

1 AN ACT relating to health, welfare, and family services.

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

3 ➔Section 1. KRS 12.020 is amended to read as follows:

4 Departments, program cabinets and their departments, and the respective major
5 administrative bodies that they include are enumerated in this section. It is not intended
6 that this enumeration of administrative bodies be all-inclusive. Every authority, board,
7 bureau, interstate compact, commission, committee, conference, council, office, or any
8 other form of organization shall be included in or attached to the department or program
9 cabinet in which they are included or to which they are attached by statute or statutorily
10 authorized executive order; except in the case of the Personnel Board and where the
11 attached department or administrative body is headed by a constitutionally elected
12 officer, the attachment shall be solely for the purpose of dissemination of information and
13 coordination of activities and shall not include any authority over the functions,
14 personnel, funds, equipment, facilities, or records of the department or administrative
15 body.

16 I. Cabinet for General Government - Departments headed by elected officers:

- 17 (1) The Governor.
18 (2) Lieutenant Governor.
19 (3) Department of State.
20 (a) Secretary of State.
21 (b) Board of Elections.
22 (c) Registry of Election Finance.
23 (4) Department of Law.
24 (a) Attorney General.
25 (5) Department of the Treasury.
26 (a) Treasurer.
27 (6) Department of Agriculture.

- 1 (a) Commissioner of Agriculture.
- 2 (b) Agricultural Development Board.
- 3 (c) Kentucky Agricultural Finance Corporation.
- 4 (7) Auditor of Public Accounts.
- 5 II. Program cabinets headed by appointed officers:
- 6 (1) Justice and Public Safety Cabinet:
- 7 (a) Department of Kentucky State Police.
- 8 1. Office of Administrative Services.
- 9 a. Division of Operational Support.
- 10 b. Division of Management Services.
- 11 2. Office of Operations.
- 12 a. Division of West Troops.
- 13 b. Division of East Troops.
- 14 c. Division of Special Enforcement.
- 15 d. Division of Commercial Vehicle Enforcement.
- 16 3. Office of Technical Services.
- 17 a. Division of Forensic Sciences.
- 18 b. Division of Information Technology.
- 19 (b) Department of Criminal Justice Training.
- 20 (c) Department of Corrections.
- 21 (d) Department of Juvenile Justice.
- 22 (e) Office of the Secretary.
- 23 (f) Office of Drug Control Policy.
- 24 (g) Office of Legal Services.
- 25 (h) Office of the Kentucky State Medical Examiner.
- 26 (i) Parole Board.
- 27 (j) Kentucky State Corrections Commission.

- 1 (k) Office of Legislative and Intergovernmental Services.
- 2 (l) Office of Human Resource Management.
- 3 1. Division of Human Resource Administration.
- 4 2. Division of Employee Management.
- 5 (m) Department of Public Advocacy.
- 6 (n) Office of Communications.
- 7 1. Information Technology Services Division.
- 8 (o) Office of Financial Management Services.
- 9 1. Division of Financial Management.
- 10 (p) Grants Management Division.
- 11 (2) Energy and Environment Cabinet:
- 12 (a) Office of the Secretary.
- 13 1. Office of Legislative and Intergovernmental Affairs.
- 14 2. Office of Legal Services.
- 15 a. Legal Division I.
- 16 b. Legal Division II.
- 17 3. Office of Administrative Hearings.
- 18 4. Office of Communication.
- 19 5. Mine Safety Review Commission.
- 20 6. Office of Kentucky Nature Preserves.
- 21 7. Kentucky Public Service Commission.
- 22 (b) Department for Environmental Protection.
- 23 1. Office of the Commissioner.
- 24 2. Division for Air Quality.
- 25 3. Division of Water.
- 26 4. Division of Environmental Program Support.
- 27 5. Division of Waste Management.

- 1 6. Division of Enforcement.
- 2 7. Division of Compliance Assistance.
- 3 (c) Department for Natural Resources.
- 4 1. Office of the Commissioner.
- 5 2. Division of Mine Permits.
- 6 3. Division of Mine Reclamation and Enforcement.
- 7 4. Division of Abandoned Mine Lands.
- 8 5. Division of Oil and Gas.
- 9 6. Division of Mine Safety.
- 10 7. Division of Forestry.
- 11 8. Division of Conservation.
- 12 9. Office of the Reclamation Guaranty Fund.
- 13 (d) Office of Energy Policy.
- 14 1. Division of Energy Assistance.
- 15 (e) Office of Administrative Services.
- 16 1. Division of Human Resources Management.
- 17 2. Division of Financial Management.
- 18 3. Division of Information Services.
- 19 (3) Public Protection Cabinet.
- 20 (a) Office of the Secretary.
- 21 1. Office of Communications and Public Outreach.
- 22 2. Office of Legal Services.
- 23 a. Insurance Legal Division.
- 24 b. Charitable Gaming Legal Division.
- 25 c. Alcoholic Beverage Control Legal Division.
- 26 d. Housing, Buildings and Construction Legal Division.
- 27 e. Financial Institutions Legal Division.

- 1 f. Professional Licensing Legal Division.
- 2 3. Office of Administrative Hearings.
- 3 4. Office of Administrative Services.
- 4 a. Division of Human Resources.
- 5 b. Division of Fiscal Responsibility.
- 6 (b) Office of Claims and Appeals.
- 7 1. Board of Tax Appeals.
- 8 2. Board of Claims.
- 9 3. Crime Victims Compensation Board.
- 10 (c) Kentucky Boxing and Wrestling Commission.
- 11 (d) Kentucky Horse Racing Commission.
- 12 1. Office of Executive Director.
- 13 a. Division of Pari-mutuel Wagering and Compliance.
- 14 b. Division of Stewards.
- 15 c. Division of Licensing.
- 16 d. Division of Enforcement.
- 17 e. Division of Incentives and Development.
- 18 f. Division of Veterinary Services.
- 19 (e) Department of Alcoholic Beverage Control.
- 20 1. Division of Distilled Spirits.
- 21 2. Division of Malt Beverages.
- 22 3. Division of Enforcement.
- 23 (f) Department of Charitable Gaming.
- 24 1. Division of Licensing and Compliance.
- 25 2. Division of Enforcement.
- 26 (g) Department of Financial Institutions.
- 27 1. Division of Depository Institutions.

- 1 2. Division of Non-Depository Institutions.
- 2 3. Division of Securities.
- 3 (h) Department of Housing, Buildings and Construction.
- 4 1. Division of Fire Prevention.
- 5 2. Division of Plumbing.
- 6 3. Division of Heating, Ventilation, and Air Conditioning.
- 7 4. Division of Building Code Enforcement.
- 8 (i) Department of Insurance.
- 9 1. Division of Health and Life Insurance and Managed Care.
- 10 2. Division of Property and Casualty Insurance.
- 11 3. Division of Administrative Services.
- 12 4. Division of Financial Standards and Examination.
- 13 5. Division of Licensing.
- 14 6. Division of Insurance Fraud Investigation.
- 15 7. Division of Consumer Protection.
- 16 (j) Department of Professional Licensing.
- 17 1. Real Estate Authority.
- 18 (4) Transportation Cabinet:
- 19 (a) Department of Highways.
- 20 1. Office of Project Development.
- 21 2. Office of Project Delivery and Preservation.
- 22 3. Office of Highway Safety.
- 23 4. Highway District Offices One through Twelve.
- 24 (b) Department of Vehicle Regulation.
- 25 (c) Department of Aviation.
- 26 (d) Department of Rural and Municipal Aid.
- 27 1. Office of Local Programs.

- 1 2. Office of Rural and Secondary Roads.
- 2 (e) Office of the Secretary.
- 3 1. Office of Public Affairs.
- 4 2. Office for Civil Rights and Small Business Development.
- 5 3. Office of Budget and Fiscal Management.
- 6 4. Office of Inspector General.
- 7 5. Secretary's Office of Safety.
- 8 (f) Office of Support Services.
- 9 (g) Office of Transportation Delivery.
- 10 (h) Office of Audits.
- 11 (i) Office of Human Resource Management.
- 12 (j) Office of Information Technology.
- 13 (k) Office of Legal Services.
- 14 (5) Cabinet for Economic Development:
- 15 (a) Office of the Secretary.
- 16 1. Office of Legal Services.
- 17 2. Department for Business Development.
- 18 3. Department for Financial Services.
- 19 a. Kentucky Economic Development Finance Authority.
- 20 b. Finance and Personnel Division.
- 21 c. IT and Resource Management Division.
- 22 d. Compliance Division.
- 23 e. Incentive Administration Division.
- 24 f. Bluegrass State Skills Corporation.
- 25 4. Office of Marketing and Public Affairs.
- 26 a. Communications Division.
- 27 b. Graphics Design Division.

- 1 5. Office of Workforce, Community Development, and Research.
- 2 6. Office of Entrepreneurship and Small Business Innovation.
- 3 a. Commission on Small Business Innovation and Advocacy.
- 4 (6) Cabinet for Health and Family Services:
- 5 (a) Office of the Secretary.
- 6 1.~~[—Office of the Ombudsman and Administrative Review.~~
- 7 2.~~—]~~Office of Public Affairs.
- 8 2.~~[3.]~~Office of Legal Services.
- 9 ~~[4.—Office of Inspector General.]~~
- 10 3.~~[5.]~~Office of Human Resource Management.
- 11 4.~~[6.]~~Office of Finance and Budget.
- 12 5.~~[7.]~~Office of Legislative and Regulatory Affairs.
- 13 6.~~[8.]~~Office of Administrative Services.
- 14 7.~~[9.]~~Office of Application Technology Services.
- 15 8.~~[10.—]~~Office of Data Analytics.
- 16 (b) Department for Public Health.
- 17 (c) Department for Medicaid Services.
- 18 (d) Department for Behavioral Health, Developmental and Intellectual
- 19 Disabilities.
- 20 (e) Department for Aging and Independent Living.
- 21 (f) Department for Community Based Services.
- 22 (g) *Office of the Ombudsman and Administrative Review*~~[Department for~~
- 23 Income Support].
- 24 (h) *Office of the Inspector General*~~[Department for Family Resource~~
- 25 Centers and Volunteer Services.
- 26 (i) ~~[—Office for Children with Special Health Care Needs].~~
- 27 (7) Finance and Administration Cabinet:

- 1 (a) Office of the Secretary.
- 2 (b) Office of the Inspector General.
- 3 (c) Office of Legislative and Intergovernmental Affairs.
- 4 (d) Office of General Counsel.
- 5 (e) Office of the Controller.
- 6 (f) Office of Administrative Services.
- 7 (g) Office of Policy and Audit.
- 8 (h) Department for Facilities and Support Services.
- 9 (i) Department of Revenue.
- 10 (j) Commonwealth Office of Technology.
- 11 (k) State Property and Buildings Commission.
- 12 (l) Office of Equal Employment Opportunity and Contract Compliance.
- 13 (m) Kentucky Employees Retirement Systems.
- 14 (n) Commonwealth Credit Union.
- 15 (o) State Investment Commission.
- 16 (p) Kentucky Housing Corporation.
- 17 (q) Kentucky Local Correctional Facilities Construction Authority.
- 18 (r) Kentucky Turnpike Authority.
- 19 (s) Historic Properties Advisory Commission.
- 20 (t) Kentucky Higher Education Assistance Authority.
- 21 (u) Kentucky River Authority.
- 22 (v) Kentucky Teachers' Retirement System Board of Trustees.
- 23 (w) Executive Branch Ethics Commission.
- 24 (x) Office of Fleet Management.
- 25 (8) Tourism, Arts and Heritage Cabinet:
- 26 (a) Kentucky Department of Tourism.
- 27 1. Division of Tourism Services.

- 1 2. Division of Marketing and Administration.
- 2 3. Division of Communications and Promotions.
- 3 (b) Kentucky Department of Parks.
- 4 1. Division of Information Technology.
- 5 2. Division of Human Resources.
- 6 3. Division of Financial Operations.
- 7 4. Division of Purchasing.
- 8 5. Division of Facilities.
- 9 6. Division of Park Operations.
- 10 7. Division of Sales, Marketing, and Customer Service.
- 11 8. Division of Engagement.
- 12 9. Division of Food Services.
- 13 10. Division of Rangers.
- 14 (c) Department of Fish and Wildlife Resources.
- 15 1. Division of Law Enforcement.
- 16 2. Division of Administrative Services.
- 17 3. Division of Engineering, Infrastructure, and Technology.
- 18 4. Division of Fisheries.
- 19 5. Division of Information and Education.
- 20 6. Division of Wildlife.
- 21 7. Division of Marketing.
- 22 (d) Kentucky Horse Park.
- 23 1. Division of Support Services.
- 24 2. Division of Buildings and Grounds.
- 25 3. Division of Operational Services.
- 26 (e) Kentucky State Fair Board.
- 27 1. Office of Administrative and Information Technology Services.

- 1 2. Office of Human Resources and Access Control.
- 2 3. Division of Expositions.
- 3 4. Division of Kentucky Exposition Center Operations.
- 4 5. Division of Kentucky International Convention Center.
- 5 6. Division of Public Relations and Media.
- 6 7. Division of Venue Services.
- 7 8. Division of Personnel Management and Staff Development.
- 8 9. Division of Sales.
- 9 10. Division of Security and Traffic Control.
- 10 11. Division of Information Technology.
- 11 12. Division of the Louisville Arena.
- 12 13. Division of Fiscal and Contract Management.
- 13 14. Division of Access Control.
- 14 (f) Office of the Secretary.
- 15 1. Office of Finance.
- 16 2. Office of Government Relations and Administration.
- 17 (g) Office of Legal Affairs.
- 18 (h) Office of Human Resources.
- 19 (i) Office of Public Affairs and Constituent Services.
- 20 (j) Office of Arts and Cultural Heritage.
- 21 (k) Kentucky African-American Heritage Commission.
- 22 (l) Kentucky Foundation for the Arts.
- 23 (m) Kentucky Humanities Council.
- 24 (n) Kentucky Heritage Council.
- 25 (o) Kentucky Arts Council.
- 26 (p) Kentucky Historical Society.
- 27 1. Division of Museums.

- 1 2. Division of Oral History and Educational Outreach.
- 2 3. Division of Research and Publications.
- 3 4. Division of Administration.
- 4 (q) Kentucky Center for the Arts.
- 5 1. Division of Governor's School for the Arts.
- 6 (r) Kentucky Artisans Center at Berea.
- 7 (s) Northern Kentucky Convention Center.
- 8 (t) Eastern Kentucky Exposition Center.
- 9 (9) Personnel Cabinet:
- 10 (a) Office of the Secretary.
- 11 (b) Department of Human Resources Administration.
- 12 (c) Office of Employee Relations.
- 13 (d) Kentucky Public Employees Deferred Compensation Authority.
- 14 (e) Office of Administrative Services.
- 15 (f) Office of Legal Services.
- 16 (g) Governmental Services Center.
- 17 (h) Department of Employee Insurance.
- 18 (i) Office of Diversity, Equality, and Training.
- 19 (j) Office of Public Affairs.
- 20 (10) Education and Labor Cabinet:
- 21 (a) Office of the Secretary.
- 22 1. Office of Legal Services.
- 23 a. Workplace Standards Legal Division.
- 24 b. Workers' Claims Legal Division.
- 25 c. Workforce Development Legal Division.
- 26 2. Office of Administrative Services.
- 27 a. Division of Human Resources Management.

- 1 b. Division of Fiscal Management.
- 2 c. Division of Operations and Support Services.
- 3 3. Office of Technology Services.
- 4 a. Division of Information Technology Services.
- 5 4. Office of Policy and Audit.
- 6 5. Office of Legislative Services.
- 7 6. Office of Communications.
- 8 7. Office of the Kentucky Center for Statistics.
- 9 8. Board of the Kentucky Center for Statistics.
- 10 9. Early Childhood Advisory Council.
- 11 10. Governors' Scholars Program.
- 12 11. Governor's School for Entrepreneurs Program.
- 13 12. Foundation for Adult Education.
- 14 (b) Department of Education.
- 15 1. Kentucky Board of Education.
- 16 2. Kentucky Technical Education Personnel Board.
- 17 3. Education Professional Standards Board.
- 18 (c) Board of Directors for the Center for School Safety.
- 19 (d) Department for Libraries and Archives.
- 20 (e) Kentucky Environmental Education Council.
- 21 (f) Kentucky Educational Television.
- 22 (g) Kentucky Commission on the Deaf and Hard of Hearing.
- 23 (h) Department of Workforce Development.
- 24 1. Career Development Office.
- 25 2. Office of Vocational Rehabilitation.
- 26 a. Division of Kentucky Business Enterprise.
- 27 b. Division of the Carl D. Perkins Vocational Training Center.

- 1 c. Division of Blind Services.
- 2 d. Division of Field Services.
- 3 e. Statewide Council for Vocational Rehabilitation.
- 4 f. Employment First Council.
- 5 3. Office of Employer and Apprenticeship Services.
- 6 a. Division of Apprenticeship.
- 7 4. Kentucky Apprenticeship Council.
- 8 5. Division of Technical Assistance.
- 9 6. Office of Adult Education.
- 10 7. Office of the Kentucky Workforce Innovation Board.
- 11 (i) Department of Workplace Standards.
- 12 1. Division of Occupational Safety and Health Compliance.
- 13 2. Division of Occupational Safety and Health Education and
- 14 Training.
- 15 3. Division of Wages and Hours.
- 16 (j) Office of Unemployment Insurance.
- 17 (k) Kentucky Unemployment Insurance Commission.
- 18 (l) Department of Workers' Claims.
- 19 1. Division of Workers' Compensation Funds.
- 20 2. Office of Administrative Law Judges.
- 21 3. Division of Claims Processing.
- 22 4. Division of Security and Compliance.
- 23 5. Division of Specialist and Medical Services.
- 24 6. Workers' Compensation Board.
- 25 (m) Workers' Compensation Funding Commission.
- 26 (n) Kentucky Occupational Safety and Health Standards Board.
- 27 (o) State Labor Relations Board.

- 1 (p) Employers' Mutual Insurance Authority.
- 2 (q) Kentucky Occupational Safety and Health Review Commission.
- 3 (r) Workers' Compensation Nominating Committee.
- 4 (s) Office of Educational Programs.
- 5 (t) Kentucky Workforce Innovation Board.
- 6 (u) Kentucky Commission on Proprietary Education.
- 7 (v) Kentucky Work Ready Skills Advisory Committee.
- 8 (w) Kentucky Geographic Education Board.
- 9 **(x) Disability Determination Services program.**
- 10 **(y) Serve Kentucky.**

11 III. Other departments headed by appointed officers:

- 12 (1) Council on Postsecondary Education.
- 13 (2) Department of Military Affairs.
- 14 (3) Department for Local Government.
- 15 (4) Kentucky Commission on Human Rights.
- 16 (5) Kentucky Commission on Women.
- 17 (6) Department of Veterans' Affairs.
- 18 (7) Kentucky Commission on Military Affairs.
- 19 (8) Office of Minority Empowerment.
- 20 (9) Governor's Council on Wellness and Physical Activity.
- 21 (10) Kentucky Communications Network Authority.

22 ➔Section 2. KRS 13B.020 is amended to read as follows:

- 23 (1) The provisions of this chapter shall apply to all administrative hearings conducted
- 24 by an agency, with the exception of those specifically exempted under this section.
- 25 The provisions of this chapter shall supersede any other provisions of the Kentucky
- 26 Revised Statutes and administrative regulations, unless exempted under this section,
- 27 to the extent these other provisions are duplicative or in conflict. This chapter

1 creates only procedural rights and shall not be construed to confer upon any person
2 a right to hearing not expressly provided by law.

3 (2) The provisions of this chapter shall not apply to:

4 (a) Investigations, hearings to determine probable cause, or any other type of
5 information gathering or fact finding activities;

6 (b) Public hearings required in KRS Chapter 13A for the promulgation of
7 administrative regulations;

8 (c) Any other public hearing conducted by an administrative agency which is
9 nonadjudicatory in nature and the primary purpose of which is to seek public
10 input on public policy making;

11 (d) Military adjudicatory proceedings conducted in accordance with KRS Chapter
12 35;

13 (e) Administrative hearings conducted by the legislative and judicial branches of
14 state government;

15 (f) Administrative hearings conducted by any city, county, urban-county, charter
16 county, or special district contained in KRS Chapters 65 to 109, or any other
17 unit of local government operating strictly in a local jurisdictional capacity;

18 (g) Informal hearings which are part of a multilevel hearing process that affords
19 an administrative hearing at some point in the hearing process if the
20 procedures for informal hearings are approved and promulgated in accordance
21 with subsections (4) and (5) of this section;

22 (h) Limited exemptions granted for specific hearing provisions and denoted by
23 reference in the text of the applicable statutes or administrative regulations;

24 (i) Administrative hearings exempted pursuant to subsection (3) of this section;

25 (j) Administrative hearings exempted, in whole or in part, pursuant to
26 subsections (4) and (5) of this section; and

27 (k) Any administrative hearing which was commenced but not completed prior to

1 July 15, 1996.

2 (3) The following administrative hearings are exempt from application of this chapter
3 in compliance with 1994 Ky. Acts ch. 382, sec. 19:

4 (a) Finance and Administration Cabinet

5 1. Higher Education Assistance Authority

6 a. Wage garnishment hearings conducted under authority of 20
7 U.S.C. sec. 1095a and 34 C.F.R. sec. 682.410

8 b. Offset hearings conducted under authority of 31 U.S.C. sec.
9 3720A and sec. 3716, and 34 C.F.R. sec. 30.33

10 2. Department of Revenue

11 a. Any licensing and bond revocation hearings conducted under the
12 authority of KRS 138.210 to 138.448 and 234.310 to 234.440

13 b. Any license revocation hearings under KRS 131.630 and 138.130
14 to 138.205

15 (b) Cabinet for Health and Family Services

16 1. Office of the Inspector General

17 a. Certificate-of-need hearings and licensure conducted under
18 authority of KRS Chapter 216B

19 b. Licensure revocation hearings conducted under authority of KRS
20 Chapter 216B

21 2. Department for Community Based Services

22 a. Supervised placement revocation hearings conducted under
23 authority of KRS Chapter 630

24 3. ~~Department for Income Support~~

25 ~~a. Disability determination hearings conducted under authority of 20~~
26 ~~C.F.R. sec. 404~~

27 4. ~~Department for Medicaid Services~~

- 1 a. Administrative appeal hearings following an external independent
2 third-party review of a Medicaid managed care organization's final
3 decision that denies, in whole or in part, a health care service to an
4 enrollee or a claim for reimbursement to the provider for a health
5 care service rendered by the provider to an enrollee of the
6 Medicaid managed care organization, conducted under authority of
7 KRS 205.646

8 (c) Justice and Public Safety Cabinet

- 9 1. Department of Kentucky State Police
- 10 a. Kentucky State Police Trial Board disciplinary hearings conducted
11 under authority of KRS Chapter 16
- 12 2. Department of Corrections
- 13 a. Parole Board hearings conducted under authority of KRS Chapter
14 439
- 15 b. Prison adjustment committee hearings conducted under authority
16 of KRS Chapter 197
- 17 c. Prison grievance committee hearings conducted under authority of
18 KRS Chapters 196 and 197
- 19 3. Department of Juvenile Justice
- 20 a. Supervised placement revocation hearings conducted under KRS
21 Chapter 635

22 (d) Energy and Environment Cabinet

- 23 1. Department for Natural Resources
- 24 a. Surface mining hearings conducted under authority of KRS
25 Chapter 350
- 26 b. Oil and gas hearings conducted under the authority of KRS
27 Chapter 353, except for those conducted by the Kentucky Oil and

- 1 Gas Conservation Commission pursuant to KRS 353.500 to
2 353.720
- 3 c. Explosives and blasting hearings conducted under the authority of
4 KRS 351.315 to 351.375
- 5 2. Department for Environmental Protection
- 6 a. Wild River hearings conducted under authority of KRS Chapter
7 146
- 8 b. Water resources hearings conducted under authority of KRS
9 Chapter 151
- 10 c. Water plant operator and water well driller hearings conducted
11 under authority of KRS Chapter 223
- 12 d. Environmental protection hearings conducted under authority of
13 KRS Chapter 224
- 14 e. Petroleum Storage Tank Environmental Assurance Fund hearings
15 under authority of KRS Chapter 224
- 16 3. Public Service Commission
- 17 a. Utility hearings conducted under authority of KRS Chapters 74,
18 278, and 279
- 19 (e) Education and Labor Cabinet
- 20 1. Department of Workers' Claims
- 21 a. Workers' compensation hearings conducted under authority of
22 KRS Chapter 342
- 23 2. Kentucky Occupational Safety and Health Review Commission
- 24 a. Occupational safety and health hearings conducted under authority
25 of KRS Chapter 338
- 26 3. Unemployment insurance hearings conducted under authority of KRS
27 Chapter 341

1 **4. Disability determination hearings conducted under authority of 20**
2 **C.F.R. pt. 404**

3 (f) Public Protection Cabinet

4 1. Board of Claims

- 5 a. Liability hearings conducted under authority of KRS 49.020(5)
6 and 49.040 to 49.180

7 (g) Secretary of State

8 1. Registry of Election Finance

- 9 a. Campaign finance hearings conducted under authority of KRS
10 Chapter 121

11 (h) State universities and colleges

- 12 1. Student suspension and expulsion hearings conducted under authority of
13 KRS Chapter 164
- 14 2. University presidents and faculty removal hearings conducted under
15 authority of KRS Chapter 164
- 16 3. Campus residency hearings conducted under authority of KRS Chapter
17 164
- 18 4. Family Education Rights to Privacy Act hearings conducted under
19 authority of 20 U.S.C. sec. 1232 and 34 C.F.R. sec. 99
- 20 5. Federal Health Care Quality Improvement Act of 1986 hearings
21 conducted under authority of 42 U.S.C. sec. 11101 to 11115 and KRS
22 Chapter 311.

