resources, if any, of the child or children;
21 (e) Combined monthly adjusted parental gross income in excess of the Kentucky
22 child support guidelines;
23 (f) The parents of the child, having demonstrated knowledge of the amount of
24 child support established by the Kentucky child support guidelines, have
25 agreed to child support different from the guideline amount. However, no
26 such agreement shall be the basis of any deviation if public assistance is being
27 paid on behalf of a child under the provisions of Part D of Title IV of the

1 Federal Social Security Act; and

2 (g) Any similar factor of an extraordinary nature specifically identified by the
3 court which would make application of the guidelines inappropriate.

4 (4) "Extraordinary" as used in this section shall be determined by the court in its
5 discretion.

6 (5) When a party has defaulted or the court is otherwise presented with insufficient
7 evidence to determine gross income, the court shall order child support based upon
8 the needs of the child or the previous standard of living of the child, whichever is
9 greater. An order entered by default or due to insufficient evidence to determine
10 gross income may be modified upward and arrearages awarded from the date of the
11 original order if evidence of gross income is presented within two (2) years which
12 would have established a higher amount of child support pursuant to the child
13 support guidelines set forth in KRS 403.212 or Section 2 of this Act.

14 (6) The court shall allocate between the parents, in proportion to their combined
15 monthly adjusted parental gross income, reasonable and necessary child care costs
16 incurred due to employment, job search, or education leading to employment, in
17 addition to the amount ordered under the child support guidelines.

18 (7) (a) Pursuant to 45 C.F.R. sec. 303.31(a)(2), for the purposes of this section,
19 "health care coverage" includes fee for service, health maintenance
20 organization, preferred provider organization, and other types of private health
21 insurance and public health care coverage under which medical services could
22 be provided to a dependent child. If health care coverage is reasonable in cost
23 and accessible to either parent at the time the request for coverage is made, the
24 court shall order the parent to obtain or maintain coverage, and the court shall
25 allocate between the parents, in proportion to their combined monthly
26 adjusted parental gross income, the cost of health care coverage for the child,
27 in addition to the support ordered under the child support guidelines.

- 1 (b) A parent, who has one hundred percent (100%) of the combined monthly
2 adjusted parental gross income, shall be entitled to a reduction in gross
3 income of the entire amount of premiums incurred and paid.
- 4 (c) The court shall order the cost of health care coverage of the child to be paid by
5 either or both parents of the child regardless of who has physical custody. The
6 court order shall include:
- 7 1. A judicial directive designating which parent shall have financial
8 responsibility for providing health care coverage for the dependent child,
9 which shall include but not be limited to health care coverage, payments
10 of necessary health care deductibles or copayments;
- 11 2. If appropriate, cash medical support. "Cash medical support" means an
12 amount to be paid toward the cost of health care coverage, fixed
13 payments for ongoing medical costs, extraordinary medical expenses, or
14 any combination thereof; and
- 15 3. A statement providing that if the designated parent's health care
16 coverage provides for covered services for dependent children beyond
17 the age of majority, then any unmarried children up to twenty-five (25)
18 years of age who are full-time students enrolled in and attending an
19 accredited educational institution and who are primarily dependent on
20 the insured parent for maintenance and support shall be covered.
- 21 (d) If health care coverage is not reasonable in cost and accessible at the time the
22 request for the coverage is made, the court order shall provide for cash
23 medical support until health care coverage becomes reasonable in cost and
24 accessible.
- 25 (8) (a) For purposes of this section, "reasonable in cost" means that the cost of
26 coverage to the responsible parent does not exceed five percent (5%) of his or
27 her gross income. The five percent (5%) standard shall apply to the cost of

1 adding the child to an existing policy, the difference in the cost between a
2 single and a family policy, or the cost of acquiring a separate policy to cover
3 the child. If the parties agree or the court finds good cause exists, the court
4 may order health care coverage in excess of five percent (5%) of the parent's
5 gross income.

6 (b) For purposes of this section, "accessible" means that there are providers who
7 meet the health care needs of the child and who are located no more than sixty
8 (60) minutes or sixty (60) miles from the child's primary residence, except that
9 nothing shall prohibit use of a provider located more than sixty (60) minutes
10 or sixty (60) miles from the child's primary residence.