23 (4) Any administrative hearing, or portion thereof, may be certified as exempt by the
24 Attorney General based on the following criteria:

- 25 (a) The provisions of this chapter conflict with any provision of federal law or
26 regulation with which the agency must comply, or with any federal law or
27 regulation with which the agency must comply to permit the agency or

1 persons within the Commonwealth to receive federal tax benefits or federal
2 funds or other benefits;

3 (b) Conformity with the requirement of this chapter from which exemption is
4 sought would be so unreasonable or so impractical as to deny due process
5 because of undue delay in the conduct of administrative hearings; or

6 (c) The hearing procedures represent informal proceedings which are the
7 preliminary stages or the review stages of a multilevel hearing process, if the
8 provisions of this chapter or the provisions of a substantially equivalent
9 hearing procedure exempted under subsection (3) of this section are applied at
10 some level within the multilevel process.

11 (5) The Attorney General shall not exempt an agency from any requirement of this
12 chapter until the agency establishes alternative procedures by administrative
13 regulation which, insofar as practical, shall be consistent with the intent and
14 purpose of this chapter. When regulations for alternative procedures are submitted
15 to the Administrative Regulation Review Subcommittee, they shall be accompanied
16 by the request for exemption and the approval of exemption from the Attorney
17 General. The decision of the Attorney General, whether affirmative or negative,
18 shall be subject to judicial review in the Franklin Circuit Court within thirty (30)
19 days of the date of issuance. The court shall not overturn a decision of the Attorney
20 General unless the decision was arbitrary or capricious or contrary to law.

21 (6) Except to the extent precluded by another provision of law, a person may waive any
22 procedural right conferred upon that person by this chapter.

23 (7) The provisions of KRS 13B.030(2)(b) shall not apply to administrative hearings
24 held under KRS 11A.100 or 18A.095.

25 ➔Section 3. KRS 15.055 is amended to read as follows:

26 (1) The Office of the Attorney General shall produce ~~receive from the Cabinet for~~
27 ~~Health and Family Services~~ a list of names of delinquent obligors as defined in

1 administrative regulations promulgated under this section.

2 (2) The Office of the Attorney General ~~in cooperation with the Cabinet for Health and~~
3 ~~Family Services~~ shall promulgate administrative regulations in accordance with
4 KRS Chapter 13A to implement this section.

5 (3) The Office of the Attorney General shall:

6 (a) Publish and update the list on an appropriate agency Internet site; and

7 (b) Distribute to all designees~~[of the cabinet]~~ for the administration of the child
8 support program, a "most wanted" poster that includes names, and photos if
9 available, of delinquent obligors whose whereabouts are unknown or
10 unverified, or who if known, refuse to meet their child support obligations.

11 The poster shall be posted locally by the designee~~[of the cabinet]~~ for the
12 administration of the child support program in public locations.

13 ➔Section 4. KRS 194A.030 is amended to read as follows:

14 The cabinet consists of the following major organizational units, which are hereby
15 created:

16 (1) Office of the Secretary. Within the Office of the Secretary, there shall be an~~[Office~~
17 ~~of the Ombudsman and Administrative Review, an]~~ Office of Legal Services,~~[an~~
18 ~~Office of Inspector General,]~~ an Office of Public Affairs, an Office of Human
19 Resource Management, an Office of Finance and Budget, an Office of Legislative
20 and Regulatory Affairs, an Office of Administrative Services, an Office of
21 Application Technology Services and an Office of Data Analytics, as follows:

22 (a) ~~[The Office of the Ombudsman and Administrative Review shall be headed~~
23 ~~by an executive director who shall be appointed by the secretary with the~~
24 ~~approval of the Governor under KRS 12.050 and shall:~~

25 1. ~~Investigate, upon complaint or on its own initiative, any administrative~~
26 ~~act of an organizational unit, employee, or contractor of the cabinet,~~
27 ~~without regard to the finality of the administrative act. Organizational~~

- 1 units, employees, or contractors of the cabinet shall not willfully
2 obstruct an investigation, restrict access to records or personnel, or
3 retaliate against a complainant or cabinet employee;
- 4 2. ~~Make recommendations that resolve citizen complaints and improve~~
5 ~~governmental performance and may require corrective action when~~
6 ~~policy violations are identified;~~
- 7 3. ~~Provide evaluation and information analysis of cabinet performance and~~
8 ~~compliance with state and federal law;~~
- 9 4. ~~Place an emphasis on research and best practices, program~~
10 ~~accountability, quality service delivery, and improved governmental~~
11 ~~performance;~~
- 12 5. ~~Provide information on how to contact the office for public posting at all~~
13 ~~offices where Department for Community Based Services employees or~~
14 ~~contractors work, at any facility where a child in the custody of the~~
15 ~~cabinet resides, and to all cabinet or contracted foster parents;~~
- 16 6. ~~Report to the Office of Inspector General for review and investigation~~
17 ~~any charge or case against an employee of the Cabinet for Health and~~
18 ~~Family Services where it has cause to believe the employee has engaged~~
19 ~~in dishonest, unethical, or illegal conduct or practices related to his or~~
20 ~~her job duties; or any violation of state law or administrative regulation~~
21 ~~by any organization or individual regulated by, or contracted with the~~
22 ~~cabinet;~~
- 23 7. ~~Compile a report of all citizen complaints about programs or services of~~
24 ~~the cabinet and a summary of resolution of the complaints and submit~~
25 ~~the report upon request to the Interim Joint Committee on Health and~~
26 ~~Welfare and Family Services;~~
- 27 8. ~~Include oversight of administrative hearings; and~~

1 9. ~~Provide information to the Office of the Attorney General, when~~
2 ~~requested, related to substantiated violations of state law against an~~
3 ~~employee, a contractor of the cabinet, or a foster or adoptive parent;~~

4 (b) ~~]~~The Office of Legal Services shall provide legal advice and assistance to all
5 units of the cabinet in any legal action in which it may be involved. The
6 Office of Legal Services shall employ all attorneys of the cabinet who serve
7 the cabinet in the capacity of attorney, giving legal advice and opinions
8 concerning the operation of all programs in the cabinet. The Office of Legal
9 Services shall be headed by a general counsel who shall be appointed by the
10 secretary with the approval of the Governor under KRS 12.050 and 12.210.
11 The general counsel shall be the chief legal advisor to the secretary and shall
12 be directly responsible to the secretary. The Attorney General, on the request
13 of the secretary, may designate the general counsel as an assistant attorney
14 general under the provisions of KRS 15.105;

15 **(b)** ~~[(c) The Office of Inspector General shall be headed by an inspector general~~
16 ~~who shall be appointed by the secretary with the approval of the Governor.~~
17 ~~The inspector general shall be directly responsible to the secretary. The Office~~
18 ~~of Inspector General shall be responsible for:~~

- 19 1. ~~The conduct of audits and investigations for detecting the perpetration of~~
20 ~~fraud or abuse of any program by any client, or by any vendor of~~
21 ~~services with whom the cabinet has contracted; and the conduct of~~
22 ~~special investigations requested by the secretary, commissioners, or~~
23 ~~office heads of the cabinet into matters related to the cabinet or its~~
24 ~~programs;~~
- 25 2. ~~Licensing and regulatory functions as the secretary may delegate;~~
- 26 3. ~~Review of health facilities participating in transplant programs, as~~
27 ~~determined by the secretary, for the purpose of determining any~~

1 violations of KRS 311.1911 to 311.1959, 311.1961, and 311.1963;

2 4. ~~The duties, responsibilities, and authority pertaining to the certificate of~~
3 ~~need functions and the licensure appeals functions, pursuant to KRS~~
4 ~~Chapter 216B;~~

5 5. ~~The notification and forwarding of any information relevant to possible~~
6 ~~criminal violations to the appropriate prosecuting authority;~~

7 6. ~~The oversight of the operations of the Kentucky Health Information~~
8 ~~Exchange; and~~

9 7. ~~The support and guidance to health care providers related to telehealth~~
10 ~~services, including the development of policy, standards, resources, and~~
11 ~~education to expand telehealth services across the Commonwealth;~~

12 ~~(d)~~ } The Office of Public Affairs shall be headed by an executive director
13 appointed by the secretary with the approval of the Governor in accordance
14 with KRS 12.050. The office shall provide information to the public and news
15 media about the programs, services, and initiatives of the cabinet;

16 ~~(c)~~~~(e)~~ } The Office of Human Resource Management shall be headed by an
17 executive director appointed by the secretary with the approval of the
18 Governor in accordance with KRS 12.050. The office shall coordinate,
19 oversee, and execute all personnel, training, and management functions of the
20 cabinet. The office shall focus on the oversight, development, and
21 implementation of quality improvement services; curriculum development
22 and delivery of instruction to staff; the administration, management, and
23 oversight of training operations; health, safety, and compliance training; and
24 equal employment opportunity compliance functions;

25 ~~(d)~~~~(f)~~ } The Office of Finance and Budget shall be headed by an executive
26 director appointed by the secretary with the approval of the Governor in
27 accordance with KRS 12.050. The office shall provide central review and

1 oversight of budget, contract, and cabinet finances. The office shall provide
2 coordination, assistance, and support to program departments and independent
3 review and analysis on behalf of the secretary;

4 ~~(e)(g)~~ The Office of Legislative and Regulatory Affairs shall be headed by an
5 executive director appointed by the secretary with the approval of the
6 Governor in accordance with KRS 12.050. The office shall provide central
7 review and oversight of legislation, policy, and administrative regulations.
8 The office shall provide coordination, assistance, and support to program
9 departments and independent review and analysis on behalf of the secretary;

10 ~~(f)(h)~~ The Office of Administrative Services shall be headed by an executive
11 director appointed by the secretary with the approval of the Governor in
12 accordance with KRS 12.050. The office shall provide central review and
13 oversight of procurement, general accounting including grant monitoring, and
14 facility management. The office shall provide coordination, assistance, and
15 support to program departments and independent review and analysis on
16 behalf of the secretary;

17 ~~(g)(i)~~ The Office of Application Technology Services shall be headed by an
18 executive director appointed by the secretary with the approval of the
19 Governor in accordance with KRS 12.050. The office shall provide
20 application technology services including central review and oversight. The
21 office shall provide coordination, assistance, and support to program
22 departments and independent review and analysis on behalf of the secretary;
23 and

24 ~~(h)(j)~~ The Office of Data Analytics shall be headed by an executive director
25 who shall be appointed by the secretary with the approval of the Governor
26 under KRS 12.050 and shall identify and innovate strategic initiatives to
27 inform public policy initiatives and provide opportunities for improved health

1 outcomes for all Kentuckians through data analytics. The office shall provide
2 leadership in the redesign of the health care delivery system using electronic
3 information technology to improve patient care and reduce medical errors and
4 duplicative services;

5 (2) Department for Medicaid Services. The Department for Medicaid Services shall
6 serve as the single state agency in the Commonwealth to administer Title XIX of
7 the Federal Social Security Act. The Department for Medicaid Services shall be
8 headed by a commissioner for Medicaid services, who shall be appointed by the
9 secretary with the approval of the Governor under KRS 12.050. The commissioner
10 for Medicaid services shall be a person who by experience and training in
11 administration and management is qualified to perform the duties of this office. The
12 commissioner for Medicaid services shall exercise authority over the Department
13 for Medicaid Services under the direction of the secretary and shall only fulfill
14 those responsibilities as delegated by the secretary;

15 (3) Department for Public Health. The Department for Public Health shall develop and
16 operate all programs of the cabinet that provide health services and all programs for
17 assessing the health status of the population for the promotion of health and the
18 prevention of disease, injury, disability, and premature death. This shall include but
19 not be limited to oversight of the Division of Women's Health and the Office for
20 Children with Special Health Care Needs. The duties, responsibilities, and
21 authority set out in KRS 200.460 to 200.490 shall be performed by the
22 Department for Public Health. The Department for Public Health shall advocate
23 for the rights of children with disabilities and, to the extent that funds are
24 available, shall ensure the administration of services for children with disabilities
25 as are deemed appropriate by this office pursuant to Title V of the Social Security
26 Act. The Department for Public Health may promulgate administrative
27 regulations under KRS Chapter 13A as may be necessary to implement and

1 administer its responsibilities. The Department for Public Health shall be headed
2 by a commissioner for public health who shall be appointed by the secretary with
3 the approval of the Governor under KRS 12.050. The commissioner for public
4 health shall be a duly licensed physician who by experience and training in
5 administration and management is qualified to perform the duties of this office. The
6 commissioner shall advise the head of each major organizational unit enumerated in
7 this section on policies, plans, and programs relating to all matters of public health,
8 including any actions necessary to safeguard the health of the citizens of the
9 Commonwealth. The commissioner shall serve as chief medical officer of the
10 Commonwealth. The commissioner for public health shall exercise authority over
11 the Department for Public Health under the direction of the secretary and shall only
12 fulfill those responsibilities as delegated by the secretary;

13 (4) Department for Behavioral Health, Developmental and Intellectual Disabilities. The
14 Department for Behavioral Health, Developmental and Intellectual Disabilities shall
15 develop and administer programs for the prevention of mental illness, intellectual
16 disabilities, brain injury, developmental disabilities, and substance use disorders
17 and shall develop and administer an array of services and support for the treatment,
18 habilitation, and rehabilitation of persons who have a mental illness or emotional
19 disability, or who have an intellectual disability, brain injury, developmental
20 disability, or a substance use disorder. The Department for Behavioral Health,
21 Developmental and Intellectual Disabilities shall be headed by a commissioner for
22 behavioral health, developmental and intellectual disabilities who shall be
23 appointed by the secretary with the approval of the Governor under KRS 12.050.
24 The commissioner for behavioral health, developmental and intellectual disabilities
25 shall be by training and experience in administration and management qualified to
26 perform the duties of the office. The commissioner for behavioral health,
27 developmental and intellectual disabilities shall exercise authority over the

1 department under the direction of the secretary, and shall only fulfill those
2 responsibilities as delegated by the secretary;

3 (5) Office of the Ombudsman and Administrative Review. The Office of the
4 Ombudsman and Administrative Review shall be headed by a executive director
5 who shall be appointed by the secretary with the approval of the Governor under
6 KRS 12.050 and shall:

7 (a) Investigate, upon complaint or on its own initiative, any administrative act
8 of an organizational unit, employee, or contractor of the cabinet, without
9 regard to the finality of the administrative act. Organizational units,
10 employees, or contractors of the cabinet shall not willfully obstruct an
11 investigation, restrict access to records or personnel, or retaliate against a
12 complainant or cabinet employee;

13 (b) Make recommendations that resolve citizen complaints and improve
14 governmental performance and may require corrective action when policy
15 violations are identified;

16 (c) Provide evaluation and information analysis of cabinet performance and
17 compliance with state and federal law;

18 (d) Place an emphasis on research and best practices, program accountability,
19 quality service delivery, and improved governmental performance;

20 (e) Provide information on how to contact the office for public posting at all
21 offices where Department for Community Based Services employees or
22 contractors work, at any facility where a child in the custody of the cabinet
23 resides, and to all cabinet or contracted foster parents;

24 (f) Report to the Department for the Inspector General for review and
25 investigation any charge or case against an employee of the Cabinet for
26 Health and Family Services where it has cause to believe the employee has
27 engaged in dishonest, unethical, or illegal conduct or practices related to his

1 or her job duties; or any violation of state law or administrative regulation
2 by any organization or individual regulated by, or contracted with the
3 cabinet;

4 (g) Compile a report of all citizen complaints about programs or services of the
5 cabinet and a summary of resolution of the complaints and submit the
6 report upon request to the Interim Joint Committee on Health, Welfare and
7 Family Services;

8 (h) Include oversight of administrative hearings; and

9 (i) Provide information to the Office of the Attorney General, when requested,
10 related to substantiated violations of state law against an employee, a
11 contractor of the cabinet, or a foster or adoptive parent

~~12 Office for Children
with Special Health Care Needs. The duties, responsibilities, and authority set
13 out in KRS 200.460 to 200.490 shall be performed by the office. The office
14 shall advocate the rights of children with disabilities and, to the extent that
15 funds are available, shall ensure the administration of services for children
16 with disabilities as are deemed appropriate by this office pursuant to Title V
17 of the Social Security Act. The office may promulgate administrative
18 regulations under KRS Chapter 13A as may be necessary to implement and
19 administer its responsibilities. The duties, responsibilities, and authority of the
20 Office for Children with Special Health Care Needs shall be performed
21 through the office of the executive director. The executive director shall be
22 appointed by the secretary with the approval of the Governor under KRS
23 12.050];~~

24 (6) Office of the Inspector General. The Office of the Inspector General shall be
25 headed by an inspector general who shall be appointed by the secretary with the
26 approval of the Governor under KRS 12.050. The inspector general shall be
27 directly responsible to the secretary. The Office of Inspector General shall be

1 responsible for:

2 (a) The conduct of audits and investigations for detecting the perpetration of
3 fraud or abuse of any program by any client, or by any vendor of services
4 with whom the cabinet has contracted; and the conduct of special
5 investigations requested by the secretary, commissioners, or office heads of
6 the cabinet into matters related to the cabinet or its programs;

7 (b) Licensing and regulatory functions as the secretary may delegate;

8 (c) Review of health facilities participating in transplant programs, as
9 determined by the secretary, for the purpose of determining any violations
10 of KRS 311.1911 to 311.1959, 311.1961, and 311.1963;

11 (d) The duties, responsibilities, and authority pertaining to the certificate of
12 need functions and the licensure appeals functions, pursuant to KRS
13 Chapter 216B;

14 (e) The notification and forwarding of any information relevant to possible
15 criminal violations to the appropriate prosecuting authority;

16 (f) The oversight of the operations of the Kentucky Health Information
17 Exchange; and

18 (g) The support and guidance to health care providers related to telehealth
19 services, including the development of policy, standards, resources, and
20 education to expand telehealth services across the
21 Commonwealth

~~Department for Family Resource Centers and Volunteer
Services. The Department for Family Resource Centers and Volunteer
Services shall streamline the various responsibilities associated with the
human services programs for which the cabinet is responsible. This shall
include, but not be limited to, oversight of the Division of Family Resource
and Youth Services Centers and Serve Kentucky. The Department for Family
Resource Centers and Volunteer Services shall be headed by a commissioner~~

1 ~~who shall be appointed by the secretary with the approval of the Governor~~
2 ~~under KRS 12.050. The commissioner for family resource centers and~~
3 ~~volunteer services shall be by training and experience in administration and~~
4 ~~management qualified to perform the duties of the office, shall exercise~~
5 ~~authority over the department under the direction of the secretary, and shall~~
6 ~~only fulfill those responsibilities as delegated by the secretary];~~

7 (7) Department for Community Based Services. The Department for Community Based
8 Services shall administer and be responsible for child and adult protection,
9 guardianship services, violence prevention resources, foster care and adoption,
10 permanency, ~~and~~ services to enhance family self-sufficiency, including child care,
11 social services, public assistance, and family support, and the Family Resource
12 and Youth Service Centers. The department shall be headed by a commissioner
13 appointed by the secretary with the approval of the Governor in accordance with
14 KRS 12.050; and

15 (8) ~~{Department for Income Support. The Department for Income Support shall be~~
16 ~~responsible for child support enforcement and disability determination. The~~
17 ~~department shall serve as the state unit as required by Title II and Title XVI of the~~
18 ~~Social Security Act, and shall have responsibility for determining eligibility for~~
19 ~~disability for those citizens of the Commonwealth who file applications for~~
20 ~~disability with the Social Security Administration. The department shall be headed~~
21 ~~by a commissioner appointed by the secretary with the approval of the Governor in~~
22 ~~accordance with KRS 12.050; and~~

23 (9) ~~{Department for Aging and Independent Living. The Department for Aging and~~
24 Independent Living shall serve as the state unit as designated by the Administration
25 on Aging Services under the Older Americans Act and shall have responsibility for
26 administration of the federal community support services, in-home services, meals,
27 family and caregiver support services, elder rights and legal assistance, senior

1 community services employment program, the state health insurance assistance
2 program, state home and community based services including home care,
3 Alzheimer's respite services and the personal care attendant program, certifications
4 of assisted living facilities, and the state Council on Alzheimer's Disease and other
5 related disorders~~[-and guardianship services]~~. The department shall also administer
6 the Long-Term Care Ombudsman Program and the Medicaid Home and
7 Community Based Waivers Participant Directed Services Option (PDS) Program.
8 The department shall serve as the information and assistance center for aging and
9 disability services and administer multiple federal grants and other state initiatives.
10 The department shall be headed by a commissioner appointed by the secretary with
11 the approval of the Governor in accordance with KRS 12.050.

12 ➔Section 5. KRS 197.105 is amended to read as follows:

- 13 (1) The department may administer a Prison Industry Enhancement Certification
14 Program (PIECP) and may lease the labor of state prisoners within the boundaries
15 of the state's Department of Corrections facilities for the production of
16 nonagricultural goods for sale to both public and private buyers, if the department
17 meets the conditions set out in this section. This section shall apply only to the
18 leasing of labor in accordance with a PIECP and not to programs otherwise
19 operated by Kentucky Correctional Industries.
- 20 (2) The department shall not lease the labor of a prisoner who does not consent in
21 writing to the leasing of that prisoner's labor.
- 22 (3) The department shall retain full responsibility for the care, custody, and control of
23 the prisoner and shall supply appropriate security and custody services without cost
24 to the person leasing the labor.
- 25 (4) The department shall ensure that the prisoner is paid wages at a rate not less than
26 that paid for work of a similar nature in the locality in which the work takes place,
27 as determined by the Education and Labor Cabinet, and never less than the federal

1 minimum wage. The final decision on the appropriate wage, in keeping with federal
2 and state labor and wage laws, shall be made by the Education and Labor Cabinet.

3 (5) The department shall not allow a prisoner whose labor has been leased under this
4 section to:

5 (a) Engage in work that would result in the displacement of employed workers in
6 the specific Department of Corrections locale. As used in this paragraph, a
7 displaced employed worker is:

- 8 1. A civilian worker employed in the same task by the employer leasing or
9 applying to lease prisoner labor, who would lose his or her job if the
10 prisoner labor were leased; or
11 2. A civilian worker who is employed full-time and, as a result of the
12 prisoner labor lease, is forced to work part-time, regardless of wage
13 increase.

14 A civilian worker is not considered displaced for the purposes of this
15 paragraph if the civilian worker remains employed in a job acceptable to that
16 worker and at equal or higher wages than that worker previously received.
17 The employer shall provide whatever retraining is required of the civilian
18 worker at no cost to the civilian worker;

- 19 (b) Labor in a skill, craft, or trade in which there is a surplus of labor for that
20 skill, craft, or trade in that specific Department of Corrections locale;
21 (c) Perform any work that would impair existing contracts for goods or services;
22 (d) Perform leased work outside of Department of Corrections facilities; or
23 (e) Perform leased construction work inside or outside Department of Corrections
24 facilities.

25 (6) Before the commencement of any leased labor project at a Department of
26 Corrections facility under this section, the department shall:

- 27 (a) Receive a written projection from the Education and Labor Cabinet that the

- 1 leased labor project shall not result in acts prohibited by subsection (5)(a) to
2 (c) of this section;
- 3 (b) Receive written documentation from the employer leasing or applying to lease
4 prisoner labor agreeing to not displace any of its nonprisoner employees with
5 leased prisoner labor;
- 6 (c) Have written documentation of consultation with local unions representing
7 labor in the specific Department of Corrections facility's locale in any skill,
8 craft, or trade in which a prisoner may labor at that facility. If a local union is
9 not available, the department shall consult with a similar statewide union. The
10 department shall present this information to the Kentucky State Corrections
11 Commission;
- 12 (d) Have written documentation of consultation with local private businesses that
13 may be economically impacted by the leased labor project. The department
14 shall present this information to the Kentucky State Corrections Commission;
15 and
- 16 (e) Have written documentation of compliance with the National Environmental
17 Policy Act (NEPA).
- 18 (7) The leasing of prisoner labor shall not be deemed to create an employer-employee
19 relationship between the person leasing the labor of the prisoner and the prisoner.
20 However, the person leasing the labor of the prisoner shall provide for workers'
21 compensation coverage for the prisoner and, if applicable, Social Security coverage
22 for the prisoner.
- 23 (8) A prisoner, as a condition of participation in a program operating under the
24 provisions of this section, shall agree to the deductions from the prisoner's earnings
25 set out in this subsection. The department or the person leasing the labor of the
26 prisoner shall deduct, in the following order, from a prisoner's gross wages:
- 27 (a) If the prisoner is the subject of a court or administrative order for the support

1 of a dependent, no less than twenty-five percent (25%) for the payment of the
2 court or administratively ordered support. These deducted wages shall be paid
3 to the Office of Attorney General's~~[Cabinet for Health and Family Services]~~
4 Child Support Enforcement Program for disbursement in accordance with
5 federal and state law;

6 (b) Twenty percent (20%) to be paid to the crime victim's compensation fund
7 established in KRS 49.480;

8 (c) Applicable federal, state, and local taxes, including Social Security if
9 applicable; and

10 (d) Reasonable room and board fees established by the department by
11 administrative regulation.

12 Total deductions from a prisoner's gross wages shall not exceed eighty percent
13 (80%).

14 (9) The department shall require any person leasing the labor of a prisoner to post
15 bond, with good surety, in an amount determined by the department, against any
16 judgment that may be entered against the department arising from the leasing of
17 prisoner labor to that person.

18 (10) In leasing prisoner labor under this section, the department shall seek to have the
19 labor leased to the highest responsible bidder.

20 (11) The department shall provide for reasonable access to the grounds of the
21 Department of Corrections facilities for the person leasing the inmate labor and for
22 the location of the work and the transporting and siting of equipment and supplies,
23 with the security of the public being paramount.

24 (12) The department may promulgate administrative regulations to implement the
25 provisions of this section.

26 ➔Section 6. KRS 194A.120 is amended to read as follows:

27 ~~[The Office for Children with Special Health Care Needs and]~~The State Interagency

1 Council for Services and Support to Children and Transition-Age Youth shall be the only
 2 statutory ~~body~~~~bodies~~ attached to the cabinet that shall have the authority to issue
 3 administrative regulations. No other corporate body or instrumentality of the
 4 Commonwealth, advisory committee, interstate compact, or other statutory body,
 5 presently attached to the cabinet, shall issue administrative regulations but shall operate
 6 only in an advisory capacity.

7 ➔Section 7. KRS 194A.624 is amended to read as follows:

8 (1) The Advisory Council on Autism Spectrum Disorders is hereby created and shall be
 9 attached to the Office of Autism within the Cabinet for Health and Family Services
 10 for administrative purposes.

11 (2) The Advisory Council on Autism Spectrum Disorders shall consist of the following
 12 members appointed by the Governor:

13 (a) One (1) representative from the Department for Public Health;

14 (b) One (1) representative from the Department for Medicaid Services;

15 (c) One (1) representative from the Department for Community Based Services;

16 (d) One (1) representative from the Department of Public Advocacy;

17 (e) One (1) representative from the Department of Education;

18 (f) One (1) representative from the Department of Juvenile Justice;

19 (g) One (1) representative from the Department for Behavioral Health,
 20 Developmental and Intellectual Disabilities;

21 (h)~~One (1) representative from the Office for Children with Special Health Care~~
 22 ~~Needs;~~

23 ~~(i)~~ One (1) parent or youth representative from the Commonwealth Council on
 24 Developmental Disabilities;

25 ~~(j)~~ One (1) representative from the Kentucky Autism Training Center;

26 ~~(k)~~ One (1) representative from the Office of Vocational Rehabilitation;

27 ~~(l)~~ One (1) representative from the University of Louisville;

- 1 ~~(l)~~~~(m)~~ One (1) representative from the University of Kentucky Human
2 Development Institute;
- 3 ~~(m)~~~~(n)~~ One (1) representative from the University of Kentucky;
- 4 ~~(n)~~~~(o)~~ One (1) representative from the Center for Autism Spectrum Evaluation,
5 Service, and Research;
- 6 ~~(o)~~~~(p)~~ One (1) representative from the Education Professional Standards
7 Board;
- 8 ~~(p)~~~~(q)~~ One (1) pediatrician representative;
- 9 ~~(q)~~~~(r)~~ One (1) representative from the Weisskopf Child Evaluation Center;
- 10 ~~(r)~~~~(s)~~ One (1) representative from the First Steps Program;
- 11 ~~(s)~~~~(t)~~ One (1) representative from the Arc of Kentucky;
- 12 ~~(t)~~~~(u)~~ The director of the Office of Autism;
- 13 ~~(u)~~~~(v)~~ At least one (1) consumer representative, an adult with a diagnosis on
14 the autism spectrum; and
- 15 ~~(v)~~~~(w)~~ Five (5) citizen-at-large members.
- 16 (3) The co-chairs of the Advisory Council on Autism Spectrum Disorders shall be the
17 representatives appointed by the Governor from the University of Kentucky and the
18 University of Louisville.
- 19 (4) The Advisory Council on Autism Spectrum Disorders may invite individuals who
20 are not members to serve on committees and workgroups.
- 21 (5) Appointed members of the Advisory Council on Autism Spectrum Disorders shall
22 serve without compensation, but shall be reimbursed for actual expenses incurred in
23 the performance of duties in accordance with KRS 45.101 and administrative
24 regulations promulgated thereunder. Members of the council shall initially be
25 appointed to serve staggered terms and thereafter shall be appointed to serve a term
26 of four (4) years.
- 27 (6) The Cabinet for Health and Family Services, the Personnel Cabinet, the Finance

1 and Administration Cabinet, and the Office of the State Budget Director shall take
2 all necessary actions to effectuate this section.

3 (7) The Advisory Council on Autism Spectrum Disorders shall be responsible for:

4 (a) Promoting the vision for Kentucky's services and supports to persons on the
5 autism spectrum and their families and advocating for improved quality and
6 evidence-based practices for persons on the autism spectrum and their
7 families;

8 (b) Promoting the early screening, identification, early intervention, and
9 appropriate use of evidence-based practices and standards of care for persons
10 on the autism spectrum across the lifespan;

11 (c) Strengthening state, regional, and local level collaboration and coordination
12 with families, self-advocates, support groups, and state agencies to further
13 coordinate, develop, and enhance the service delivery system for persons on
14 the autism spectrum across the lifespan;

15 (d) Gathering and analyzing research and data to assess the quality and
16 availability of programs and services for persons on the autism spectrum and
17 providing recommendations on assessments, interventions, and treatment
18 modalities across the lifespan;

19 (e) Developing recommendations for:

20 1. Increasing participation in existing federal, state, and local programs
21 that serve children, youth, and adults on the autism spectrum;

22 2. Enhancing the current professional development and planning for future
23 workforce development to incorporate research and evidence-based
24 practices;

25 3. Establishing standards of care and undertaking efforts to ensure
26 promotion of these standards statewide; and

27 4. Promoting the development of services and supports to transition youth

- 1 and adults on the autism spectrum;
- 2 (f) Assessing the capacity and effectiveness of institutes of higher education in
- 3 the state toward supporting the development of the workforce for persons on
- 4 the autism spectrum;
- 5 (g) Requesting and utilizing federal, state, and private funds, including funds
- 6 from philanthropic sources;
- 7 (h) Improving procedures for ensuring accountability and measuring success of
- 8 programs that receive state, federal, and philanthropic funds;
- 9 (i) Obtaining reports and issuing progress updates on state and federally funded
- 10 services that impact the quality of Kentucky's system of care for persons on
- 11 the autism spectrum;
- 12 (j) Completing a biennial report with the Office of Autism and submitting it to
- 13 the Commonwealth Council on Developmental Disabilities, the Governor, and
- 14 the Legislative Research Commission. The first report shall be due on or
- 15 before September 30, 2017, and subsequent reports shall be due each
- 16 September 30 in odd-numbered years thereafter; and
- 17 (k) Other duties and responsibilities as designated by the Governor.

18 ➔Section 8. KRS 205.710 is repealed, reenacted as a new section of KRS Chapter

19 15, and amended to read as follows::

20 As used in Sections 8 to 45 of this Act~~[KRS 205.712 to 205.800]~~, unless the context

21 clearly dictates otherwise:

22 (1) "Cabinet" shall mean the Cabinet for Health and Family Services;

23 ~~[(2) "Secretary" shall mean the secretary of the Cabinet for Health and Family~~

24 ~~Services;]~~

25 (2)~~[(3)]~~ "Court order" shall mean any judgment, decree, or order of the courts of this

26 state or any other state. For the purposes of Sections 12 to 45 of this Act~~[KRS~~

27 ~~205.715 to 205.800]~~, 403.215, 405.405 to 405.520, and 530.050, it shall also

1 include an order of an authorized administrative body;

2 ~~(3)~~~~(4)~~ "Dependent child" or "needy dependent child" shall mean any person under
3 the age of eighteen (18), or under the age of nineteen (19) if in high school, who is
4 not otherwise emancipated, self-supporting, married, or a member of the Armed
5 Forces of the United States and is a recipient of or applicant for services under Part
6 D of Title IV of the Social Security Act;

7 ~~(4)~~~~(5)~~ "Duty of support" shall mean any duty of support imposed or imposable by
8 law or by court order, decree, or judgment, whether interlocutory or final, and
9 includes the duty to pay spousal support that applies to spouses with a child even if
10 child support is not part of the order or when spousal support is assigned to the
11 Office of the Attorney General~~cabinet~~ and arrearages of support past due and
12 unpaid in addition to medical support whenever health-care coverage is available at
13 a reasonable cost;

14 ~~(5)~~~~(6)~~ "Recipient" shall mean a relative or payee within the meaning of the Social
15 Security Act and federal and state regulations who is receiving public assistance on
16 behalf of a needy dependent child;

17 ~~(6)~~~~(7)~~ "Consumer reporting agency" means any person or organization which, for
18 monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole
19 or in part in the practice of assembling or evaluating consumer credit information or
20 other information on consumers for the purpose of furnishing consumer reports to
21 third parties, and which uses any means or facility of interstate commerce for the
22 purpose of preparing or furnishing consumer reports;

23 ~~(7)~~~~(8)~~ "Obligor" means a parent who has an obligation to provide support;

24 ~~(8)~~~~(9)~~ "Employer" means any individual, sole proprietorship, partnership,
25 association, or private or public corporation, the United States or any federal
26 agency, this state or any political subdivision of this state, any other state or a
27 political subdivision of another state, or any other legal entity which hires and pays

1 an individual for his services;

2 ~~(9)~~~~(10)~~ "Income" means but is not limited to any of the following:

3 (a) Commissions, bonuses, workers' compensation awards attributable to lost
4 wages, retirement and pensions, interest and disability, earnings, salaries,
5 wages, and other income due or to be due in the future from a person's
6 employer and successor employers;

7 (b) Any payment due or to be due in the future from a profit-sharing plan,
8 pension plan, insurance contract, annuity, Social Security, proceeds derived
9 from state lottery winnings, unemployment compensation, supplemental
10 unemployment benefits, and workers' compensation; and

11 (c) Any amount of money which is due to the obligor under a support order as a
12 debt of any other individual, partnership, association, or private or public
13 corporation, the United States or any federal agency, this state or any political
14 subdivision of this state, any other state or a political subdivision of another
15 state, or any other legal entity which is indebted to the obligor;

16 ~~(10)~~~~(11)~~ "Earnings" means compensation paid or payable for personal services,
17 whether denominated as wages, salary, commission, bonus, or otherwise, and
18 notwithstanding any other provision of law exempting such payments from
19 garnishment, attachment, or other process to satisfy support obligations and
20 specifically includes periodic payments from pension and retirement programs and
21 insurance policies of any kind. Earnings shall include all gain derived from capital,
22 from labor, or both, including profit gained through sale or conversion of capital
23 assets and unemployment compensation benefits, or any other form of monetary
24 gain. The term "disposable earnings" means that part of earnings remaining after
25 deductions of any amounts required by law to be withheld;

26 ~~(11)~~~~(12)~~ "Enforce" means to employ any judicial or administrative remedy under KRS
27 405.405 to 405.420 and KRS 405.991(2) or under any other Kentucky law;

1 ~~(12)~~~~(13)~~ "Need" includes, but is not limited to, the necessary cost of food, clothing,
2 shelter, and medical care. The amount determined under the suggested minimum
3 support obligation scale shall be rebuttably presumed to correspond to the parent's
4 ability to pay and the need of the child. A parent shall be presumed to be unable to
5 pay child support from any income received from public assistance under Title IV-
6 A of the Social Security Act, or other continuing public assistance;

7 ~~(13)~~~~(14)~~ "Parent" means a biological or adoptive mother or father of a child born in
8 wedlock or a father of a child born out of wedlock if paternity has been established
9 in a judicial proceeding or in any manner consistent with the laws of this or any
10 other state, whose child is entitled to support, pursuant to court order, statute, or
11 administrative determination;~~and~~

12 ~~(14)~~~~(15)~~ "Real and personal property" includes all property of all kinds, including but
13 not limited to, all gain derived from capital, labor, or both; compensation paid or
14 payable for personal services, whether denominated as wages, salary, commission,
15 bonus, or otherwise; periodic payments from pension and retirement programs; and
16 unemployment compensation and insurance policies; and

17 **(15) "Office" means the Office of the Attorney General.**

18 ➔Section 9. KRS 205.712 is repealed, reenacted as a new section of KRS Chapter
19 15, and amended to read as follows:

20 (1) ~~{The Department for Income Support, Child Support Enforcement, is established in~~
21 ~~the Cabinet for Health and Family Services.~~

22 ~~(2) —~~The duties of the **Office of the Attorney General**~~{Department for Income Support},~~
23 Child Support Enforcement, or its designee, shall include:

- 24 (a) Serve as state agency authorized to administer Part D of Title IV of the Social
25 Security Act, 42 U.S.C. secs. 651 to 669;
- 26 (b) Serve as the information agency as provided in the Uniform Interstate Family
27 Support Act, KRS Chapter 407;

- 1 (c) Serve as collector of all court-ordered or administratively ordered child
2 support payments pursuant to Part D of Title IV of the Social Security Act;
- 3 (d) Serve as the agent for enforcement of international child support obligations,
4 and respond to requests from foreign reciprocating countries;
- 5 (e) Establish and enforce an obligation upon receipt of a completed, notarized
6 voluntary acknowledgment-of-paternity form;
- 7 (f) Enforce Kentucky child support laws, including collection of court-ordered or
8 administratively ordered child support arrearages and prosecution of persons
9 who fail to pay child support;
- 10 (g) Publicize the availability of services and encourage the use of these services
11 for establishing paternity and child support;
- 12 (h) Pay the cost of genetic testing to establish paternity, subject to recoupment
13 from the alleged father, when paternity is administratively or judicially
14 determined; and obtain additional testing when an original test is contested,
15 upon request and advance payment by the contestant;
- 16 (i) Establish child support obligations and seek modification of judicially or
17 administratively established child support obligations in accordance with the
18 child support guidelines of the Commonwealth of Kentucky as provided under
19 KRS 403.212;
- 20 (j) Administratively establish child support orders which shall have the same
21 force and effect of law;
- 22 (k) Issue an administrative subpoena to secure public and private records of
23 utility and cable companies and asset and liability information from financial
24 institutions for the establishment, modification, or enforcement of a child
25 support obligation;
- 26 (l) Impose a penalty for failure to comply with an administrative subpoena;
- 27 (m) Provide notices, copies of proceedings, and determinations of support

- 1 amounts to any parties or individuals who are applying for or receiving Title
2 IV-D services, or who are parties to cases in which Title IV-D services are
3 being provided; and
- 4 (n) Issue interstate administrative subpoenas to any individual or entity for
5 financial or other information or documents which are needed to establish,
6 modify, or enforce a child support obligation pursuant to Part D of Title IV of
7 the Social Security Act, 42 U.S.C. secs. 651 et seq. An administrative
8 subpoena lawfully issued in another state to an individual or entity residing in
9 this state shall be honored and enforced in the Circuit Court where the
10 individual or entity resides.
- 11 (3) The Office of the Attorney General~~[Department for Income Support]~~, Child
12 Support Enforcement, or its designee may promulgate administrative regulations to
13 implement this section and adopt forms or implement other requirements of federal
14 law relating to interstate administrative subpoenas, and may amend forms by
15 technical amendment that are mandated by the federal Office of Child Support
16 Enforcement and incorporated by reference in administrative regulation.
- 17 (4) ~~[Effective September 30, 1999,]~~The Office of the Attorney General~~[cabinet]~~ shall
18 maintain~~[establish]~~ a system to receive and process all child support payments. The
19 system shall include existing computer systems to record the payments. The
20 automated system shall include a state case registry that contains records with
21 respect to each case in which services are being provided by the Office of the
22 Attorney General~~[cabinet]~~ and each child support order established or modified in
23 the state on or after October 1, 1998.
- 24 (5) The Office of the Attorney General~~[cabinet]~~ shall establish and operate a state
25 disbursement unit for the collection, disbursement, and recording of payments
26 under support orders for all Title IV-D cases and for all cases initially issued in the
27 state on or after January 1, 1994, in which a wage withholding has been court-

1 ordered or administratively ordered, pursuant to Part D of Title IV of the Social
2 Security Act. Establishment of the state unit may include the designation and
3 continuation of existing local collection units to aid efficient and effective
4 collection, disbursement, and recording of child support payments.

5 (6) After the establishment of the disbursement unit child support collection system, the
6 Office of the Attorney General~~[cabinet]~~ or its designee shall serve as collector of
7 all court-ordered or administratively ordered child support payments pursuant to
8 Part D of Title IV of the Social Security Act.

9 (7) Where establishment of paternity and enforcement and collection of child support is
10 by law the responsibility of local officials, the Office of the Attorney
11 General~~[cabinet]~~ shall refer cases to the appropriate official for such action. The
12 Office of the Attorney General~~[cabinet]~~ may enter into cooperative arrangements
13 with appropriate courts and law enforcement officials to assist the office~~[cabinet]~~ in
14 administering the program of child support recovery, including the entering into of
15 financial arrangements with such courts and officials as provided for under the
16 provisions of federal law and regulations. The local county attorney shall be
17 considered the designee of the office~~[cabinet]~~ for purposes of administering the
18 program of child support recovery within a county, subject to the option of the
19 county attorney to decline such designation. Nothing in this section shall prevent
20 the attorney general~~[secretary]~~ from taking such action, with prior written notice,
21 as appropriate if the terms and conditions of the cooperative agreement are not met.
22 When a cooperative agreement with a contracting official is canceled for good
23 cause, the office~~[cabinet]~~ may not offer that cooperative agreement to that official
24 during the official's tenure.

25 (8) Where the local county attorney, friend of the court, domestic relations agent, or
26 other designee of the Office of the Attorney General~~[cabinet]~~ has been contracted
27 for the purpose of administering child support enforcement pursuant to Title IV-D

1 of the Social Security Act, the contracting official shall be deemed to be
2 representing the office~~[cabinet]~~ and as such does not have an attorney-client
3 relationship with the applicant who has requested services pursuant to Title IV-D of
4 the Social Security Act nor with any dependent on behalf of the individuals for
5 whom services are sought.