11 (9) The cost of extraordinary medical expenses shall be allocated between the parties in
12 proportion to their combined monthly adjusted parental gross incomes.
13 "Extraordinary medical expenses" means uninsured expenses in excess of two
14 hundred fifty dollars (\$250) per child per calendar year. "Extraordinary medical
15 expenses" includes but is not limited to the costs that are reasonably necessary for
16 medical, surgical, dental, orthodontal, optometric, nursing, and hospital services; for
17 professional counseling or psychiatric therapy for diagnosed medical disorders; and
18 for drugs and medical supplies, appliances, laboratory, diagnostic, and therapeutic
19 services.

20 (10) The court order shall include the Social Security numbers, provided in accordance
21 with KRS 403.135, of all parties subject to a support order.

22 (11) In any case administered by the Cabinet for Health and Family Services, if the
23 parent ordered to provide health care coverage is enrolled through an insurer but
24 fails to enroll the child under family coverage, the other parent or the Cabinet for
25 Health and Family Services may, upon application, enroll the child.

26 (12) In any case administered by the cabinet, information received or transmitted shall
27 not be published or be open for public inspection, including reasonable evidence of

1 domestic violence or child abuse if the disclosure of the information could be
2 harmful to the custodial parent or the child of the parent. Necessary information and
3 records may be furnished as specified by KRS 205.175.

4 (13) In the case in which a parent is obligated to provide health care coverage, and
5 changes employment, and the new employer provides health care coverage, the
6 Cabinet for Health and Family Services shall transfer notice of the provision for
7 coverage for the child to the employer, which shall operate to enroll this child in the
8 obligated parent's health plan, unless the obligated parent contests the notice as
9 specified by KRS Chapter 13B.

10 (14) Notwithstanding any other provision of this section, any wage or income shall not
11 be exempt from attachment or assignment for the payment of current child support
12 or owed or to-be-owed child support.

13 (15) A payment of money received by a child as a result of a parental disability shall be
14 credited against the child support obligation of the parent. A payment shall not be
15 counted as income to either parent when calculating a child support obligation. An
16 amount received in excess of the child support obligation shall be credited against a
17 child support arrearage owed by the parent that accrued subsequent to the date of
18 the parental disability, but shall not be applied to an arrearage that accrued prior to
19 the date of disability. The date of disability shall be as determined by the paying
20 agency.

21 ➔Section 7. KRS 403.740 is amended to read as follows:

22 (1) Following a hearing ordered under KRS 403.730, if a court finds by a
23 preponderance of the evidence that domestic violence and abuse has occurred and
24 may again occur, the court may issue a domestic violence order:

25 (a) Restraining the adverse party from:

- 26 1. Committing further acts of domestic violence and abuse;
- 27 2. Any unauthorized contact or communication with the petitioner or other

- 1 person specified by the court;
- 2 3. Approaching the petitioner or other person specified by the court within
- 3 a distance specified in the order, not to exceed five hundred (500) feet;
- 4 4. Going to or within a specified distance of a specifically described
- 5 residence, school, or place of employment or area where such a place is
- 6 located; and
- 7 5. Disposing of or damaging any of the property of the parties;
- 8 (b) Directing or prohibiting any other actions that the court believes will be of
- 9 assistance in eliminating future acts of domestic violence and abuse, except
- 10 that the court shall not order the petitioner to take any affirmative action;
- 11 (c) Directing that either or both of the parties receive counseling services
- 12 available in the community in domestic violence and abuse cases; and
- 13 (d) Additionally, if applicable:
- 14 1. Directing the adverse party to vacate a residence shared by the parties to
- 15 the action;
- 16 2. Utilizing the criteria set forth in KRS 403.270, 403.320, and 403.822,
- 17 grant temporary custody, subject to KRS 403.315; and
- 18 3. Utilizing the criteria set forth in KRS 403.211, 403.212, Section 2 of
- 19 this Act, and 403.213, award temporary child support.
- 20 (2) In imposing a location restriction described in subsection (1)(a)4. of this section, the
- 21 court shall:
- 22 (a) Afford the petitioner and respondent, if present, an opportunity to testify on
- 23 the issue of the locations and areas from which the respondent should or
- 24 should not be excluded;
- 25 (b) Only impose a location restriction where there is a specific, demonstrable
- 26 danger to the petitioner or other person protected by the order;
- 27 (c) Specifically describe in the order the locations or areas prohibited to the

1 respondent; and

2 (d) Consider structuring a restriction so as to allow the respondent transit through
3 an area if the respondent does not interrupt his or her travel to harass, harm, or
4 attempt to harass or harm the petitioner.