6 (9) The Office of the Attorney General~~[cabinet]~~ shall determine the name of each
7 obligor who owes an arrearage of at least two thousand five hundred dollars
8 (\$2,500). After notification to the obligor owing an arrearage amount of two
9 thousand five hundred dollars (\$2,500), the Office of the Attorney General~~[cabinet]~~
10 shall transmit to the United States secretary of health and human services the
11 certified names of the individuals and supporting documentation for the denial,
12 revocation, or limitation of the obligor's passport. The Office of the Attorney
13 General~~[cabinet]~~ shall notify the identified obligor of the determination and the
14 consequences and provide an opportunity to contest the determination.

15 (10) The Office of the Attorney General~~[cabinet]~~ shall determine the name of an obligor
16 owing an arrearage and shall indefinitely deny, suspend, or revoke a license or
17 certification that has been issued if the person has a child support arrearage that
18 equals or exceeds the amount that would be owed after six (6) months of
19 nonpayment or fails, after receiving appropriate notice, to comply with subpoenas
20 or warrants relating to paternity or child support proceedings as provided by 42
21 U.S.C. sec. 666(a)(16).

22 (11) The Office of the Attorney General~~[cabinet]~~ shall forward the name of the
23 individual to a board of licensure or board of certification for the notification of the
24 denial, revocation, or suspension of a driver's license, professional license or
25 certification, occupational license or certification, recreational license, or sporting
26 license.

27 (12) The denial or suspension shall remain in effect until the child support arrearage has

1 been eliminated or payments on the child support arrearage are being made in
2 accordance with a court or administrative order, the person complies with the
3 subpoena or warrant relating to paternity or child support proceedings, or the appeal
4 of the denial or suspension is upheld and the license is reinstated.

5 (13) Except for cases administered by the Office of the Attorney General~~[cabinet]~~ under
6 42 U.S.C. secs. 651 et seq. which shall be afforded the appeal process set forth by
7 KRS 405.450(3), an individual who has a license or certification denied, revoked,
8 or suspended shall have the right to appeal to the licensing or certifying board.

9 (14) A dispute hearing shall be conducted by the Office of the Attorney
10 General~~[cabinet]~~ in accordance with KRS 405.450. The only basis for a dispute
11 hearing shall be a mistake in fact.

12 (15) The Office of the Attorney General~~[cabinet]~~ shall in its discretion enter into
13 agreements with financial institutions doing business in the Commonwealth to
14 develop and operate, in coordination with the financial institutions, a data match
15 system as required by Sections 30 to 33 of this Act~~[KRS 205.772 to 205.778]~~.

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

23 (17) The ~~[Cabinet for Health and Family Services shall forward to the]~~ Office of the
24 Attorney General~~[a list of names of delinquent obligors and, in cooperation with~~
25 ~~the Office of the Attorney General,]~~ shall promulgate administrative regulations in
26 accordance with KRS Chapter 13A to implement KRS 15.055.

27 (18) The Office of the Attorney General~~[cabinet]~~ shall compare a quarterly report

provided by the Finance and Administration Cabinet of all tort claims made against the state by individuals with the child support database to match individuals who have a child support arrearage and may receive a settlement from the state.

(19) The Office of the Attorney General~~[cabinet]~~ shall prepare and distribute to the office's~~[cabinet's]~~ designee for the administration of the child support program information on child support collections and enforcement. The information shall include a description of how child support obligations are:

- (a) Established;
- (b) Modified;
- (c) Enforced;
- (d) Collected; and
- (e) Distributed.

(20) The Office of the Attorney General's~~[cabinet's]~~ designee for the administration of the child support program shall distribute, when appropriate, the following:

- (a) Information on child support collections and enforcement; and
- (b) Job listings posted by employment services.

➔Section 10. KRS 205.713 is repealed, reenacted as a new section of KRS Chapter 15, and amended to read as follows:

All forms, child support orders, wage withholding orders, or orders amending an existing child support order, entered in any case in Circuit Court, District Court, or family court that require entry into the state case registry under subsection (4) of Section 9 of this Act~~[KRS 205.712(4)]~~ shall be entered on forms adopted by the Administrative Office of the Courts after consultation with the Office of the Attorney General~~[Cabinet for Health and Family Services]~~. If the provisions of a child support order are contained in an order that is narrative in nature, the adopted forms shall be used in addition to the narrative order.

➔Section 11. KRS 205.720 is repealed, reenacted as a new section of KRS

1 Chapter 15, and amended to read as follows:

- 2 (1) By applying for Title IV-D services or accepting public assistance for or on behalf
3 of a needy dependent child, the recipient shall be deemed to have made an
4 assignment to the cabinet of the right to any child support or maintenance owed up
5 to the amount of public assistance paid by the Office of Attorney General~~[cabinet]~~
6 to the recipient, including amounts which have accrued at the time the assignment is
7 made between October 1, 1997, and September 30, 2000. The Office of the
8 Attorney General~~[cabinet]~~ shall be subrogated to the right of the child or the person
9 having custody to collect and receive all child support payments and to initiate any
10 support action existing under the laws of this state.
- 11 (2) The Office of the Attorney General~~[cabinet]~~ shall distribute all child support
12 payments and assigned arrearages as required by 42 U.S.C. secs. 651 et seq.
- 13 (3) When Title IV-D services on behalf of a dependent child are terminated, current
14 and past due court-ordered or administratively determined child support owed the
15 child shall be payable to the physical custodian of the dependent child for the period
16 of time the dependent child was in the physical custody of that custodian.

17 ➔Section 12. KRS 205.715 is repealed and reenacted as a new section of KRS
18 Chapter 15 to read as follows:

19 The payment of public assistance to or on behalf of a dependent child shall create a debt
20 due and owing the state by the parent or parents of the child. If a court has ordered child
21 support incident to a final divorce decree or other final order for child support, the debt
22 shall be limited to the amount specified in the decree or order.

23 ➔Section 13. KRS 205.721 is repealed, reenacted as a new section of KRS
24 Chapter 15, and amended to read as follows:

- 25 (1) All services available to individuals receiving public assistance under Title IV-A of
26 the Federal Social Security Act benefits shall also be available to individuals not
27 receiving public assistance benefits, upon application by the individual with the

1 cabinet.

2 (2) The **Office of Attorney General**~~[cabinet]~~ shall continue to provide IV-D services
3 when a family ceases to receive public assistance without requiring a formal
4 application and without payment of the application fee specified in subsection (3) of
5 this section. IV-D services shall be discontinued upon the request of the recipient.

6 (3) Except as provided in subsection (2) of this section, the **office**~~[cabinet]~~ may charge
7 an application fee for the services based on a fee schedule, which shall take into
8 account the applicant's net income. No application fee shall be required from
9 individuals receiving public assistance.

10 (4) The **Office of the Attorney General**~~[cabinet]~~ shall impose an annual fee of thirty-
11 five dollars (\$35) pursuant to 42 U.S.C. sec. 654, which shall be satisfied by
12 withholding the fee from a child support disbursement.

13 ➔Section 14. KRS 205.725 is repealed, reenacted as a new section of KRS
14 Chapter 15, and amended to read as follows:

15 (1) Whenever the cabinet receives an application for public assistance on behalf of a
16 needy dependent child or reviews the records of those currently receiving public
17 assistance on behalf of a needy dependent child and it appears to the satisfaction of
18 the cabinet that either or both parents have failed to provide support to the child, the
19 **Office of the Attorney General**~~[cabinet]~~ shall take appropriate action under this
20 chapter, or any other appropriate state and federal laws and regulations, to assure
21 that the responsible parent or parents provide support to the child.

22 (2) Subsection (1) of this section shall not apply if the:

23 (a) Cabinet has reason to believe allegations of child abuse or domestic violence
24 and that enforcement of subsection (1) of this section could be harmful to the
25 custodial parent or needy dependent child;

26 (b) Cabinet believes that enforcement of subsection (1) of this section may not be
27 in the best interest of the needy dependent child; or

1 (c) Custodial parent is the needy dependent child's mother, and she did not
2 identify a father on the child's birth certificate at the time of birth.

3 (3) As used in Sections 15, 17, 22, and 37 of this Act~~[KRS 205.730, 205.735, 205.765,~~
4 ~~and 205.785]~~, the term "child" includes a child of an individual who is not receiving
5 public assistance and who is eligible to receive child support services in accordance
6 with Title IV-D of the Social Security Act.

7 ➔Section 15. KRS 205.730 is repealed, reenacted as a new section of KRS
8 Chapter 15, and amended to read as follows:

9 (1) Unless the Office of the Attorney General~~[cabinet]~~ has reason to believe
10 allegations of child abuse or domestic violence and that the disclosure of the
11 information could be harmful to the custodial parent or the child of the parent, the
12 Office of the Attorney General~~[cabinet]~~ shall attempt to locate a noncustodial
13 parent of a child described in Section 14 of this Act~~[KRS 205.725]~~, and establish or
14 set an amount of modification, and enforce the child support obligation.

15 (2) Upon the request of a putative father and for the purpose of establishing paternity
16 only, the Office of the Attorney General~~[cabinet]~~ shall attempt to locate a custodial
17 parent of a child described in Section 9 of this Act~~[KRS 205.712]~~ if the Office of
18 the Attorney General~~[cabinet]~~ finds the action to be in the best interest of the child.

19 (3) If paternity is established for a child described in Section 14 of this Act~~[KRS~~
20 ~~205.725]~~ as a result of the location of the custodial parent, the Office of the
21 Attorney General~~[cabinet]~~ shall establish a child support obligation or a
22 modification for a child support obligation and shall enforce the child support
23 obligation if the Office of the Attorney General~~[cabinet]~~ finds the enforcement of
24 the order to be in the best interest of the child.

25 (4) The Office of the Attorney General~~[cabinet]~~ shall serve as a registry for the receipt
26 of information which directly relates to the identity or location of absent parents,
27 and, upon request of a putative father, the location of a custodial parent, in order to

1 establish paternity, to answer interstate inquiries concerning deserting parents or
2 custodial parents, to coordinate and supervise any activity on a state level in search
3 of an absent parent or custodial parent, to develop guidelines for coordinating
4 activities of any governmental agency in providing information necessary for
5 location of absent parents or custodial parents, to obtain information on the location
6 of parents to enforce state and federal laws against parental kidnapping and to make
7 or to enforce a child custody or visitation order, and is to process all requests
8 received from an initiating county or an initiating state which has adopted the
9 Uniform Reciprocal Enforcement of Support Act or the Uniform Interstate Family
10 Support Act.

11 (5) In order to carry out responsibilities imposed under this chapter, the *Office of the*
12 *Attorney General*~~[cabinet]~~ may request information and assistance from any
13 governmental agency. All state, county, and city agencies, officers, and employees
14 shall cooperate with the *Office of the Attorney General*~~[cabinet]~~ in determining the
15 location of parents who have abandoned or deserted children and shall cooperate
16 with the *Office of the Attorney General*~~[cabinet]~~ in determining the location of
17 custodial parents for the purpose of establishing paternity with all pertinent
18 information relative to the location, income and assets, property, and debt of the
19 parents, notwithstanding any provision of state law making the information
20 confidential.

21 (6) The information which is obtained by the *Office of the Attorney General*~~[cabinet]~~
22 shall only be available to such governmental agency or political subdivision of any
23 state for purposes of locating an absent parent to enforce the parent's obligation of
24 support and for the purposes of location of custodial parents to establish paternity of
25 putative fathers.

26 ➔Section 16. KRS 205.732 is repealed and reenacted as a new section of KRS
27 Chapter 15 to read as follows:

1 The cabinet shall, to the extent federal funding is available, establish a statewide program
2 to help low-income, noncustodial parents find and keep employment. The goal of the
3 program shall be to reduce welfare payments by helping participants become financially
4 responsible for their children. The cabinet shall involve local social service providers and
5 state and local government agencies, and may provide incentives to employers who hire
6 program participants. The program shall also encourage noncustodial parents to be
7 actively involved in their children's lives. Noncustodial parents may be required to enroll
8 in the program by court order.

9 ➔Section 17. KRS 205.735 is repealed, reenacted as a new section of KRS
10 Chapter 15, and amended to read as follows:

11 All business concerns doing business in this state, to the extent that they have employees
12 working within this state, or maintain personnel files within this state, or are incorporated
13 under the laws of this state, shall provide the Office of the Attorney General~~[cabinet]~~
14 with the following information upon certification by the secretary that the information is
15 for the purpose of locating a parent, and the establishment, modification, and
16 enforcement of a child support and medical support order, and that the information
17 obtained will be treated as confidential information by this ~~[cabinet or the]~~ agency or
18 cabinet of any other state which administers the Child Support Enforcement Program
19 pursuant to Part D of Title IV of the Social Security Act for the other state: full name,
20 Social Security account number, date of birth, home address, wages, and number of
21 dependents listed for tax purposes.

22 ➔Section 18. KRS 205.745 is repealed, reenacted as a new section of KRS
23 Chapter 15, and amended to read as follows:

24 (1) A child support lien or levy in favor of the Office of the Attorney General~~[cabinet]~~
25 shall be enforceable against all real and personal property of the obligor if he has
26 failed to make child support payment in an amount equal to support payable for one
27 (1) month and the child support has been assigned to the Office of the Attorney

1 **General**~~[cabinet]~~. In accordance with subsection (4) of this section, the lien or levy
2 shall have first priority over any other lien assigned by any other agency,
3 association, or corporation.

4 (2) The **Office of the Attorney General**~~[cabinet]~~ shall file a notice of lien or levy with
5 the county clerk of any county or counties in which the obligor has interest in
6 property and the notice shall be recorded in the same manner as notices of lis
7 pendens. The recordation shall constitute notice of both the original amount of child
8 support due and all subsequent amounts due by the same obligor. Upon request, an
9 authorized agent of the **Office of the Attorney General**~~[cabinet]~~ shall disclose the
10 specific amount of liability to any interested party legally entitled to the
11 information. The notice, when so filed, shall be conclusive to all persons of the lien
12 or levy on the property having legal situs in that county. The lien or levy shall
13 commence as to property of the obligor located in the Commonwealth at the time
14 the notice is filed and shall continue until the original amount of child support due
15 and any subsequent amounts, including interest, penalties, or fees, are fully paid.
16 The lien or levy shall attach to all interest in real and personal property in the
17 Commonwealth, then owned or subsequently acquired by the obligor. The clerk
18 shall be entitled to a fee pursuant to KRS Chapter 64.

19 (3) The **Office of Attorney General**~~[cabinet]~~ may force the sale of the property of the
20 parent subject to the lien or levy for the payment of assigned child support, and
21 distribute the proceeds in accordance with 42 U.S.C. secs. 651 et seq.

22 (4) The **Office of Attorney General's**~~[cabinet's]~~ lien or levy shall be superior to any
23 mortgage or encumbrance created after the notice of lien or levy is recorded. The
24 **Office of the Attorney General**~~[cabinet]~~ shall give full faith and credit to child
25 support liens or levies created in other states without requirement of judicial notice
26 or proceedings prior to enforcement, but the liens or levies shall subordinate to any
27 child support lien or levy of the **office**~~[cabinet]~~ that relates to the same obligor and

1 property.

2 (5) The Office of the Attorney General~~[cabinet]~~ shall not enforce the lien by
3 foreclosure action on a principal residence of an obligor if to do so would deprive a
4 minor child of the obligor of a homestead, unless the failure to enforce the lien by
5 foreclosure would result in the loss of the home of the minor child of the custodial
6 parent.

7 (6) In the event another lienholder initiates a foreclosure action against the property of
8 the obligor, the Office of the Attorney General~~[cabinet]~~ may protect its interest in
9 the property by filing an answer counterclaim and cross-claim and participate in the
10 proceeds of any sale of the property as its interests may appear.

11 (7) The Office of the Attorney General~~[cabinet]~~ shall notify the obligor of the filing of
12 its claim of lien or levy and the opportunity to contest and appeal the action in
13 accordance with the requirements of KRS Chapter 13B.

14 (8) Liens or levies resulting from actions provided by this section shall be inapplicable
15 to an account maintained at a financial institution that is or may be subject to the
16 data match system established by Section 31 of this Act~~[KRS 205.774]~~, and is
17 subordinate to any prior lien, levy, or security interest perfected by a financial
18 institution or other legitimate lien or levy holder.

19 (9) The Office of the Attorney General~~[cabinet]~~ may, after application to and approval
20 of the Circuit Court, enforce the lien by the immobilization with vehicle boots of a
21 vehicle registered in the obligor's name. The Office of the Attorney
22 General~~[cabinet]~~ shall establish procedures for vehicle booting by the promulgation
23 of administrative regulations in accordance with the provisions of KRS Chapter
24 13A. The procedures shall require that the following conditions are verified before
25 a vehicle is immobilized with a vehicle boot:

26 (a) There is an arrearage that equals or exceeds six (6) months without payment;

27 (b) The obligor has failed, after receiving appropriate notice, to comply with

- 1 subpoenas or warrants relating to child support proceedings;
- 2 (c) A lien has been filed in the county where the vehicle is kept;
- 3 (d) The Department of Vehicle Regulation shows that the vehicle identification
- 4 number for the vehicle to be booted is registered in the obligor's name;
- 5 (e) The vehicle to be booted is solely owned by the obligor, co-owned by the
- 6 obligor and current spouse, or owned by a business in which the obligor is the
- 7 sole proprietor;
- 8 (f) A notice of intent has been sent to the obligor, unless there is reason to believe
- 9 that the obligor will leave town or hide the vehicle;
- 10 (g) The obligor does not contact the cabinet within ten (10) days of notice to
- 11 negotiate a settlement; and
- 12 (h) A target date is set for booting.

13 The administrative regulations shall also require that the cabinet send a cancellation

14 notice to the obligor and the sheriff if a decision is made to terminate the booting of

15 a vehicle. Once a vehicle has been booted, the Office of the Attorney

16 General~~[cabinet]~~ shall attempt to reach a payment agreement with the obligor

17 including terms for the release of the vehicle. If an agreement is not reached with

18 the obligor, the Office of the Attorney General~~[cabinet]~~ may proceed with the sale

19 of the vehicle. If the Office of the Attorney General~~[cabinet]~~ sells a vehicle, the

20 office~~[cabinet]~~ shall notify the Department of Vehicle Regulation to issue clear title

21 to the new owner of the vehicle.

22 ➔Section 19. KRS 205.750 is repealed, reenacted as a new section of KRS

23 Chapter 15, and amended to read as follows:

- 24 (1) Child support payments made pursuant to a court order shall be made through the
- 25 state agency or an agency designated by the state agency to receive payments and
- 26 paid to the Office of the Attorney General~~[cabinet]~~ upon notice by the Office of the
- 27 Attorney General~~[cabinet]~~ to the court and the obligor that the child is a recipient of

1 services pursuant to Title IV-D of the Social Security Act.

2 (2) Payment of support payments by the obligor directly to a child who is receiving
3 public assistance after the obligor has been notified pursuant to subsection (1) of
4 this section does not abate the obligor's support obligation to the Office of the
5 Attorney General~~[cabinet]~~.

6 ➔Section 20. KRS 205.752 is repealed, reenacted as a new section of KRS
7 Chapter 15, and amended to read as follows:

8 If any check tendered to the Office of the Attorney General~~[cabinet]~~ is not paid when
9 presented to the drawee bank for payment, there shall be paid as a penalty by the payor
10 who tendered the check, or the payor for whom the check was tendered, upon notice and
11 demand of the Office of the Attorney General~~[cabinet]~~, an amount equal to ten percent
12 (10%) of the check. The penalty under this section shall not be less than ten dollars (\$10)
13 or more than twenty-five dollars (\$25). If the payor who tendered the check shows to the
14 Office of the Attorney General's~~[cabinet's]~~ satisfaction that the failure to honor payment
15 of the check resulted from error by parties other than the payor, the Office of the
16 Attorney General~~[cabinet]~~ shall waive the penalty.

17 ➔Section 21. KRS 205.755 is repealed, reenacted as a new section of KRS
18 Chapter 15, and amended to read as follows:

19 (1) Any payments of support made on behalf of a needy dependent child who is
20 receiving public assistance shall be deposited by the Office of the Attorney
21 General~~[cabinet]~~ in a manner prescribed by the Attorney General~~[secretary]~~ which
22 is consistent with state and federal law and regulations. Distribution of any
23 payments so made shall be made in a manner prescribed by the Attorney
24 General~~[secretary]~~ which is consistent with state and federal law and regulations.

25 (2) The Office of the Attorney General~~[cabinet]~~ may establish a system to receive and
26 process all child support payments using automated payment options including, but
27 not limited to, telephone and personal computer payment methods.

1 ➔Section 22. KRS 205.765 is repealed, reenacted as a new section of KRS
2 Chapter 15, and amended to read as follows:

3 The *Office of the Attorney General*~~[cabinet]~~ may appear in any judicial proceeding on
4 behalf of the dependent child in order to secure support for the child from his parent or
5 parents.

6 ➔Section 23. KRS 205.766 is repealed and reenacted as a new section of KRS
7 Chapter 15 to read as follows:

8 For purposes of *Sections 8 to 45 of this Act*~~[KRS 205.710 to 205.800]~~, KRS Chapter 403,
9 and KRS Chapter 407, the Circuit Court and the District Court shall have concurrent
10 jurisdiction to establish, modify, and enforce obligations of child support in cases where
11 the determination of paternity is not an issue, except that the jurisdiction of the District
12 Court in cases not involving the determination of paternity shall be limited to those cases
13 where there is no Circuit Court order of this state previously setting child support.

14 ➔Section 24. KRS 205.767 is repealed, reenacted as a new section of KRS
15 Chapter 15, and amended to read as follows:

16 (1) The *Office of the Attorney General*~~[cabinet]~~ shall require a parent in appropriate
17 cases to give security, post bond, or give some other guarantee to secure payment of
18 overdue support.

19 (2) The *Office of the Attorney General*~~[cabinet]~~ shall provide advance notice to the
20 obligor regarding the delinquency of the support payment and the requirement of
21 posting security, bond or guarantee. The obligor shall be notified of his rights and
22 methods available to contest the impending action in compliance with due process
23 of law and administrative regulations.

24 ➔Section 25. KRS 205.768 is repealed, reenacted as a new section of KRS
25 Chapter 15, and amended to read as follows:

26 (1) The *Office of the Attorney General*~~[cabinet]~~ shall periodically make information
27 available to consumer reporting agencies regarding the amount of overdue support

1 owed by a parent. Amounts may be reported by the cabinet to the certified
2 consumer reporting agency.

3 (2) The Office of the Attorney General~~[cabinet]~~ shall provide advance notice to the
4 obligor concerning the proposed release of the information to the certified
5 consumer reporting agency and inform the obligor of the methods available to
6 contest the accuracy of the information in compliance with due process of law.

7 (3) The Office of the Attorney General~~[cabinet]~~ may charge the certified consumer
8 reporting agency a fee not to exceed the actual cost of providing the information.

9 ➔Section 26. KRS 205.7685 is repealed, reenacted as a new section of KRS
10 Chapter 15, and amended to read as follows:

11 (1) The Office of the Attorney General~~[cabinet]~~ shall request information from a
12 certified consumer reporting agency only when a full credit report is needed for the
13 purpose of establishing a parent's capacity to make child support payments,
14 determining the appropriate levels of child support payments, or enforcing a child
15 support order, award, agreement, or judgment.

16 (2) The report will be kept confidential and be used solely for the purpose of
17 establishing an individual's capacity to make child support payments or determining
18 the appropriate level of the payments.

19 (3) The report will not be used in connection with any other civil, administrative, or
20 criminal proceeding or for any other purpose.

21 ➔Section 27. KRS 205.769 is repealed, reenacted as a new section of KRS
22 Chapter 15, and amended to read as follows:

23 (1) In cases deemed appropriate pursuant to established guidelines, the Office of the
24 Attorney General~~[cabinet]~~ shall refer for federal income tax refund offset and state
25 income tax refund offset verified amounts which are owed for overdue child
26 support and maintenance amounts that are included in the same support order as
27 child support. The Office of the Attorney General~~[cabinet]~~ shall refer for federal

1 income tax refund offset and state income tax refund offset verified amounts which
2 are owed for medical support, when the medical support arrearage accrued is based
3 on a medical support order for a specified dollar amount.

4 (2) In nonpublic assistance cases, the custodial parent shall be notified in advance if
5 any offset amount will be first used to satisfy any unreimbursed public assistance
6 payments which have been provided to the family.

7 (3) Written notice in advance shall be provided the obligor of the referral for state
8 income tax refund offset, together with the opportunity to contest the referral
9 pursuant to procedures which are in compliance with the state's procedural due
10 process requirements.

11 (4) If the offset amount is found to be in error or to exceed the amount of overdue
12 support, the Office of the Attorney General~~[cabinet]~~ shall promptly refund the
13 excess amount pursuant to established procedures.

14 (5) The Office of the Attorney General~~[cabinet]~~ may charge a reasonable fee to cover
15 the cost of collecting overdue support using the state tax refund offset.

16 (6) The Department of Revenue shall notify the Office of the Attorney
17 General~~[cabinet]~~ of the parent's home address and Social Security number or
18 numbers. The Office of the Attorney General~~[cabinet]~~ shall provide this
19 information to any other state involved in enforcing the support order.

20 (7) The Office of the Attorney General~~[cabinet]~~ has the unfettered right to intercept
21 federal income tax refunds and state income tax refunds, pursuant to 45 C.F.R.
22 303.72 and KRS 131.560 to 131.595, to satisfy all child support, maintenance, and
23 medical support arrearages due the Office of the Attorney General~~[cabinet]~~ or its
24 assignee.

25 ➔Section 28. KRS 205.7695 is repealed, reenacted as a new section of KRS
26 Chapter 15, and amended to read as follows:

27 The Office of the Attorney General~~[Cabinet for Health and Family Services]~~ and the

1 Department of Revenue shall work together to develop a system of information sharing
2 for the effective and efficient collection of child support payments. Any requirement
3 included in KRS Chapter 15, 131, 205, 403, or 405 or any other law for either the cabinet
4 or the department for the confidentiality of individual personal and financial records shall
5 not be violated in the process of this coordination.

6 ➔Section 29. KRS 205.770 is repealed, reenacted as a new section of KRS
7 Chapter 15, and amended to read as follows:

8 (1) If a child is receiving services under Part D of Title IV of the Social Security Act
9 and the Office of the Attorney General~~[cabinet]~~ has taken action under the
10 provisions of Sections 12 to 45 of this Act~~[KRS 205.715 to 205.800]~~, 403.215,
11 405.405 to 405.530 and 530.050 to obtain support on behalf of the child, matters
12 concerning custody of the child and visitation rights of the parents shall not be used
13 by either parent as a reason not to pay child support to the Office of the Attorney
14 General~~[cabinet]~~.

15 (2) Upon a determination by the Office of the Attorney General~~[cabinet]~~ that such
16 would be in the best interest of the child, the Office of the Attorney
17 General~~[cabinet]~~ may petition a Circuit Court of proper jurisdiction in the name of
18 the child to make a determination of child custody and visitation rights of a parent.

19 ➔Section 30. KRS 205.772 is repealed, reenacted as a new section of KRS
20 Chapter 15, and amended to read as follows:

21 (1) Financial institutions doing business in the Commonwealth shall enter into
22 cooperative agreements with the Office of the Attorney General~~[cabinet]~~ or its
23 designee to operate a data match system. Pursuant to the agreements, the financial
24 institution shall be required to provide identifying information each calendar quarter
25 for each obligated parent who maintains an account at the institution and who owes
26 an arrearage, and who shall be identified by the Office of the Attorney
27 General~~[cabinet]~~.

- 1 (2) The cooperative agreement shall include provisions for financial institutions to
2 encumber or surrender assets held by the institutions on behalf of any obligated
3 parent who is subject to a child support lien pursuant to Section 33 of this Act~~[KRS~~
4 ~~205.778]~~.
- 5 (3) The financial institution shall be paid a fee for conducting data matches from the
6 obligor's account, not to exceed the actual cost.
- 7 (4) No liability shall arise for the Commonwealth or the financial institution under this
8 section with respect to any disclosure of financial records for the establishment,
9 modification, or enforcement of a child support obligation of the individual.
- 10 (5) The financial institution shall not be liable for encumbering or surrendering any
11 assets held by such financial institution in response to a notice of lien or levy issued
12 by the Office of the Attorney General~~[cabinet]~~, for any other action taken in good
13 faith to comply with the requirement of this section.
- 14 (6) "Financial institution" means:
- 15 (a) A depository institution and an institution-affiliated party as defined by 12
16 U.S.C. sec. 1813(c) and (u);
- 17 (b) Any federal or state credit union, including an institution-affiliated party of
18 that credit union, as defined by 12 U.S.C. sec. 1752 and 12 U.S.C. sec.
19 1786(r);
- 20 (c) Any benefit association, insurance company, safe deposit company, money
21 market mutual fund, brokerage firm, trust company, or similar entity
22 authorized to do business in the Commonwealth.
- 23 (7) The Office of the Attorney General~~[cabinet]~~ may promulgate administrative
24 regulations to implement the requirements of this section.
- 25 ➔Section 31. KRS 205.774 is repealed, reenacted as a new section of KRS
26 Chapter 15, and amended to read as follows:
- 27 (1) The Office of the Attorney General~~[Cabinet for Health and Family Services]~~ shall

1 ~~use~~ design, develop, implement, and operate a the wage reporting and financial
2 institution match system formerly designed, developed, implemented, and operated
3 by the Cabinet for Health and Family Services for the purpose of identifying the
4 financial assets of individuals as identified by cabinet agencies, for the purpose of
5 administering the child support enforcement program of the Commonwealth. The
6 Office of the Attorney General~~[Cabinet for Health and Family Services]~~ may
7 promulgate administrative regulations to implement this section.

- 8 (2) Each financial institution in the Commonwealth shall enter into an agreement with
9 the Office of the Attorney General~~[Cabinet for Health and Family Services]~~ to
10 develop and operate a data match system to facilitate identification of financial
11 assets of individuals identified by cabinet agencies for the purpose of administering
12 the child support enforcement programs of the Commonwealth.

13 ➔Section 32. KRS 205.776 is repealed, reenacted as a new section of KRS
14 Chapter 15, and amended to read as follows:

- 15 (1) A financial institution furnishing a report or providing asset information of an
16 individual owing past-due support to the Office of the Attorney General~~[Cabinet~~
17 ~~for Health and Family Services]~~ under either subsection (1) or subsection (2) of
18 Section 31 of this Act~~[KRS 205.774]~~ shall not disclose to a depositor or an account
19 holder that the name of that person has been received from or furnished to the
20 Office of the Attorney General~~[Cabinet for Health and Family Services]~~. An
21 institution may disclose to its depositors or account holder that under the financial
22 institution match system the Office of the Attorney General~~[Cabinet for Health and~~
23 ~~Family Services]~~ has the authority to request certain identifying information on
24 certain depositors or account holders.
- 25 (2) If a financial institution willfully violates the provisions of this section by releasing
26 asset information of an individual owing child support to the Office of the Attorney
27 General~~[Cabinet for Health and Family Services]~~, the institution shall pay to the

- 1 **Office of the Attorney General**~~[Cabinet for Health and Family Services]~~ the lesser
2 of one thousand dollars (\$1,000) or the amount on deposit or in the account of the
3 person to whom the disclosure was made.
- 4 (3) A financial institution shall incur no obligation or liability to a depositor or account
5 holder or any other person arising from the furnishing of a report or information to
6 the **Office of the Attorney General**~~[Cabinet for Health and Family Services]~~ under
7 **Section 31 of this Act**~~[KRS 205.774]~~, or from the failure to disclose to a depositor
8 or account holder that the name of the person was included in a list furnished by the
9 financial institution to the **Office of the Attorney General**~~[Cabinet for Health and
10 Family Services]~~, or in a report furnished by the financial institution to the **Office of**
11 **the Attorney General**~~[Cabinet for Health and Family Services]~~.
- 12 (4) Regardless of whether the action was specifically authorized or described in
13 **Section 12 to 45 of this Act**~~[KRS 205.715 to 205.800]~~ or an agreement, a financial
14 institution shall not be liable for providing or disclosing of any information; for
15 encumbering, holding, refusing to release, surrendering, or transferring any account
16 balance or asset; or any other action taken by a financial institution pursuant to
17 **Section 12 to 45 of this Act**~~[KRS 205.715 to 205.800]~~ or agreement as required by
18 **Section 31 of this Act**~~[KRS 205.774]~~.
- 19 (5) A financial institution shall not give notice to an account holder or customer of the
20 financial institution that the financial institution has provided information or taken
21 any action pursuant to **Sections 12 to 45 of this Act**~~[KRS 205.715 to 205.800]~~ or
22 the agreement and shall not be liable for failure to provide that notice; provided
23 however, that a financial institution may disclose to its depositors or account
24 holders that, under the data match system, the **Office of the Attorney**
25 **General**~~[cabinet]~~ has the authority to request certain identifying information on
26 certain depositors or account holders. The **Office of the Attorney General**~~[cabinet]~~
27 shall notify, not less than annually, affected depositors or account holders who have

1 not otherwise received notification.

2 (6) A financial institution may charge an account levied on by the Office of the
3 Attorney General~~[Cabinet for Health and Family Services]~~ a fee of not more than
4 twenty dollars (\$20) which may be deducted from the account prior to remitting any
5 funds to the Office of the Attorney General~~[Cabinet for Health and Family~~
6 ~~Services]~~.

7 ➔Section 33. KRS 205.778 is repealed, reenacted as a new section of KRS
8 Chapter 15, and amended to read as follows:

9 (1) When the Office of the Attorney General~~[cabinet]~~ determines that the name, record
10 address, and either Social Security number or taxpayer identification number of an
11 account with a financial institution matches the name, record address, and either the
12 Social Security number or taxpayer identification number of a parent who owes
13 past-due support in an amount equal to or greater than one (1) month's obligation, a
14 lien or levy shall, subject to the provision of subsection (3) of this section, arise
15 against the assets in the account at the time of receipt of the notice by the financial
16 institution at which the account is maintained. The Office of the Attorney
17 General~~[cabinet]~~ shall provide a notice of the match, the lien or levy arising
18 therefrom, and the action to be taken to surrender or encumber the account with the
19 lien or levy for child support payment to the individual identified and the financial
20 institution holding the account. The financial institution shall have no obligation to
21 hold, encumber, or surrender assets in any account based on a match until receipt of
22 the notice from the Office of the Attorney General~~[cabinet]~~.

23 (2) The Office of the Attorney General~~[cabinet]~~ shall provide notice to the individual
24 subject to a child support lien or levy on assets in an account held by a financial
25 institution within two (2) business days of the date that notice is sent to the financial
26 institution.

27 (3) A financial institution ordered to surrender or encumber an account shall be entitled

1 to collect its normally scheduled account activity fees to maintain the account
2 during the period of time the account is seized or encumbered.

3 (4) Any levy issued on an identified account by the Office of the Attorney
4 General~~[Cabinet for Health and Family Services]~~ for past-due child support shall
5 have first priority over any other lien or levy issued by the Department of Revenue
6 or any other agency, corporation, or association.

7 ➔Section 34. KRS 205.7785 is repealed, reenacted as a new section of KRS
8 Chapter 15, and amended to read as follows:

9 (1) An interstate lien may be created and a notice of interstate lien may be filed on all
10 of an obligor's real and personal property that is located in another state to enforce a
11 child support obligation which has been judicially or administratively established in
12 the Commonwealth. The lien shall be filed in the appropriate offices of the state or
13 county where the property of the obligor is located. All aspects of the lien,
14 including its priority and enforcement, are governed by the law of the state where
15 the property is located and shall remain until released by the authorized agent of the
16 party which filed the lien, or in accordance with the laws of the state of filing.

17 (2) A lien to enforce a child support obligation which is created in another state shall be
18 enforceable against all real and personal property of the obligor located in this state
19 upon the filing of a notice of interstate lien with the county clerk of any county or
20 counties in which the obligor has interest in property, and the notice shall be
21 recorded in the same manner as notices of lis pendens. The recordation shall
22 constitute notice of both the original amount of child support due and all subsequent
23 amounts due by the same obligor. Upon request, an authorized agent of the party
24 which filed the notice of interstate lien shall disclose the specific amount of liability
25 to any interested party legally entitled to that information. The notice, when so
26 filed, shall be conclusive notice to all persons of the lien on the property having
27 legal situs in that county. The lien shall commence as to property of the obligor

1 located in the Commonwealth at the time the notice is filed and shall continue until
2 the original amount of child support due and any subsequent amounts, including
3 interest, penalties, or fees, are fully paid. The lien shall attach to all interest in the
4 real and personal property in the Commonwealth, then owned or subsequently
5 acquired by the obligor. The clerk shall be entitled to a fee pursuant to KRS 64.012
6 for filing the lien and the same fee for releasing the lien.

7 (3) A child support lien created in another state shall be on a parity with state, county,
8 and municipal ad valorem tax liens, and superior to the lien of any mortgage or
9 other encumbrance created after the notice of interstate lien is recorded; however, it
10 shall be subordinate to any child support lien which has been filed by the Office of
11 the Attorney General~~[cabinet]~~ as to the same obligor and property.

12 (4) The authority by which the child support lien is created in another state and filed in
13 this state shall be certified on the notice of interstate lien by a person who is
14 authorized to certify on behalf of the party that is filing the notice of interstate lien.

15 (5) The Office of the Attorney General~~[secretary of the cabinet]~~ may promulgate
16 administrative regulations under the provisions of KRS Chapter 13A to implement
17 this section.

18 ➔Section 35. KRS 205.780 is repealed, reenacted as a new section of KRS
19 Chapter 15, and amended to read as follows:

20 At any time prior to a child's twenty-first birthday, the Office of the Attorney
21 General~~[cabinet]~~ may institute a legal action against an obligor for the reimbursement of
22 money paid by the cabinet for the benefit of the child through the public assistance
23 programs.

24 ➔Section 36. KRS 205.782 is repealed and reenacted as a new section of KRS
25 Chapter 15 to read as follows:

26 In a county containing a city of the first class, the provisions of KRS 454.140
27 notwithstanding, including those provisions related to priority of other officers, all forms

1 of legal process may be served in any child support action by a constable of the county
2 upon direction by the initiating party. A constable shall not be automatically deemed an
3 interested party in litigation merely by virtue of serving process on behalf of the
4 Commonwealth.

5 ➔Section 37. KRS 205.785 is repealed, reenacted as a new section of KRS
6 Chapter 15, and amended to read as follows:

7 (1) It shall be unlawful for anyone to knowingly refuse to give the Attorney General or
8 his or her designee~~[secretary]~~ the name of a parent of a child for whom services are
9 being provided under Part D of Title IV of the Social Security Act or information
10 which will assist the Attorney General~~[secretary]~~ in locating a parent of a child.

11 (2) Any information gathered pursuant to subsection (1) of this section shall not be
12 used in criminal prosecutions against the informant.

13 (3) It shall be unlawful for anyone to knowingly give the Attorney General or his or
14 her designee~~[secretary]~~ the incorrect name of a parent of a child or to knowingly
15 give the Attorney General~~[secretary]~~ incorrect information on the parent's
16 whereabouts when it is done for the purpose of concealing the identity of the real
17 parent of the child or when it is done with the intent of concealing the location of
18 the parent.

19 (4) Failure to provide information as required in subsection (1) of this section or
20 providing incorrect information as prohibited in subsection (3) of this section shall
21 constitute a Class A misdemeanor.

22 ➔Section 38. KRS 205.790 is repealed, reenacted as a new section of KRS
23 Chapter 15, and amended to read as follows:

24 The procedures, actions and remedies provided for in Sections 8 to 45 of this Act~~KRS~~
25 ~~205.710 to 205.800~~, 403.215, 405.405 to 405.530, and 530.050 shall be in addition to
26 and not in substitution of other proceedings provided by law.

27 ➔Section 39. KRS 205.792 is repealed, reenacted as a new section of KRS

1 Chapter 15, and amended to read as follows:

2 In addition to the procedures for judicial determination, and enforcement of support
3 obligations described in Sections 8 to 45 of this Act~~[KRS 205.710 through 205.800]~~, the
4 Office of the Attorney General~~[cabinet]~~ may employ administrative process, as described
5 in KRS 405.405 to 405.520, to determine and enforce support obligations when paternity
6 is not in question.

7 ➔Section 40. KRS 205.793 is repealed, reenacted as a new section of KRS
8 Chapter 15, and amended to read as follows:

9 (1) The Office of the Attorney General~~[cabinet]~~ shall have authority to issue an
10 administrative subpoena commanding information and records relating to the
11 establishment, enforcement, and collection of child support.

12 (2) All public and private entities including financial institutions shall comply with a
13 subpoena issued under this section within a reasonable time period. Financial
14 institutions may deduct twenty dollars (\$20) from the account on which the
15 subpoenaed information has been issued.

16 (3) The Office of the Attorney General~~[cabinet]~~ may enforce compliance by filing an
17 action in the Franklin Circuit Court.

18 (4) The subpoena shall be issued by a person designated by the Attorney
19 General~~[secretary]~~.

20 ➔Section 41. KRS 205.795 is repealed, reenacted as a new section of KRS
21 Chapter 15, and amended to read as follows:

22 The Attorney General~~[secretary]~~ may adopt regulations necessary to prevent conflict
23 with federal laws and regulations or the loss of federal funds. The Attorney
24 General~~[secretary]~~ may adopt regulations to establish procedures necessary to guarantee
25 due process of law. These regulations shall be consistent with the purpose and intent of
26 Section 8 to 45 of this Act~~[KRS 205.710 to 205.800]~~.

27 ➔Section 42. KRS 205.796 is repealed, reenacted as a new section of KRS

1 Chapter 15, and amended to read as follows:

2 No employee or agent of the Commonwealth shall divulge any information referred to in
3 **Sections 12 to 45 of this Act**~~[KRS 205.715 to 205.800]~~, except in the manner prescribed
4 in **Sections 12 to 45 of this Act**~~[KRS 205.715 to 205.800]~~ to any public or private agency
5 or individual; provided, however, that information may be disclosed and shared by and
6 between any employee of the **Office of the Attorney General**~~[Cabinet for Health and~~
7 ~~Family Services]~~ and any designee, local administering agency, or any local housing
8 authority for the purpose of verifying eligibility and detecting and preventing fraud, error,
9 and abuse in the programs included in the reporting system. Unauthorized disclosure of
10 any information shall be a violation that is punishable by a fine of one hundred dollars
11 (\$100) per offense; except that the unauthorized release of the information about any
12 individual shall be a separate offense from information released about any other
13 individual.

14 ➔Section 43. KRS 205.7965 is repealed, reenacted as a new section of KRS
15 Chapter 15, and amended to read as follows:

16 Nothing in **Sections 12 to 45 of this Act**~~[KRS 205.715 to 205.800]~~ shall be construed to
17 prevent the release by the **Office of the Attorney General**~~[Cabinet for Health and Family~~
18 ~~Services]~~ of wage and financial institution information data to the United States Social
19 Security Administration or the agencies of other states who administer federally funded
20 welfare and unemployment compensation programs.

21 ➔Section 44. KRS 205.798 is repealed, reenacted as a new section of KRS
22 Chapter 15, and amended to read as follows:

23 The **Office of the Attorney General**~~[cabinet]~~ may coordinate with other state agencies
24 and cabinets to develop a system for the effective and efficient collection of child support
25 payments.

26 ➔Section 45. KRS 205.800 is repealed, reenacted as a new section of KRS
27 Chapter 15, and amended to read as follows:

1 Where establishment of paternity and enforcement and collection of child support is by
2 law the responsibility of local officials, the Office of the Attorney General~~[cabinet]~~ shall
3 refer cases to the appropriate official for such. The Office of the Attorney
4 General~~[cabinet]~~ may enter into cooperative arrangements with appropriate courts and
5 law enforcement officials to assist the Office of the Attorney General~~[cabinet]~~ in
6 administering the program of child support recovery, including the entering into of
7 financial arrangements with such courts and officials as provided for under the provisions
8 of federal law and regulations and any other matters of common concern to such courts or
9 officials and the Office of the Attorney General~~[cabinet]~~.

10 ➔Section 46. KRS 205.802 is repealed, reenacted as a new section of KRS
11 Chapter 15, and amended to read as follows:

12 All forms, child support orders, wage withholding orders, or orders amending an existing
13 child support order, entered in any case in Circuit, District, or Family Court that require
14 entry into the state case registry pursuant to subsection (4) of Section 9 of this Act~~[KRS~~
15 ~~205.712(4)]~~ shall be entered on forms adopted by the Administrative Office of the Courts
16 in coordination with the Office of the Attorney General~~[Cabinet for Health and Family~~
17 ~~Services]~~. If the provisions of a child support order are contained in an order that is
18 narrative in nature, the adopted forms shall be used in addition to the narrative order.

19 ➔Section 47. KRS 341.412 is amended to read as follows:

20 For the purposes of KRS 341.412 to 341.414:

- 21 (1) "National Directory of New Hires" means the database that stores personal and
22 financial data on employed individuals across the country and contains information
23 and data on individuals receiving unemployment compensation;
- 24 (2) "New hire records" means the directory of newly hired and rehired employees
25 reported under state and federal law and managed by the federal Office of Child
26 Support Enforcement, Administration for Children and Families, United States
27 Department of Health and Human Services, and the Office of the Attorney

1 **General**~~[Cabinet for Health and Family Services]~~;

2 (3) "Office" means the Kentucky Office of Unemployment Insurance;

3 (4) "Secretary" means the secretary of the Education and Labor Cabinet;

4 (5) "Two-factor authentication" means authentication that requires entry of a username
5 and password followed by entry of another method of identification; and

6 (6) "Unemployment insurance rolls" means unemployed workers receiving
7 unemployment insurance in Kentucky.