5 (3) When temporary child support is granted under this section, the court shall enter an
6 order detailing how the child support is to be paid and collected. Child support
7 ordered under this section may be enforced utilizing the same procedures as any
8 other child support order.

9 (4) A domestic violence order shall be effective for a period of time fixed by the court,
10 not to exceed three (3) years, and may be reissued upon expiration for subsequent
11 periods of up to three (3) years each. The fact that an order has not been violated
12 since its issuance may be considered by a court in hearing a request for a reissuance
13 of the order.

14 ➔Section 8. KRS 405.430 is amended to read as follows:

15 (1) When a parent presents himself to the cabinet for the voluntary establishment of
16 paternity and clear evidence of parentage is not present, the cabinet shall pay when
17 administratively ordered the cost of genetic testing to establish paternity, subject to
18 recoupment from the alleged father when paternity is established.

19 (2) The cabinet shall obtain additional testing in any case if an original test is contested,
20 upon request and advance payment by the contestant.

21 (3) In a contested paternity case, the child, the mother, and the putative father shall
22 submit to genetic testing upon a request of any of the parties, unless the person or
23 guardian of the person who is requested to submit to genetic testing shows good
24 cause, taking into account the best interests of the child, why the genetic tests
25 cannot be performed. The request shall be supported by a sworn statement of the
26 party, requesting that the test be performed, which shall include the information
27 required by 42 U.S.C. sec. 666(a)(5)(B)(i) or (ii).

- 1 (4) When a parent who fails to support a child is not obligated to provide child support
2 by court order, the cabinet may administratively establish a child support obligation
3 based upon a voluntary acknowledgment of paternity as set forth in KRS Chapter
4 406, the parent's minimum monthly child support obligation and proportionate share
5 of child care costs incurred due to employment or job search of either parent, or
6 incurred while receiving elementary or secondary education, or higher education or
7 vocational training which will lead to employment. The monthly child support
8 obligation shall be determined pursuant to the Kentucky child support guidelines set
9 forth in KRS 403.212 or Section 2 of this Act. The actual cost of child care shall be
10 reasonable and shall be allocated between the parents in the same proportion as each
11 parent's gross income, as determined under the guidelines, bears to the total family
12 gross income.
- 13 (5) The cabinet shall recognize a voluntary acknowledgment of paternity as a basis for
14 seeking a support order, irrespective of the alleged father's willingness to consent to
15 a support order.
- 16 (6) When in the best interest of the child, the cabinet may review and adjust a parent's
17 child support obligation or child care obligation as established by the cabinet, upon
18 a request of the cabinet when an assignment has been made, or upon either parent's
19 petition if the amount of the child support awarded under the order differs from the
20 amount that would be awarded in accordance with KRS 403.212 or Section 2 of
21 this Act. The cabinet shall notify parents at least once every three (3) years of the
22 right to a review.
- 23 (7) In establishing or modifying a parent's monthly child support obligation, the cabinet
24 may use automated methods to identify orders eligible for review, conduct the
25 review, identify orders eligible for adjustment, and apply the adjustment to eligible
26 orders in accordance with KRS 403.212 or Section 2 of this Act. The cabinet shall
27 utilize information, including financial records, about the parent and child which it

1 has good reason to believe is reliable and may require the parents to provide income
2 verification.

3 (8) In cases in which past-due support is owed for a child receiving public assistance
4 under Title IV-A of the Federal Social Security Act, the cabinet shall issue an
5 administrative order, or seek a judicial order, requiring the obligated parent to
6 participate in work activities, or educational or vocational training activities for at
7 least twenty (20) hours per week, unless the parent is incapacitated as defined by 42
8 U.S.C. sec. 607.