8 ➔Section 48. KRS 405.411 is amended to read as follows:

9 (1) The **Office of the Attorney General's**~~[Cabinet for Health and Family Services]~~
10 designee under **subsection (7) of Section 9 of this Act**~~[KRS 205.712(7)]~~ for the
11 administration of child support may compile a list of the names of persons under its
12 jurisdiction who have a child support arrearage that equals or exceeds six (6)
13 months without payment, or fail, after receiving appropriate notice, to comply with
14 subpoenas or warrants relating to paternity or child support proceedings as provided
15 by 42 U.S.C. sec. 666(a)(16). The **Office of the Attorney General**~~[cabinet]~~ may
16 furnish this list to the newspaper of general circulation in that county for
17 publication.

18 (2) The Department for Income Support, Child Support Enforcement, in the **Office of**
19 **the Attorney General**~~[Cabinet for Health and Family Services]~~ shall determine
20 uniform standards for publication. The **Office of the Attorney General**~~[cabinet]~~ is
21 authorized to promulgate the necessary administrative regulations under KRS
22 Chapter 13A to implement the provisions of this section.

23 (3) For purposes of this section, "newspaper of general circulation" means a publication
24 bearing a title or name, regularly issued at least as frequently as once a week for a
25 definite price, having a second-class mailing privilege, being not less than four (4)
26 pages, published continuously during the immediately preceding one (1) year
27 period, which is published for the dissemination of news of general interest, and is

1 circulated generally in the political subdivision in which it is published and in
2 which notice is to be given. In any county where a publication fully complying with
3 this definition does not exist, the Office of the Attorney General~~[Cabinet for Health~~
4 ~~and Family Services]~~ may publish this list in the publication utilized by the Circuit
5 Court Clerk of the county for publication of other legal notices in the county. A
6 newspaper that is not engaged in the distribution of news of general interest to the
7 public, but that is primarily engaged in the distribution of news of interest to a
8 particular group of citizens, is not a newspaper of general circulation.

9 ➔Section 49. KRS 405.430 is amended to read as follows:

- 10 (1) When a parent presents himself to the Office of the Attorney General~~[cabinet]~~ for
11 the voluntary establishment of paternity and clear evidence of parentage is not
12 present, the Office of the Attorney General~~[cabinet]~~ shall pay when
13 administratively ordered the cost of genetic testing to establish paternity, subject to
14 recoupment from the alleged father when paternity is established.
- 15 (2) The Office of the Attorney General~~[cabinet]~~ shall obtain additional testing in any
16 case if an original test is contested, upon request and advance payment by the
17 contestant.
- 18 (3) In a contested paternity case, the child, the mother, and the putative father shall
19 submit to genetic testing upon a request of any of the parties, unless the person or
20 guardian of the person who is requested to submit to genetic testing shows good
21 cause, taking into account the best interests of the child, why the genetic tests
22 cannot be performed. The request shall be supported by a sworn statement of the
23 party, requesting that the test be performed, which shall include the information
24 required by 42 U.S.C. sec. 666(a)(5)(B)(i) or (ii).
- 25 (4) When a parent who fails to support a child is not obligated to provide child support
26 by court order, the Office of the Attorney General~~[cabinet]~~ may administratively
27 establish a child support obligation based upon a voluntary acknowledgment of

1 paternity as set forth in KRS Chapter 406, the parent's minimum monthly child
2 support obligation and proportionate share of child care costs incurred due to
3 employment or job search of either parent, or incurred while receiving elementary
4 or secondary education, or higher education or vocational training which will lead
5 to employment. The monthly child support obligation shall be determined pursuant
6 to the Kentucky child support guidelines set forth in KRS 403.212 or 403.2121. The
7 actual cost of child care shall be reasonable and shall be allocated between the
8 parents in the same proportion as each parent's gross income, as determined under
9 the guidelines, bears to the total family gross income.

10 (5) The Office of the Attorney General~~[cabinet]~~ shall recognize a voluntary
11 acknowledgment of paternity as a basis for seeking a support order, irrespective of
12 the alleged father's willingness to consent to a support order.

13 (6) When in the best interest of the child, the Office of the Attorney General~~[cabinet]~~
14 may review and adjust a parent's child support obligation or child care obligation as
15 established by the Office of the Attorney General~~[cabinet]~~, upon a request of the
16 Office of the Attorney General~~[cabinet]~~ when an assignment has been made, or
17 upon either parent's petition if the amount of the child support awarded under the
18 order differs from the amount that would be awarded in accordance with KRS
19 403.212 or 403.2121. The Office of the Attorney General~~[cabinet]~~ shall notify
20 parents at least once every three (3) years of the right to a review.

21 (7) In establishing or modifying a parent's monthly child support obligation, the Office
22 of the Attorney General~~[cabinet]~~ may use automated methods to identify orders
23 eligible for review, conduct the review, identify orders eligible for adjustment, and
24 apply the adjustment to eligible orders in accordance with KRS 403.212 or
25 403.2121. The Office of the Attorney General~~[cabinet]~~ shall utilize information,
26 including financial records, about the parent and child which it has good reason to
27 believe is reliable and may require the parents to provide income verification.

- 1 (8) In cases in which past-due support is owed for a child receiving public assistance
2 under Title IV-A of the Federal Social Security Act, the Office of the Attorney
3 General~~[cabinet]~~ shall issue an administrative order, or seek a judicial order,
4 requiring the obligated parent to participate in work activities, or educational or
5 vocational training activities for at least twenty (20) hours per week, unless the
6 parent is incapacitated as defined by 42 U.S.C. sec. 607.
- 7 (9) The Office of the Attorney General~~[cabinet]~~ may disclose financial records only
8 for the purpose of establishing, modifying, or enforcing a child support obligation
9 of an individual. A financial institution shall not be liable to any individual for
10 disclosing any financial record of the individual to the Office of the Attorney
11 General~~[cabinet]~~ attempting to establish, modify, or enforce a child support
12 obligation.
- 13 (10) The Office of the Attorney General~~[cabinet]~~ may issue both intrastate and interstate
14 administrative subpoenas to any individual or entity for financial or other
15 information or documents which are needed to establish, modify, or enforce a child
16 support obligation pursuant to Title IV-D of the Social Security Act, 42 U.S.C. secs.
17 651 et seq. An administrative subpoena lawfully issued in another state to an
18 individual or entity residing in this state shall be honored and enforced in the
19 Circuit Court of the county in which the individual or entity resides.
- 20 (11) In any case where a person or entity fails to respond to a subpoena within the
21 specified time frame, the cabinet shall impose a penalty.
- 22 (12) No person shall knowingly make, present, or cause to be made or presented to an
23 employee or officer of the cabinet any false, fictitious, or fraudulent statement,
24 representation, or entry in any application, report, document, or financial record
25 used in determining child support or child care obligations.
- 26 (13) If a person knowingly or by reason of negligence discloses a financial record of an
27 individual, that individual may pursue civil action for damages in a federal District

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

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

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

18 ➔Section 50. KRS 405.435 is amended to read as follows:

19 (1) An employer or labor organization in the Commonwealth of Kentucky shall provide
20 information to the **Office of the Attorney General**~~[Cabinet for Health and Family~~
21 ~~Services]~~ when that employer or labor organization hires an employee who resides
22 or works in the Commonwealth, or rehires or permits the return to work of an
23 employee who has been laid-off, furloughed, separated, granted a leave without
24 pay, or terminated from employment, unless the reporting could endanger the safety
25 of the employee or compromise an ongoing investigation or intelligence mission as
26 determined by the **Attorney General**~~[secretary of health and family services]~~.

27 (2) The employer shall provide the information within twenty (20) days of the hiring or

- 1 return to work of the employee. The information shall include:
- 2 (a) The employee's name, address, and Social Security number;
- 3 (b) The employer's name, address, and, if the employer has been assigned one,
- 4 federal and state employer identification numbers; and
- 5 (c) The date services for remuneration were first performed by the employee.
- 6 (3) An employer shall report the required information by submitting a copy of the
- 7 employee's W-4 form or, at the option of the employer, an equivalent form provided
- 8 by the Office of the Attorney General~~[Cabinet for Health and Family Services]~~ as
- 9 prescribed by administrative regulation promulgated by the Office of the Attorney
- 10 General~~[Cabinet for Health and Family Services]~~ in accordance with KRS Chapter
- 11 13A.
- 12 (4) The Office of the Attorney General~~[Cabinet for Health and Family Services]~~ shall
- 13 enter all new hire information into the database of the Office of the Attorney
- 14 General~~[cabinet]~~ within five (5) business days.
- 15 (5) The Office of the Attorney General~~[Cabinet for Health and Family Services]~~ may
- 16 promulgate administrative regulations in accordance with KRS Chapter 13A if the
- 17 Office of the Attorney General~~[Cabinet for Health and Family Services]~~ determines
- 18 exceptions are needed to reduce unnecessary or burdensome reporting or are needed
- 19 to facilitate cost-effective operation of the cabinet under this section.
- 20 (6) The Office of the Attorney General~~[Cabinet for Health and Family Services]~~ shall
- 21 use the information collected pursuant to this section for the location of
- 22 noncustodial parents, establishment, modification, and enforcement of child support
- 23 and any other matter related to paternity or child support.
- 24 (7) If the employer fails to report as required by this section, the Office of the Attorney
- 25 General~~[Cabinet for Health and Family Services]~~ shall give the employer written
- 26 notice of the provisions of this section, including the penalty for failure to report.
- 27 (8) If the employer has not filed a report within twenty (20) days from the date that the

1 written notice is sent to him, the Office of the Attorney General~~[Cabinet for Health~~
2 ~~and Family Services]~~ shall send a second written notice.

3 (9) If the employer fails to file a W-4 or equivalent form within twenty (20) days from
4 the date that the second written notice is sent, or supplies a false or incomplete
5 report, and the failure is a result of a conspiracy between the employee and the
6 employer to prevent the proper information from being filed within twenty (20)
7 days from the date that the second written notice is sent, the Office of the Attorney
8 General~~[Cabinet for Health and Family Services]~~ shall send the employer by
9 certified mail, return receipt request, notice of an administrative fine. The fine shall
10 be two hundred fifty dollars (\$250) per calendar month per person for any violation
11 occurring after the second notice has been given, and continuing until a W-4 or
12 equivalent form is received by the Office of the Attorney General~~[Cabinet for~~
13 ~~Health and Family Services]~~. No fine shall be imposed for any period of less than
14 one (1) full calendar month.

15 (10) The employer shall have ten (10) days after receipt of the administrative fine notice
16 to request a hearing before the Office of the Attorney General~~[Cabinet for Health~~
17 ~~and Family Services]~~ on whether the administrative fine was properly assessed. If a
18 timely request for a hearing is received, the Office of the Attorney General~~[Cabinet~~
19 ~~for Health and Family Services]~~ shall schedule and conduct a hearing in accordance
20 with administrative regulations promulgated by the cabinet in accordance with KRS
21 Chapter 13A.

22 ➔Section 51. KRS 405.450 is amended to read as follows:

23 (1) A hearing officer appointed by the secretary shall conduct dispute hearings in the
24 county of the child or parent's residence or any other location acceptable to the
25 parent, which shall be scheduled within sixty (60) days of the parent's request for a
26 hearing. The dispute hearing proceedings shall be conducted in accordance with
27 KRS Chapter 13B.

(2) The parent's obligation to pay minimum monthly support shall be stayed until his receipt of the final order.

(3) The parent or the Office of the Attorney General~~[cabinet]~~ may file an appeal in the Circuit Court in the county of the parent's or the child's residence in accordance with KRS Chapter 13B.

(4) The parent shall, during the pendency of his appeal from the final order, absent a showing of indigency or need exceeding the child's need, pay the minimum monthly support obligation to the cabinet, which shall, if the parent's appeal is successful, return his money together with interest at the legal rate for judgments.

(5) If the Office of the Attorney General~~[cabinet]~~ elects to conduct the modification review as specified in KRS 405.430 (6), either party may contest the adjustment to the obligation amount within thirty (30) days after the date of the notice of the adjustment by requesting a review under subsection (1) of this section and, if appropriate, a request for adjustment of the order as permitted by this chapter.

➔Section 52. KRS 405.460 is amended to read as follows:

(1) When an arrearage has accrued that is equal to the amount of support payable for one (1) month on court-ordered or administratively-determined child support, which was set prior to July 15, 1988, the Office of the Attorney General~~[cabinet]~~ may use judicial or administrative remedies to enforce the support obligation without the necessity of any action by a hearing officer.

(2) In cases where the obligor has not requested a dispute hearing, action to collect the debt may be taken twenty (20) days after the obligor's receipt of the notice of support obligation or his refusal to accept the notice.

➔Section 53. KRS 405.463 is amended to read as follows:

The Kentucky Lottery Corporation and the Office of the Attorney General~~[Cabinet for Health and Family Services]~~ shall develop a system to allow the Kentucky Lottery Corporation to receive a list of delinquent child support obligors from the Office of the

1 Attorney General~~[Cabinet for Health and Family Services]~~ on a monthly basis. The
2 Kentucky Lottery Corporation shall withhold delinquent amounts from prizes of winners
3 that appear on the list. This system shall be timely and shall not create an unavoidable
4 delay in the payment of a lottery prize.

5 ➔Section 54. KRS 405.465 is amended to read as follows:

6 (1) This section shall apply only to those child support, medical support, maintenance,
7 and medical support insurance orders that are established, modified, or enforced by
8 the Office of the Attorney General~~[Cabinet for Health and Family Services]~~ or
9 those court orders obtained in administering Part D, Title IV of the Federal Social
10 Security Act.

11 (2) All child support orders and medical support insurance orders being established,
12 modified, or enforced by the Office of the Attorney General~~[Cabinet for Health and~~
13 ~~Family Services]~~, or those orders obtained pursuant to the administration of Part D,
14 Title IV of the Federal Social Security Act, shall provide for income withholding
15 which shall begin immediately.

16 (3) The court shall order either or both parents who are obligated to pay child support,
17 medical support, or maintenance under this section to assign to the Office of the
18 Attorney General~~[Cabinet for Health and Family Services]~~ that portion of salary or
19 wages of the parent due and to be due in the future as will be sufficient to pay the
20 child support amount ordered by the court.

21 (4) The order shall be binding upon the employer or any subsequent employer upon the
22 service by certified mail of a copy of the order upon the employer and until further
23 order of the court. The employer may deduct the sum of one dollar (\$1) for each
24 payment made pursuant to the order.

25 (5) The employer shall notify the Office of the Attorney General~~[cabinet]~~ when an
26 employee, for whom a wage withholding is in effect, terminates employment and
27 provide the terminated employee's last known address and the name and address of

1 the terminated employee's new employer, if known.

2 (6) (a) An employer with twenty (20) or more employees shall notify in writing the
3 Office of the Attorney General~~[cabinet]~~, or its designee administering the
4 support order, of any lump-sum payment of any kind of one hundred fifty
5 dollars (\$150) or more to be made to an employee under a wage withholding
6 order. An employer with twenty (20) or more employees shall notify in
7 writing the Office of the Attorney General~~[cabinet]~~ or its designee no later
8 than forty-five (45) days before the lump-sum payment is to be made or, if the
9 employee's right to the lump-sum payment is determined less than forty-five
10 (45) days before it is to be made, the date on which that determination is
11 made. After notification, the employer shall hold each lump-sum payment of
12 one hundred fifty dollars (\$150) or more for thirty (30) days after the date on
13 which it would otherwise be paid to the employee and, on order of the court,
14 pay all or a specified amount of the lump-sum payment to the Department for
15 Income Support, Child Support Enforcement. The employer may deduct the
16 sum of one dollar (\$1) for each payment.

17 (b) As used in this subsection, "lump-sum payment of any kind" means a lump-
18 sum payment of earnings as defined in KRS 427.005.

19 (7) Any assignment made pursuant to court order shall have priority as against any
20 attachment, execution, or other assignment, unless otherwise ordered by the court.

21 (8) No assignment under this section by an employee shall constitute grounds for
22 dismissal of the obligor, refusal to employ, or taking disciplinary action against any
23 obligor subject to withholding required by this section.

24 ➔Section 55. KRS 405.467 is amended to read as follows:

25 (1) All support orders issued by the Office of the Attorney General~~[Cabinet for Health~~
26 ~~and Family Services]~~, including those issued pursuant to Part D, Title IV of the
27 Federal Social Security Act, shall provide for immediate withholding of earnings of

- 1 the parent or parents obligated to pay child support and medical support as is
2 necessary to pay the child support obligation, except where one (1) of the parties
3 demonstrates, and the court or administrative order finds that there is good cause
4 not to require immediate income withholding, or a written agreement is reached by
5 both parties which provides for an alternative arrangement.
- 6 (2) In any case in which a support order was issued in the state and in which a parent is
7 required to pay court-ordered or administratively determined child support, medical
8 support, maintenance, and medical support insurance, and wage withholding is not
9 in effect, and an arrearage accrues that is equal to the amount of support payment
10 for one (1) month, upon request of the absent parent, request of the custodial parent,
11 or upon administrative determination, the secretary shall issue an order for
12 withholding of earnings of the parent as is necessary to comply with the order plus
13 interest at the legal rate on the arrearage, if any, without the need for a judicial or
14 administrative hearing.
- 15 (3) If a court-ordered arrearage repayment amount does not exist and an arrearage
16 accrues that is equal to the amount of support payable for one (1) month, an
17 arrearage repayment amount may be determined administratively. The Office of the
18 Attorney General~~[cabinet]~~ shall promulgate administrative regulations establishing
19 the guidelines for arrearage payments.
- 20 (4) In any case in which a parent is required either by court order or administrative
21 order to provide medical insurance coverage for the child and the parent has failed
22 to make application to obtain coverage for the child, the secretary shall issue an
23 order for withholding of the employee's share, if any, of premiums for health
24 coverage and to pay the share of premiums to the insurer, without the need for a
25 judicial or administrative hearing.
- 26 (5) The Office of the Attorney General~~[cabinet]~~ shall advise the obligated parent that a
27 wage withholding has commenced by sending a copy of the order to withhold at the

1 same time that the order is sent to the employer. The only basis for contesting the
2 withholding shall be a mistake of fact or law. If the parent contests the withholding,
3 the Office of the Attorney General~~[cabinet]~~ shall give the obligor an opportunity to
4 present his or her case at an administrative hearing conducted in accordance with
5 KRS Chapter 13B and decide if the withholding will continue.

6 (6) The Office of the Attorney General~~[cabinet]~~ shall combine any administrative or
7 judicial wage withholding order, or multiple administrative or judicial orders for
8 child support and medical support into a single wage withholding order when
9 payable through the Office of the General Attorney~~[cabinet]~~ to a single family or to
10 multiple family units.

11 (7) The Office of the Attorney General~~[cabinet]~~ shall serve the order to withhold
12 earnings or notice of multiple wage withholding orders specifying wage
13 withholding requirements on the employer of an obligor by certified mail, return
14 receipt requested. The order shall state the amount to be withheld, or the
15 requirement to enroll the child under the health insurance coverage, including
16 amounts to be applied to arrearages, plus interest at the legal rate on the arrearage,
17 if any, and the date the withholding is to begin. The total amount to be withheld,
18 including current support and payment on arrearages plus interest, and medical
19 insurance coverage may not exceed the limit permitted under the federal Consumer
20 Credit Protection Act at 15 U.S.C. sec. 1673(b).

21 (8) If there is more than one (1) notice for child support withholding against a single
22 absent parent, the Office of the Attorney General~~[cabinet]~~ shall allocate amounts
23 available for withholding, giving priority to current child support, up to the limits
24 imposed under Section 303(b) of the Consumer Credit Protection Act at 15 U.S.C.
25 sec. 1673(b). The allocation by the Office of the Attorney General~~[cabinet]~~ shall
26 not result in a withholding for one (1) of the support obligations not being
27 implemented. Amounts resulting from wage withholding shall be allocated on a

- 1 proportionate basis between multiple family units. Any custodial parent adversely
2 affected by the provisions of this subsection shall have standing to challenge any
3 proportionate allocations and, for good cause shown, a District Court, Circuit Court,
4 or family court of competent jurisdiction may set aside the Office of the
5 Attorney's~~[cabinet's]~~ proportional allocations as to the custodial parent.
- 6 (9) If the amounts to be withheld preclude collection of the total amount of combined
7 child support and medical support due to the limits of the federal Consumer Credit
8 Protection Act at 15 U.S.C. sec. 1673(b), the actual amount received shall be
9 applied first to the current monthly child support obligation amount. Any payment
10 exceeding the current monthly child support obligation shall then be applied by the
11 Office of the Attorney General~~[cabinet]~~ to the administratively ordered or
12 judicially ordered medical support obligation.
- 13 (10) The employer shall forward to the Office of the Attorney General~~[Cabinet for~~
14 ~~Health and Family Services]~~ that portion of salary or wages of the parent due and to
15 be due in the future as will be sufficient to pay the child support amount ordered.
- 16 (11) The employer shall be held liable to the Office of the Attorney General~~[cabinet]~~ for
17 any amount which the employer fails to withhold from earnings due an obligor
18 following receipt of an order to withhold earnings.
- 19 (12) Any order to withhold earnings under this section shall have priority as against any
20 attachment, execution, or other assignment, notwithstanding any state statute or
21 administrative regulation to the contrary.
- 22 (13) No withholding under this section shall be grounds for discharging from
23 employment, refusing to employ, or taking disciplinary action against any obligor
24 subject to withholding required by this section.
- 25 (14) The remedies provided for in this section shall also be available for applicable
26 support orders issued in other states.
- 27 (15) Interstate requests for withholding of earnings shall be processed by the Office of

1 the Attorney General~~[cabinet]~~.

2 ➔Section 56. KRS 405.480 is amended to read as follows:

3 (1) An order to withhold and deliver shall be personally served or mailed by certified
4 mail, return receipt requested, on the person in possession or control of the property
5 and the obligor.

6 (2) The order shall state the basis for and the amount of the support debt and that the
7 obligor may offer a bond satisfactory to the Office of the Attorney General~~[cabinet]~~
8 to avoid losing possession of the property.

9 ➔Section 57. KRS 405.490 is amended to read as follows:

10 (1) Any person, including the obligor, who has been served with an order to withhold
11 and deliver the obligor's property shall answer the order within twenty (20) days.

12 (2) The person in possession of any obligor's property shall withhold it and deliver it to
13 the Office of Attorney General~~[cabinet]~~ in accordance with the secretary's
14 directions; or the obligor may offer a bond which is satisfactory to the cabinet.

15 (3) The person in possession of obligor's property shall have no liability or further
16 responsibility after fulfilling the duties under this section.

17 (4) The obligor may dispute the amount of delinquent support by requesting a dispute
18 hearing with twenty (20) days.

19 (5) If the obligor does not request a hearing, acknowledgment of the obligation is
20 presumed and the secretary may apply the withheld property to the delinquent child
21 support obligation.

22 (6) If a hearing is requested, when property or a bond is released to the secretary
23 pursuant to an order to withhold and deliver property, the secretary shall hold the
24 property or bond, pending determination of the obligor's liability by a hearing
25 officer, pursuant to KRS 405.450.

26 (7) Upon a decision adverse to the Office of the Attorney General~~[Cabinet for Health~~
27 ~~and Family Services]~~ by a hearing officer, of the Circuit Court on appeal, the Office

1 of the Attorney General~~[cabinet]~~ shall return the property together with interest at
2 the legal rate for judgments.

3 ➔ Section 58. KRS 405.520 is amended to read as follows:

4 The Office of the Attorney General~~[cabinet]~~ may promulgate administrative regulations
5 to implement the provisions of Sections 12 to 45 of this Act~~[KRS 205.715 to 205.800]~~,
6 403.215, 405.405 to 405.520, 405.991(2), and 530.050. The Office of the Attorney
7 General~~[cabinet]~~ may adopt regulations necessary to prevent conflict with federal laws
8 and regulations or the loss of federal funds and to establish procedures necessary to
9 guarantee due process of law.

10 ➔ Section 59. KRS 407.5102 is amended to read as follows:

11 The Circuit Court, District Court, family courts, and the Office of the Attorney
12 General~~[Department for Income Support, Child Support Enforcement, within the Cabinet~~
13 ~~for Health and Family Services]~~ shall be the tribunals of this state. The Office of the
14 Attorney General~~[Department for Income Support, Child Support Enforcement, within~~
15 ~~the Cabinet for Health and Family Services]~~ shall be the support enforcement agency of
16 this state.

17 ➔ Section 60. KRS 407.5201 is amended to read as follows:

- 18 (1) In a proceeding to establish or enforce a support order or to determine parentage of
19 a child, a tribunal of this state may exercise personal jurisdiction over a nonresident
20 individual or the individual's guardian or conservator if:
- 21 (a) The individual is personally served with summons, or notice within this state;
 - 22 (b) The individual submits to the jurisdiction of this state by consent in a record,
23 by entering a general appearance, or by filing a responsive pleading having
24 the effect of waiving any contest to personal jurisdiction;
 - 25 (c) The individual resided with the child in this state;
 - 26 (d) The individual resided in this state and provided prenatal expenses or support
27 for the child;

- 1 (e) The child resides in this state as a result of the acts or directives of the
2 individual;
- 3 (f) The individual engaged in sexual intercourse in this state and the child may
4 have been conceived by that act of intercourse;
- 5 (g) The individual asserted parentage of a child in the putative father registry
6 maintained in this state by the Office of the Attorney General~~[Cabinet for~~
7 ~~Health and Family Services]~~; or
- 8 (h) There is any other basis consistent with the constitutions of this state and the
9 United States for the exercise of personal jurisdiction.

10 (2) The bases of personal jurisdiction set forth in subsection (1) of this section or in any
11 other law of this state may not be used to acquire personal jurisdiction for a tribunal
12 of this state to modify a child support order of another state unless the requirements
13 of KRS 407.5611 are met, or, in the case of a foreign support order, unless the
14 requirements of KRS 407.5615 are met.

15 ➔Section 61. KRS 407.5308 is amended to read as follows:

16 (1) If the Office of the Attorney General~~[Cabinet for Health and Family Services]~~
17 determines that a contracting official is neglecting or refusing to provide services to
18 an individual, the Office of the Attorney General~~[Cabinet for Health and Family~~
19 ~~Services]~~ may order that official to perform his duties under KRS 407.5101 to
20 407.5902 or may provide those services directly to the individual.

21 (2) The Office of the Attorney General~~[Cabinet for Health and Family Services]~~ may
22 determine that a foreign country has established a reciprocal arrangement for child
23 support with this state and take appropriate action for notification of the
24 determination.

25 ➔Section 62. KRS 407.5310 is amended to read as follows:

26 (1) The Office of the Attorney General~~[Cabinet for Health and Family Services]~~ is the
27 state information agency under KRS 407.5101 to 407.5902.

1 (2) The state information agency shall:

2 (a) Compile and maintain a current list, including addresses, of the tribunals in
3 this state which have jurisdiction under KRS 407.5101 to 407.5902 and any
4 support enforcement agencies in this state and transmit a copy to the state
5 information agency of every other state;

6 (b) Maintain a register of names and addresses of tribunals and support
7 enforcement agencies received from other states;

8 (c) Forward to the appropriate tribunal in the county in this state in which the
9 obligee who is an individual or the obligor resides, or in which the obligor's
10 property is believed to be located, all documents concerning a proceeding
11 under KRS 407.5101 to 407.5902 received from another state or foreign
12 country; and

13 (d) Obtain information concerning the location of the obligor and the obligor's
14 property within this state not exempt from execution, by such means as postal
15 verification and federal or state locator services, examination of telephone
16 directories, requests for the obligor's address from employers, and
17 examination of governmental records, including, to the extent not prohibited
18 by other law, those relating to real property, vital statistics, law enforcement,
19 taxation, motor vehicles, driver's licenses, and Social Security.

20 ➔Section 63. KRS 407.5602 is amended to read as follows:

21 (1) Except as otherwise provided in KRS 407.5706, a support order or income-
22 withholding order of another state or a foreign support order may be registered in
23 this state by sending the following to the Office of the Attorney General~~Cabinet~~
24 ~~for Health and Family Services~~]:

25 (a) A letter of transmittal to the tribunal requesting registration and enforcement;

26 (b) Two (2) copies, including one (1) certified copy, of the order to be registered,
27 including any modification of the order;

- 1 (c) A sworn statement by the person requesting registration or a certified
2 statement by the custodian of the records showing the amount of any
3 arrearage;
- 4 (d) The name of the obligor and, if known;
- 5 1. The obligor's address and the obligor's Social Security number provided
6 in accordance with KRS 403.135;
- 7 2. The name and address of the obligor's employer and any other source of
8 income of the obligor; and
- 9 3. A description and the location of property of the obligor in this state not
10 exempt from execution; and
- 11 (e) Except as otherwise provided in KRS 407.5312, the name and address of the
12 obligee and, if applicable, the person to whom support payments are to be
13 remitted.
- 14 (2) On receipt of a request for registration, the registering tribunal shall cause the order
15 to be filed as an order of a tribunal of another state or a foreign support order,
16 together with one (1) copy of the documents and information, regardless of their
17 form.
- 18 (3) A petition or comparable pleading seeking a remedy that must be affirmatively
19 sought under other law of this state may be filed at the same time as the request for
20 registration or later. The pleading shall specify the grounds for the remedy sought.
- 21 (4) If two (2) or more orders are in effect, the person requesting registration shall:
- 22 (a) Furnish to the tribunal a copy of every support order asserted to be in effect in
23 addition to the documents specified in this section;
- 24 (b) Specify the order alleged to be the controlling order, if any; and
- 25 (c) Specify the amount of consolidated arrears, if any.
- 26 (5) A request for a determination of which is the controlling order may be filed
27 separately or with a request for registration and enforcement or for registration and

1 modification. The person requesting registration shall give notice of the request to
2 each party whose rights may be affected by the determination.

3 ➔Section 64. KRS 407.5703 is amended to read as follows:

4 Under KRS Section 9 of this Act~~[205.712]~~, the Office of the Attorney
5 General~~[Department for Income Support, Child Support Enforcement, within the Cabinet~~
6 ~~for Health and Family Services]~~ is recognized as the agency designated by the United
7 States central authority to perform specific functions under the Convention.

8 ➔Section 65. KRS 407.5704 is amended to read as follows:

9 (1) In a support proceeding under this Article, Office of the Attorney General~~[the~~
10 ~~Cabinet for Health and Family Services]~~ shall:

- 11 (a) Transmit and receive applications; and
12 (b) Initiate or facilitate the institution of a proceeding regarding an application in
13 a tribunal of this state.

14 (2) The following support proceedings are available to an obligee under the
15 Convention:

- 16 (a) Recognition or recognition and enforcement of a foreign support order;
17 (b) Enforcement of a support order issued or recognized in this state;
18 (c) Establishment of a support order if there is no existing order, including, if
19 necessary, determination of parentage of a child;
20 (d) Establishment of a support order if recognition of a foreign support order is
21 refused under KRS 407.5708(2)(b), (d), or (i);
22 (e) Modification of a support order of a tribunal of this state; and
23 (f) Modification of a support order of a tribunal of another state or a foreign
24 country.

25 (3) The following support proceedings are available under the Convention to an obligor
26 against which there is an existing support order:

- 27 (a) Recognition of an order suspending or limiting enforcement of an existing

1 support order of a tribunal of this state;

2 (b) Modification of a support order of a tribunal of this state; and

3 (c) Modification of a support order of a tribunal of another state or a foreign
4 country.

5 (4) A tribunal of this state may not require security, bond, or deposit, however
6 described, to guarantee the payment of costs and expenses in proceedings under the
7 Convention.

8 ➔Section 66. KRS 407.5705 is amended to read as follows:

9 (1) A petitioner may file a direct request seeking establishment or modification of a
10 support order or determination of parentage of a child. In the proceeding, the law of
11 this state applies.

12 (2) A petitioner may file a direct request seeking recognition and enforcement of a
13 support order or support agreement. In the proceeding, KRS 407.5706, 407.5707,
14 407.5708, 407.5709, 407.5710, 407.5711, 407.5712, and 407.5713 apply.

15 (3) In a direct request for recognition and enforcement of a Convention support order
16 or foreign support agreement:

17 (a) A security, bond, or deposit is not required to guarantee the payment of costs
18 and expenses; and

19 (b) An obligee or obligor that in the issuing country has benefited from free legal
20 assistance is entitled to benefit, at least to the same extent, from any free legal
21 assistance provided for by the law of this state under the same circumstances.

22 (4) A petitioner filing a direct request is not entitled to assistance from the Office of the
23 Attorney General~~[Cabinet for Health and Family Services]~~.

24 (5) This Article does not prevent the application of laws of this state that provide
25 simplified, more expeditious rules regarding a direct request for recognition and
26 enforcement of a foreign support order or foreign support agreement.

27 ➔Section 67. KRS 407.5708 is amended to read as follows:

- 1 (1) Except as otherwise provided in subsection (2) of this section, a tribunal of this
2 state shall recognize and enforce a registered Convention support order.
- 3 (2) The following grounds are the only grounds on which a tribunal of this state may
4 refuse recognition and enforcement of a registered Convention support order:
- 5 (a) Recognition and enforcement of the order is manifestly incompatible with
6 public policy, including the failure of the issuing tribunal to observe minimum
7 standards of due process, which include notice and an opportunity to be heard;
- 8 (b) The issuing tribunal lacked personal jurisdiction consistent with KRS
9 407.5201;
- 10 (c) The order is not enforceable in the issuing country;
- 11 (d) The order was obtained by fraud in connection with a matter of procedure;
- 12 (e) A record transmitted in accordance with KRS 407.5706 lacks authenticity or
13 integrity;
- 14 (f) A proceeding between the same parties and having the same purpose is
15 pending before a tribunal of this state and that proceeding was the first to be
16 filed;
- 17 (g) The order is incompatible with a more recent support order involving the
18 same parties and having the same purpose if the more recent support order is
19 entitled to recognition and enforcement under KRS 407.5101 to 407.5902;
- 20 (h) Payment, to the extent alleged arrears have been paid in whole or in part;
- 21 (i) In a case in which the respondent neither appeared nor was represented in the
22 proceeding in the issuing foreign country:
- 23 1. If the law of that country provides for prior notice of proceedings, the
24 respondent did not have proper notice of the proceedings and an
25 opportunity to be heard; or
- 26 2. If the law of that country does not provide for prior notice of the
27 proceedings, the respondent did not have proper notice of the order and

1 an opportunity to be heard in a challenge or appeal on fact or law before
2 a tribunal; or

3 (j) The order was made in violation of KRS 407.5711.

4 (3) If a tribunal of this state does not recognize a Convention support order under
5 paragraph (b), (d), or (i) of subsection (2) of this section:

6 (a) The tribunal may not dismiss the proceeding without allowing a reasonable
7 time for a party to request the establishment of a new Convention support
8 order; and

9 (b) The Office of the Attorney General~~[Cabinet for Health and Family Services]~~
10 shall take all appropriate measures to request a child support order for the
11 obligee if the application for recognition and enforcement was received under
12 KRS 407.5704.

13 ➔Section 68. KRS 151B.015 is amended to read as follows:

14 (1) The Education and Labor Cabinet is hereby created, which shall constitute a cabinet
15 of the state government within the meaning of KRS Chapter 12. The cabinet shall
16 consist of a secretary and those administrative bodies and employees as provided by
17 law.

18 (2) Subject to KRS Chapter 12, the cabinet shall be composed of the major
19 organizational units listed below, units listed in KRS 12.020, and other
20 departments, divisions, and sections as are from time to time deemed necessary for
21 the proper and efficient operation of the cabinet:

22 (a) Office of the Secretary, which shall include the Office of Legal Services, the
23 Office of Administrative Services, the Office of Technology Services, the
24 Office of Policy and Audit, the Office of Legislative Services, the Office of
25 Communications, and the Office of Kentucky Center for Statistics, as follows:

26 1. The Office of Legal Services shall:

27 a. Be headed by an executive director appointed by the secretary with

- 1 the approval of the Governor in accordance with KRS 12.050 and
2 12.210; and
- 3 b. Include the Workplace Standards Legal Division, Workforce
4 Development Legal Division, and Workers' Claims Legal
5 Division, each of which shall be headed by a general counsel
6 appointed by the secretary with the approval of the Governor in
7 accordance with KRS 12.050 and 12.210; and
- 8 2. The following agencies and entities are attached to the Office of the
9 Secretary for administrative purposes only:
- 10 a. Early Childhood Advisory Council;
11 b. Governor's School for Entrepreneurs Program;
12 c. Governor's Scholar Program;
13 d. Board of the Kentucky Center for Statistics; and
14 e. Foundation for Adult Education;
- 15 (b) Department of Workers' Claims, which shall be headed by a commissioner
16 appointed by the Governor and confirmed by the Senate in accordance with
17 KRS 342.228. The department shall be divided for administrative purposes
18 into the Office of Administrative Law Judges, the Division of Claims
19 Processing, the Division of Security and Compliance, the Division of
20 Workers' Compensation Funds, and the Division of Specialist and Medical
21 Services. The Office of Administrative Law Judges shall be headed by a chief
22 administrative law judge appointed in accordance with KRS 342.230. Each
23 division in the department shall be headed by a director appointed by the
24 secretary with the approval of the Governor in accordance with KRS 12.050.
25 The Workers' Compensation Board shall be attached to the Department of
26 Workers' Claims for administrative purposes only;
- 27 (c) Department of Workplace Standards, which shall be headed by a

1 commissioner appointed by the Governor in accordance with KRS 12.040 and
2 shall be divided for administrative purposes into the Division of Occupational
3 Safety and Health Compliance, the Division of Occupational Safety and
4 Health Education and Training, and the Division of Wages and Hours. Each
5 of these divisions shall be headed by a director appointed by the secretary
6 with the approval of the Governor in accordance with KRS 12.050;

7 (d) Office of Unemployment Insurance, which shall be headed by an executive
8 director appointed by the Governor in accordance with KRS 12.040;

9 (e) Kentucky Unemployment Insurance Commission;

10 (f) Department for Libraries and Archives;

11 (g) Office of Educational Programs;

12 (h) Kentucky Workforce Innovation Board;

13 (i) Disability Determination Services program;

14 (j) Serve Kentucky; and

15 (k)(i) Department of Workforce Development, which shall be headed by a
16 commissioner appointed by the Governor in accordance with KRS 12.040
17 who shall report to the secretary. Each office or division in the department
18 shall be headed by an executive director or director appointed by the secretary
19 with the approval of the Governor in accordance with KRS 12.050. The
20 department shall be composed of the following offices:

- 21 1. Career Development Office;
- 22 2. Office of Vocational Rehabilitation;
- 23 3. Office of Employer and Apprenticeship Services;
- 24 4. Office of Adult Education;
- 25 5. Kentucky Apprenticeship Council, which shall be attached to the
26 department for administrative purposes only;
- 27 6. Division of Technical Assistance; and

1 7. Office of the Kentucky Workforce Innovation Board.

2 (3) The following agencies are attached to the cabinet for administrative purposes only:

3 (a) Kentucky Occupational Safety and Health Review Commission;

4 (b) State Labor Relations Board;

5 (c) Workers' Compensation Funding Commission;

6 (d) Kentucky Occupational Safety and Health Standards Board;

7 (e) Kentucky Environmental Education Council;

8 (f) Kentucky Geographic Education Board;

9 (g) Board of Directors for the Center for School Safety;

10 (h) Kentucky Commission on Proprietary Education;

11 (i) Employers' Mutual Insurance Authority;

12 (j) Workers' Compensation Nominating Committee;

13 (k) Kentucky Commission on the Deaf and Hard of Hearing;

14 (l) Kentucky Educational Television;

15 (m) Kentucky Work Ready Skills Advisory Committee; and

16 (n) Foundation for Adult Education.

17 ➔Section 69. KRS 151B.212 is amended to read as follows:

18 (1) For the purposes of KRS 151B.211 to 151B.214, "competitive integrated
19 employment" means work that is performed on a full-time or part-time basis for
20 which an individual is:

21 (a) Earning compensation at or above minimum wage and comparable to the
22 customary rate paid by the employer to employees without disabilities
23 performing similar duties and with similar training and experience;

24 (b) Receiving the same level of benefits provided to other employees without
25 disabilities in similar positions;

26 (c) Working at a location where the employee interacts with other individuals
27 without disabilities; and

1 (d) Receiving opportunities for advancement when appropriate similar to other
2 employees without disabilities in similar positions.

3 (2) The Employment First Council is hereby established within the Office of
4 Vocational Rehabilitation as an advisory council to the executive and legislative
5 branches of government on matters pertaining to increasing meaningful
6 opportunities for competitive integrated employment for citizens with a disability
7 seeking employment, regardless of their level of disability.

8 (3) The Employment First Council shall be composed of twenty-eight (28) members.
9 Members of the council shall be appointed by the Governor in a manner that is
10 geographically and culturally representative of the population of the
11 Commonwealth and shall include:

- 12 (a) One (1) representative from the Office of Vocational Rehabilitation;
- 13 (b) One (1) representative from the Kentucky Workforce Innovation Board;
- 14 (c) One (1) representative from the Department of Education;
- 15 (d) One (1) representative from the Office of Career and Technical Education;
- 16 (e) One (1) representative from the Department for Medicaid Services;
- 17 (f) One (1) representative from the Department for Behavioral Health,
18 Developmental and Intellectual Disabilities;
- 19 (g) One (1) representative from the Commonwealth Council on Developmental
20 Disabilities;
- 21 (h) One (1) representative from Kentucky Protection and Advocacy;
- 22 (i) One (1) representative from the Education and Labor Cabinet Department
23 for Income Support, Disability Determination Services;
- 24 (j) One (1) representative from the Division of Behavioral Health;
- 25 (k) One (1) representative from the Kentucky Autism Training Center;
- 26 (l) One (1) representative from the Department for Behavioral Health,
27 Developmental and Intellectual Disabilities, Office of Autism;

- 1 (m) One (1) representative from the University of Kentucky Human Development
2 Institute;
- 3 (n) Two (2) representatives from a state vocational rehabilitation provider
4 agency;
- 5 (o) One (1) representative from the Statewide Council for Vocational
6 Rehabilitation;
- 7 (p) One (1) representative from the Kentucky Chamber of Commerce;
- 8 (q) One (1) representative from the Council of State Governments;
- 9 (r) Four (4) representatives each having at least one (1) of the following
10 qualifications:
- 11 1. A physical or mental impairment that substantially limits one (1) or
12 more major life activity;
- 13 2. A history or record of such an impairment; or
- 14 3. A person who is perceived by others as having such an impairment;
- 15 (s) Two (2) representatives who have an immediate family member with a
16 disability; and
- 17 (t) Four (4) representatives of business, industry, and labor.
- 18 (4) After the initial appointments, members of the Employment First Council shall
19 serve terms of three (3) years. Members shall be eligible to succeed themselves and
20 shall serve until their successor is appointed.
- 21 (5) Members of the Employment First Council shall not be paid for their service as
22 council members, and shall not be reimbursed for any expenses involved in
23 attending council meetings.
- 24 (6) The Employment First Council shall elect a chair, a vice chair, and a legislative
25 liaison from its council members who shall serve in those capacities until replaced.
26 The legislative liaison shall communicate with the legislative and executive branch
27 about the council's progress and ensure that the work of the council is separate and

1 distinct from the work of the Statewide Council for Vocational Rehabilitation.

2 (7) A majority of council members shall constitute a quorum for the purposes of
3 conducting business. The council shall be subject to the provisions of the Kentucky
4 Open Records Act, as set forth in KRS 61.870 to 61.884.

5 (8) The Employment First Council shall meet quarterly, upon the call of the chair, or at
6 the request of the secretary of the Education and Labor Cabinet. The council shall
7 receive assistance in carrying out its administrative functions from the Department
8 of Workforce Development and shall be attached to the Education and Labor
9 Cabinet for administrative purposes.

10 ➔Section 70. KRS 207.200 is amended to read as follows:

11 (1) The Kentucky Department of Workplace Standards is authorized to enforce the
12 employment provisions of KRS 207.130 to 207.240 in conjunction with the State
13 Attorney General's office and the state and local courts.

14 (2) Any individual with a disability requesting the intervention of the Kentucky
15 Department of Workplace Standards under this section shall, within one hundred
16 and eighty (180) days of the alleged incident, submit with his request a signed,
17 sworn statement specifying and describing the disability or disabilities which affect
18 him. This statement may be used by the commissioner of workplace standards or
19 his representative to determine if the individual does, or does not, have a "physical
20 disability" as defined in KRS 207.130(2). If the commissioner of workplace
21 standards or his representative determines that the aggrieved individual does have a
22 disability which falls under the definition in KRS 207.130(2), the Department of
23 Workplace Standards shall provide a copy of the aggrieved individual's signed
24 statement to the employer for his inspection.