9 (9) The cabinet may disclose financial records only for the purpose of establishing,
10 modifying, or enforcing a child support obligation of an individual. A financial
11 institution shall not be liable to any individual for disclosing any financial record of
12 the individual to the cabinet attempting to establish, modify, or enforce a child
13 support obligation.

14 (10) The cabinet may issue both intrastate and interstate administrative subpoenas to any
15 individual or entity for financial or other information or documents which are
16 needed to establish, modify, or enforce a child support obligation pursuant to Title
17 IV-D of the Social Security Act, 42 U.S.C. secs. 651 et seq. An administrative
18 subpoena lawfully issued in another state to an individual or entity residing in this
19 state shall be honored and enforced in the Circuit Court of the county in which the
20 individual or entity resides.

21 (11) In any case where a person or entity fails to respond to a subpoena within the
22 specified time frame, the cabinet shall impose a penalty.

23 (12) No person shall knowingly make, present, or cause to be made or presented to an
24 employee or officer of the cabinet any false, fictitious, or fraudulent statement,
25 representation, or entry in any application, report, document, or financial record
26 used in determining child support or child care obligations.

27 (13) If a person knowingly or by reason of negligence discloses a financial record of an

1 individual, that individual may pursue civil action for damages in a federal District
2 Court or appropriate state court. No liability shall arise with respect to any
3 disclosure which results from a good faith, but erroneous, interpretation. In any civil
4 action brought for reason of negligence of disclosure of financial records, upon
5 finding of liability on the part of the defendant, the defendant shall be liable to the
6 plaintiff in an amount equal to:

- 7 (a) The sum of the greater of one thousand dollars (\$1,000) for each act of
8 unauthorized disclosure of financial records; or
9 (b) The sum of the actual damages sustained by the plaintiff resulting from the
10 unauthorized disclosure; plus
11 (c) If willful disclosure or disclosure was a result of gross negligence, punitive
12 damages, plus the costs, including attorney fees, of the action.

13 (14) The cabinet shall issue an administrative order or seek a judicial order requiring a
14 parent with a delinquent child support obligation, as defined by administrative
15 regulation promulgated under KRS 15.055, to participate in the program described
16 in KRS 205.732 to help low-income, noncustodial parents find and keep
17 employment unless the parent is incapacitated as defined by 42 U.S.C. sec. 607.

18 ➔Section 9. KRS 406.025 is amended to read as follows:

- 19 (1) Upon completion of a signed, notarized, voluntary acknowledgment-of-paternity
20 affidavit by the mother and alleged father, obtained through the hospital-based
21 paternity program, and submitted to the state registrar of vital statistics, paternity
22 shall be rebuttably presumed for the earlier of sixty (60) days or the date of an
23 administrative or judicial proceeding relating to the child, including a proceeding to
24 establish a child support order.
25 (2) Upon completion of a signed, notarized, voluntary acknowledgment-of-paternity
26 affidavit by the mother and alleged father obtained outside of the hospital and
27 submitted to the state registrar of vital statistics, paternity shall be rebuttably

1 presumed for the earlier of sixty (60) days or the date of an administrative or
2 judicial proceeding relating to the child, including a proceeding to establish a child
3 support order following the date of signatures on the notarized affidavit.

4 (3) Pending an administrative or judicial determination of parentage, or upon a signed,
5 notarized, voluntary acknowledgment-of-paternity form having been transmitted by
6 the local registrar and received by the Vital Statistics Branch, a temporary support
7 order shall be issued upon motion of any party if paternity is indicated by genetic
8 testing or other clear and convincing evidence.

9 (4) The motion shall be accompanied by an affidavit setting forth the factual basis for
10 the motion and the amounts requested.

11 (5) The court shall, within fourteen (14) days from the filing of the motion, order an
12 amount of temporary child support based upon the child support guidelines as
13 provided by KRS 403.212 or Section 2 of this Act. The ordered child support shall
14 be retroactive to the date of the filing of the motion to move the court to enter an
15 order for temporary child support without written or oral notice to the adverse party.
16 The order shall provide that the order becomes effective seven (7) days following
17 service of the order and movant's affidavit upon the adverse party unless the adverse
18 party, within the seven (7) day period, files a motion for a hearing before the court.
19 The motion for hearing shall be accompanied by the affidavit required by KRS
20 403.160(2)(a). Pending the hearing, the adverse party shall pay child support in an
21 amount based upon the guidelines and the adverse party's affidavit. The child
22 support order entered following the hearing shall be retroactive to the date of the
23 filing of the motion for temporary support unless otherwise ordered by the court.

24 (6) Unless good cause is shown, court or administratively ordered child support shall
25 continue until final judicial or administrative determination of paternity.

26 ➔Section 10. KRS 620.230 is amended to read as follows:

27 (1) For each child placed in the custody of the cabinet by an order of commitment, the

1 cabinet shall file a case permanency plan for the child with the court and send a
2 copy to the Administrative Office of the Courts Citizen Foster Care Review Board
3 Program as soon as the plan is prepared but no later than thirty (30) days after the
4 effective date of the order. Notwithstanding the provisions of KRS 620.090~~(5)~~~~(6)~~,
5 if a child remains in the temporary custody of the cabinet for longer than forty-five
6 (45) days and if a request is submitted by the Administrative Office of the Courts
7 Citizen Foster Care Review Board Program, the cabinet shall provide a copy of the
8 case permanency plan for the child.

9 (2) The case permanency plan shall include, but need not be limited to:

- 10 (a) A concise statement of the reasons why the child is in the custody of the
11 cabinet;
- 12 (b) A statement of the actions which have been taken with regard to the child to
13 the date of the plan;
- 14 (c) A statement of the proposed actions which may be taken or are contemplated
15 with regard to the child during the next six (6) months and during the entire
16 duration of the time the child is in the custody of the cabinet;
- 17 (d) Contemplated placements for the child;
- 18 (e) If the child is placed outside the home, reasons why the child cannot be
19 protected adequately in the home, the harms the child may suffer if left in the
20 home, factors which may indicate when the child can be returned to the home,
21 and efforts the cabinet or others are making to return the child to the home;
- 22 (f) If the child is placed outside the home, the steps that the cabinet will take to
23 minimize the harm to the child as a result of the action, both at the time of
24 removal and on a long-term basis;
- 25 (g) A description of the type of home, child-caring facility, child-placing agency
26 or facility in which the child is to be placed or has been placed, and a
27 statement why the placement is appropriate for the child, including but not

- 1 limited to:
- 2 1. Age;
- 3 2. Educational needs;
- 4 3. Medical needs;
- 5 4. Emotional needs;
- 6 5. Relationship with parents; and
- 7 6. Number of children the home is authorized to care for and the number of
- 8 children currently residing in the home;
- 9 (h) If the placement is outside the child's original county of residence,
- 10 documentation that no closer placement is appropriate or available, and the
- 11 reasons why the placement made was chosen;
- 12 (i) A description of the services for the child and his family to be provided or
- 13 arranged by the cabinet to facilitate the return of the child to his own home or
- 14 to another permanent placement;
- 15 (j) A list of objectives and specific tasks, together with specific time frames for
- 16 each task, for which the parents have agreed to assume responsibility,
- 17 including a schedule of regular visits with the child;
- 18 (k) A projected schedule of time intervals by which each of the services,
- 19 objectives, and tasks outlined in the case permanency plan should be
- 20 accomplished and a schedule of time intervals which have already been
- 21 accomplished or are in the process of accomplishment;
- 22 (l) If the child is to remain at home, a description of the potential harm which
- 23 could befall the child and measures that are being taken to prevent or
- 24 minimize such harm; and
- 25 (m) If the child is to remain at home, reasons why he cannot be placed in foster
- 26 care or why such care is not needed.
- 27 (3) Under no circumstance shall a child be placed in a home, facility, or other shelter

1 with a child who has been committed to the Department of Juvenile Justice for
2 commission of a sex crime as defined in KRS 17.500, unless the child committed
3 for the commission of a sex crime is kept segregated from other children in the
4 home, facility, or other shelter that have not been committed for the commission of
5 a sex crime.

6 ➔Section 11. Section 2 of this Act takes effect January 1, 2023.