25 (3) In the event the employer wishes to challenge the validity of the statement, he shall
26 so notify the commissioner of workplace standards, who shall in turn notify the
27 aggrieved individual. If the aggrieved individual wishes the Department of

- 1 Workplace Standards to continue its involvement with the case, he shall be required
2 to submit to the commissioner of workplace standards, within thirty (30) days of
3 such notice, a signed, sworn statement from a licensed physician of his choice, or
4 from one of the state or federal agencies serving individuals with disabilities:
- 5 (a) Specifying and describing the disability or disabilities affecting the individual;
6 and
- 7 (b) Indicating any specific type of employment for which such disability should
8 be considered a bona fide or necessary reason for limitation or exclusion.
- 9 (4) (a) The state agencies which may be consulted under subsection (3) of this
10 section may include, but are not limited to, the following:
- 11 1. Department of Education, Office of Vocational Rehabilitation Services;
12 2. Cabinet for Health and Family Services, Department for Public Health;
13 3. Education and Labor Cabinet~~[for Health and Family Services,~~
14 ~~Department for Income Support]~~.
- 15 (b) The commissioner of workplace standards, in conjunction with the agencies
16 designated in this subsection, is authorized to adopt appropriate regulations
17 governing the issuance and setting the standards of determinations of ability
18 or disability;
- 19 (c) The agencies designated in this subsection, and any other state agency which
20 serves individuals with disabilities and which the commissioner of workplace
21 standards deems proper, shall cooperate to the fullest with the Department of
22 Workplace Standards in issuing a statement of disability and limitations as
23 specified in subsection (3) of this section within twenty (20) days of the date
24 the individual with a disability presents himself before such agency for
25 examination.
- 26 (5) (a) For the purposes of KRS 207.130 to 207.240, the commissioner of workplace
27 standards, or his authorized representative, shall have the power to enter the

1 place of employment of any employer, labor organization, or employment
2 agency to inspect and copy employment records, to compare character of
3 work and operations on which persons employed by him are engaged, to
4 question such persons, and to obtain such other information as is reasonably
5 necessary to make a preliminary determination that the aggrieved individual
6 is, or is not, fully capable of carrying out the duties of the job which he or she
7 had been denied;

8 (b) In the event that a preliminary determination is made that the aggrieved
9 individual is not fully capable of carrying out the duties of the job which he or
10 she had been denied, the aggrieved individual and the employer shall both be
11 so advised;

12 (c) The aggrieved individual, within ten (10) days of receiving such notification,
13 may file with the Department of Workplace Standards an application for
14 reconsideration of the determination. Upon such application, the
15 commissioner of workplace standards or his representative shall make a new
16 determination within ten (10) days whether the aggrieved individual is, or is
17 not, fully capable of carrying out the duties of the job which he or she had
18 been denied. If the determination is again made that the aggrieved individual
19 is not fully capable of carrying out these duties, the aggrieved individual and
20 the employer shall both be so advised;

21 (d) In the event that a preliminary determination has been made that the aggrieved
22 individual is fully capable of carrying out the duties of the job which he or she
23 had been denied, the employer, labor organization, or employment agency
24 shall be so advised and encouraged to make an immediate offer to the
25 aggrieved individual of the position which he or she had been denied. In the
26 event the position has already been filled, the employer, labor organization, or
27 employment agency shall be encouraged to make an offer to the aggrieved

1 individual of the next available position for which he or she is qualified.

2 ➔Section 71. KRS 194A.570 is repealed, reenacted as a new section of KRS
3 Chapter 151B, and amended to read as follows:

4 Serve Kentucky is created and shall be attached to the Education and Labor Cabinet~~for~~
5 ~~Health and Family Services~~ for oversight, technical, and administrative support
6 purposes. A director and other appropriate staff shall be hired by Serve Kentucky when
7 federal funds become available.

8 ➔Section 72. KRS 194A.572 is repealed and reenacted as a new section of KRS
9 Chapter 151B to read as follows:

10 Serve Kentucky shall initially consist of twenty-five (25) voting members who shall be
11 appointed by the Governor. Membership on Serve Kentucky shall be for a three (3) year
12 term, with the exception that initially one third (1/3) of the members shall serve for a
13 term of one (1) year, one-third (1/3) of the members shall serve for a term of two (2)
14 years, and one-third (1/3) of the members shall serve for a term of three (3) years. After
15 the first six (6) months of operations, the Governor reserves the option to request Serve
16 Kentucky to submit recommendations for any additional members deemed necessary to
17 balance Serve Kentucky's perspective, provided that Serve Kentucky's membership does
18 not exceed twenty-five (25). Serve Kentucky shall annually select from its membership a
19 chair to serve for a term of one (1) year.

20 ➔Section 73. KRS 194A.575 is repealed and reenacted as a new section of KRS
21 Chapter 151B to read as follows:

22 The purpose of Serve Kentucky is to engage in statewide strategic planning, establish
23 relevant policies, provide administrative oversight, and promote programs and strengthen
24 the service ethic among the Commonwealth's citizens by facilitating the development of
25 strategic programs that enable citizens to address serious societal problems including, but
26 not limited to, education reform through service to local communities.

27 ➔Section 74. KRS 194A.578 is repealed and reenacted as a new section of KRS

1 Chapter 151B to read as follows:

2 Serve Kentucky shall:

- 3 (1) Develop a strategic plan for service in Kentucky which covers a three (3) year
4 period, and supporting efforts to achieve the goals of this plan. The plan shall be
5 updated annually;
- 6 (2) Oversee and submit Kentucky's annual applications to the Corporation for National
7 Service, the federal funding authority, and other funding sources for the
8 continuation and any expansion of the current Kentucky Serve initiative;
- 9 (3) Conduct a competitive application process to determine the organizations that will
10 be awarded subgrants to operate national service programs;
- 11 (4) Fulfill any other responsibilities required by the Corporation for National Service
12 and other funding sources; and
- 13 (5) Promulgate administrative regulations pursuant to KRS Chapter 13A to establish
14 operational guidelines for Serve Kentucky.

15 ➔Section 75. KRS 403.212 is amended to read as follows:

- 16 (1) The following provisions and child support table shall be the child support
17 guidelines established for the Commonwealth of Kentucky.
- 18 (2) The Cabinet for Health and Family Services shall:
- 19 (a) Promulgate an administrative regulation in accordance with KRS Chapter
20 13A establishing a child support obligation worksheet; and
- 21 (b) Make accessible on its Web site a manual providing examples or illustrations
22 of the application of the child support guidelines and the child support
23 obligation worksheet.
- 24 (3) For the purposes of the child support guidelines:
- 25 (a) "Income" means actual gross income of the parent if employed to full capacity
26 or potential income if unemployed or underemployed;
- 27 (b) "Gross income" includes income from any source, except as excluded in this

1 subsection, and includes but is not limited to income from salaries, wages,
2 retirement and pension funds, commissions, bonuses, dividends, severance
3 pay, pensions, interest, trust income, annuities, capital gains, Social Security
4 benefits, workers' compensation benefits, unemployment insurance benefits,
5 disability insurance benefits, Supplemental Security Income (SSI), gifts,
6 prizes, and alimony or maintenance received. Specifically excluded are
7 benefits received from means-tested public assistance programs, including but
8 not limited to public assistance as defined under Title IV-A of the Federal
9 Social Security Act, and food stamps;

- 10 (c) For income from self-employment, rent, royalties, proprietorship of a
11 business, or joint ownership of a partnership or closely held corporation,
12 "gross income" means gross receipts minus ordinary and necessary expenses
13 required for self-employment or business operation. Straight-line
14 depreciation, using Internal Revenue Service (IRS) guidelines, shall be the
15 only allowable method of calculating depreciation expense in determining
16 gross income. Specifically excluded from ordinary and necessary expenses for
17 purposes of this guideline shall be investment tax credits or any other business
18 expenses inappropriate for determining gross income for purposes of
19 calculating child support. Income and expenses from self-employment or
20 operation of a business shall be carefully reviewed to determine an
21 appropriate level of gross income available to the parent to satisfy a child
22 support obligation. In most cases, this amount will differ from a determination
23 of business income for tax purposes. Expense reimbursement or in-kind
24 payments received by a parent in the course of employment, self-employment,
25 or operation of a business or personal use of business property or payments of
26 expenses by a business, shall be counted as income if they are significant and
27 reduce personal living expenses such as a company or business car, free

1 housing, reimbursed meals, or club dues;

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

7 (e) 1. If there is a finding that a parent is voluntarily unemployed or
8 underemployed, child support shall be calculated based on a
9 determination of potential income, except that a finding of voluntary
10 unemployment or underemployment and a determination of potential
11 income shall not be made for a parent who is incarcerated, physically or
12 mentally incapacitated, or is caring for a very young child, age three (3)
13 or younger, for whom the parents owe a joint legal responsibility;

14 2. A court may find a parent is voluntarily unemployed or underemployed
15 without finding that the parent intended to avoid or reduce the child
16 support obligation; and

17 3. Imputation of potential income, when applicable, shall include
18 consideration of the following circumstances of the parents, to the extent
19 known:

20 a. Assets and residence;

21 b. Employment, earning history, and job skills;

22 c. Educational level, literacy, age, health, and criminal record that
23 could impair the ability to gain or continue employment;

24 d. Record of seeking work;

25 e. Local labor market, including availability of employment for
26 which the parent may be qualified and employable;

27 f. Prevailing earnings in the local labor market; and

- 1 g. Other relevant background factors, including employment barriers;
- 2 (f) "Obligor" has the same meaning as in Section 8 of this Act~~[KRS 205.710]~~;
- 3 (g) "Imputed child support obligation" means the amount of child support the
- 4 parent would be required to pay from application of the child support
- 5 guidelines;
- 6 (h) Income statements of the parents shall be verified by documentation of both
- 7 current and past income. Suitable documentation shall include, but shall not
- 8 be limited to, income tax returns, paystubs, employer statements, or receipts
- 9 and expenses if self-employed;
- 10 (i) "Combined monthly adjusted parental gross income" means the combined
- 11 monthly gross incomes of both parents, less any of the following payments
- 12 made by the parent:
- 13 1. The amount of pre-existing orders for current maintenance for prior
- 14 spouses to the extent payment is actually made and the amount of
- 15 current maintenance, if any, ordered paid in the proceeding before the
- 16 court;
- 17 2. The amount of pre-existing orders of current child support for prior-born
- 18 children to the extent payment is actually made under those orders; and
- 19 3. A deduction for the support to the extent payment is made, if a parent is
- 20 legally responsible for and is actually providing support for other prior-
- 21 born children who are not the subject of a particular proceeding. If the
- 22 prior-born children reside with that parent, an "imputed child support
- 23 obligation" shall be allowed in the amount which would result from
- 24 application of the guidelines for the support of the prior-born children;
- 25 and
- 26 (j) "Split custody arrangement" means a situation where each parent has sole
- 27 custody and decision-making authority while the child or children is in his or

1 her residence. Visitation only occurs when the child is in residence with the
2 other parent.

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

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

9 (b) The child support obligation of an obligated parent whose monthly adjusted
10 gross income is equal to or less than the amounts in subparagraphs 1. to 5. of
11 this paragraph shall be calculated using the monthly adjusted gross income of
12 the obligated parent alone to provide for the self-support reserve. The
13 following monthly adjusted gross income amounts shall qualify an individual
14 for the self-support reserve:

- 15 1. One thousand one hundred dollars (\$1,100) with one (1) child;
- 16 2. One thousand three hundred dollars (\$1,300) with two (2) children;
- 17 3. One thousand four hundred dollars (\$1,400) with three (3) children;
- 18 4. One thousand five hundred dollars (\$1,500) with four (4) or five (5)
19 children; or
- 20 5. One thousand six hundred dollars (\$1,600) with six (6) or more children.

21 (c) The obligated parent shall pay the lesser support amount calculated in
22 accordance with:

- 23 1. Paragraph (a) of this subsection;
- 24 2. Paragraph (b) of this subsection; and
- 25 3. As determined under KRS 403.2121 if the shared parenting time credit
26 is applicable.

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

1 except as provided in KRS 403.2121(3).

2 (7) 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) The child support obligation in a split custody arrangement shall be calculated in
6 the following manner:

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

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

14 (9) 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
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24	200	60	60	60	60	60	60
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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 76. KRS 405.405 is amended to read as follows:

27 The definitions provided in **Section 8 of this Act** ~~KRS 205.710~~ shall be applicable to

1 KRS 405.430 to 405.530, unless the context requires otherwise.

2 ➔Section 77. KRS 407.5101 is amended to read as follows:

3 As used in KRS 407.5101 to 407.5902:

- 4 (1) "Child" means an individual, whether over or under the age of majority, who is or is
5 alleged to be owed a duty of support by the individual's parent or who is or is
6 alleged to be the beneficiary of a support order directed to the parent;
- 7 (2) "Child support order" means a support order for a child, including a child who has
8 attained the age of majority under the law of the issuing state or foreign country;
- 9 (3) "Convention" means the Convention on the International Recovery of Child
10 Support and Other Forms of Family Maintenance, concluded at The Hague on
11 November 23, 2007;
- 12 (4) "Duty of support" means an obligation imposed or imposable by law to provide
13 support for a child, spouse, or former spouse, including an unsatisfied obligation to
14 provide support;
- 15 (5) "Foreign country" means a country, including a political subdivision thereof, other
16 than the United States, that authorizes the issuance of support orders and:
- 17 (a) Which has been declared under the law of the United States to be a foreign
18 reciprocating country;
- 19 (b) Which has established a reciprocal arrangement for child support with this
20 state as provided in KRS 407.5308;
- 21 (c) Which has enacted a law or established procedures for the issuance and
22 enforcement of support orders which are substantially similar to the
23 procedures under KRS 407.5101 to 407.5902; or
- 24 (d) In which the Convention is in force with respect to the United States;
- 25 (6) "Foreign support order" means a support order of a foreign tribunal;
- 26 (7) "Foreign tribunal" means a court, administrative agency, or quasi-judicial entity of
27 a foreign country which is authorized to establish, enforce, or modify support orders

- 1 or to determine parentage of a child. The term includes a competent authority under
2 the Convention;
- 3 (8) "Home state" means the state or foreign country in which a child lived with a parent
4 or a person acting as parent for at least six (6) consecutive months immediately
5 preceding the time of filing of a petition or comparable pleading for support and, if
6 a child is less than six (6) months old, the state or foreign country in which the child
7 lived from birth with any of them. A period of temporary absence of any of them is
8 counted as part of the six (6) month or other period;
- 9 (9) "Income" includes earnings or other periodic entitlements to money from any
10 source and any other property subject to withholding for support under the law of
11 this state;
- 12 (10) "Income-withholding order" means an order or other legal process directed to an
13 obligor's employer as defined in Section 8 of this Act ~~KRS 205.710~~ or other debtor
14 to withhold support from the income of the obligor;
- 15 (11) "Initiating tribunal" means the tribunal of a state or foreign country from which a
16 petition or comparable pleading is forwarded or in which a petition or comparable
17 pleading is filed for forwarding to another state or foreign country;
- 18 (12) "Issuing foreign country" means the foreign country in which a tribunal issues a
19 support order or a judgment determining parentage of a child;
- 20 (13) "Issuing state" means the state in which a tribunal issues a support order or a
21 judgment determining parentage of a child;
- 22 (14) "Issuing tribunal" means the tribunal of a state or foreign country that issues a
23 support order or a judgment determining parentage of a child;
- 24 (15) "Law" includes decisional and statutory law and rules and regulations having the
25 force of law;
- 26 (16) "Obligee" means:
- 27 (a) An individual to whom a duty of support is or is alleged to be owed or in

- 1 whose favor a support order or a judgment determining parentage of a child
2 has been issued;
- 3 (b) A foreign country, state, or political subdivision of a state to which the rights
4 under a duty of support or support order have been assigned or which has
5 independent claims based on financial assistance provided to an individual
6 obligee in place of child support;
- 7 (c) An individual seeking a judgment determining parentage of the individual's
8 child; or
- 9 (d) A person that is a creditor in a proceeding under Article 7 of this chapter;
- 10 (17) "Obligor" means an individual, or the estate of a decedent that:
- 11 (a) Owes or is alleged to owe a duty of support;
- 12 (b) Is alleged but has not been adjudicated to be a parent of a child;
- 13 (c) Is liable under a support order; or
- 14 (d) Is a debtor in a proceeding under Article 7 of this chapter;
- 15 (18) "Outside this state" means a location in another state or a country other than the
16 United States, whether or not the country is a foreign country;
- 17 (19) "Person" means an individual, corporation, business trust, estate, trust, partnership,
18 limited liability company, association, joint venture, public corporation,
19 government or governmental subdivision, agency, or instrumentality, or any other
20 legal or commercial entity;
- 21 (20) "Record" means information that is inscribed on a tangible medium or that is stored
22 in an electronic or other medium and is retrievable in perceivable form;
- 23 (21) "Register" means to file in a tribunal of this state, a support order or judgment
24 determining parentage of a child issued in another state or foreign country;
- 25 (22) "Registering tribunal" means a tribunal in which a support order or judgment
26 determining parentage of a child is registered;
- 27 (23) "Responding state" means a state in which a petition or comparable pleading for

1 support or to determine parentage of a child is filed or to which a petition or
2 comparable pleading is forwarded for filing from another state or foreign country;

3 (24) "Responding tribunal" means the authorized tribunal in a responding state or
4 foreign country;

5 (25) "Spousal-support order" means a support order for a spouse or former spouse of the
6 obligor;

7 (26) "State" means a state of the United States, the District of Columbia, Puerto Rico,
8 the United States Virgin Islands, or any territory or insular possession under the
9 jurisdiction of the United States. The term includes an Indian nation or tribe;

10 (27) "Support enforcement agency" means a public official, governmental entity, or
11 private agency authorized to:

12 (a) Seek enforcement of support orders or laws relating to the duty of support;

13 (b) Seek establishment or modification of child support;

14 (c) Request determination of parentage;

15 (d) Attempt to locate obligors or their assets; or

16 (e) Request determination of the controlling child support order;

17 (28) "Support order" means a judgment, decree, decision, directive, or order, whether
18 temporary, final, or subject to modification, issued in a state or foreign country for
19 the benefit of a child, a spouse, or a former spouse, which provides for monetary
20 support, health care, arrearages, retroactive support, or reimbursement for financial
21 assistance provided to an individual obligee in place of child support. The term may
22 include related costs and fees, interest, income withholding, automatic adjustment,
23 reasonable attorney's fees, and other relief; and

24 (29) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized
25 to establish, enforce, or modify support orders or to determine parentage of a child.

26 ➔Section 78. KRS 45A.550 is amended to read as follows:

27 As used in KRS 45A.550 to 45A.554 and KRS 11A.130, unless the context requires

1 otherwise:

2 (1) "Privatize" means to contract out in order to procure the services of a private vendor
3 to provide a service that is similar to, and in lieu of, a service provided by state
4 employees of the privatizing agency;

5 (2) "Privatization contract" means an agreement or combination of a series of
6 agreements by which a private vendor agrees to provide services that are
7 substantially similar to, and in lieu of, services previously provided, in whole or in
8 part, by at least ten (10) permanent, full-time, budgeted employees of the state
9 agency. This term includes but is not limited to concession contracts. This term
10 does not include personal service contracts as defined in KRS 45A.690, contracts
11 entered into pursuant to KRS Chapter 176, 177, 178, 179, 180, or 181, Medicaid
12 provider contracts, architect and engineering contracts entered into pursuant to KRS
13 45A.800 to 45A.835, price contracts, construction contracts, or memoranda of
14 understanding or memoranda of agreements or program administration contracts
15 with the Cabinet for Human Resources, including contracts for child support
16 collections and enforcement with contracting officials as authorized by Section 9 of
17 this Act~~[KRS 205.712]~~; and

18 (3) "Services" shall not include administration and support functions of government.
19 "Administration and support functions" shall include, but not be limited to,
20 construction contracts, bond counsel and bond underwriting services, architect and
21 engineering services, price contracts, personal service contracts, and memoranda of
22 understanding and memoranda of agreement.

23 ➔Section 79. KRS 314.077 is amended to read as follows:

24 (1) Notwithstanding any provision of law to the contrary, upon receipt of a notice from
25 the Cabinet for Health and Family Services that a nurse is in violation of Section 9
26 of this Act~~[KRS 205.712]~~, the board shall issue an order suspending the nurse's
27 license. If the individual is an applicant for licensure, the board shall issue a denial

1 of licensure. The order shall constitute disciplinary action against the nurse or
2 individual.

3 (2) Suspension of a license or denial of licensure under subsection (1) of this section
4 shall continue until the Cabinet for Health and Family Services notifies the board
5 that the nurse or individual is no longer in violation of Section 9 of this Act ~~KRS~~
6 ~~205.712~~].

7 (3) A nurse shall not be entitled to a hearing before the board on a suspension of a
8 license in child support cases administered by the Cabinet for Health and Family
9 Services in accordance with 42 U.S.C. secs. 651 et seq.

10 (4) To reinstate a license suspended under this section, a nurse shall comply with all
11 reinstatement requirements.

12 ➔Section 80. KRS 403.090 is amended to read as follows:

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

22 (2) Except for those cases administered pursuant to 42 U.S.C. secs. 651 et seq., it shall
23 be the duty of the friend of the court to supervise and enforce the payment of sums
24 ordered or adjudged by the Circuit Court in divorce actions to be paid for the care
25 and maintenance of minor children. All persons who have been ordered or adjudged
26 by the court, in connection with divorce actions, to make payments for the care and
27 maintenance of children, shall, if so ordered by the court, make such payments to

1 the friend of the court. The friend of the court shall see that the payments, except
2 for those cases administered pursuant to 42 U.S.C. secs. 651 et seq., are properly
3 applied in accordance with the order or judgment. However, if the court so directs,
4 the payments may be made through the juvenile session of District Court of the
5 county; in such case the friend of the court shall render such assistance as may be
6 required in keeping records concerning such payments and in the enforcement of
7 delinquent payments, and the Circuit Court may direct that a designated amount or
8 portion of the funds appropriated by the fiscal court for expenses of the friend of the
9 court be paid to the juvenile session of District Court as reimbursement for the
10 expenses incurred by the juvenile session of District Court in connection with the
11 handling of such payments. The friend of the court shall promptly investigate all
12 cases where payments have become delinquent, and when necessary shall cause the
13 delinquent person to be brought before the court for the purpose of compelling
14 payment. The friend of the court shall ascertain the facts concerning the care,
15 custody, and maintenance of children for whom payments are being made, and shall
16 report to the court all cases in which the children are not receiving proper care or
17 maintenance, or in which the person having custody is failing to furnish proper
18 custody. He shall make such other reports to the court as the court may require.

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

23 (4) In any action for divorce where the parties have minor children, the friend of the
24 court, if requested by the trial judge, shall make such investigation as will enable
25 the friend of the court to ascertain all facts and circumstances that will affect the
26 rights and interests of the children and will enable the court to enter just and proper
27 orders and judgment concerning the care, custody, and maintenance of the children.

1 The friend of the court shall make a report to the trial judge, at a time fixed by the
2 judge, setting forth recommendations as to the care, custody, and maintenance of
3 the children. The friend of the court may request the court to postpone the final
4 submission of any case to give the friend of the court a reasonable time in which to
5 complete the investigation.

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

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

23 (7) Where a friend of the court is acting as a designee of the cabinet pursuant to KRS
24 Section 9 of this Act~~[205.712]~~ and an applicant for Title IV-D services pursuant to
25 Section 13 of this Act~~[KRS 205.721]~~ has requested a modification of an existing
26 child support order pursuant to a divorce or other judicial order, the friend of the
27 court shall seek the modification, providing all jurisdictional requirements are met.

1 The friend of the court's representation shall extend only for the limited purpose of
2 seeking a modification of an existing child support order consistent with the
3 provisions of KRS 403.212 or 403.2121.

4 (8) The fiscal court of any county which has authorized the appointment of a friend of
5 the court under this section shall, by resolution, fix a reasonable compensation for
6 the friend of the court and make a reasonable allowance for necessary expenses,
7 equipment, and supplies, payable out of the general fund of the county, upon
8 approval of the appointing judge or judges.

9 ➔Section 81. KRS 405.500 is amended to read as follows:

10 (1) Whenever Sections 12 to 45 of this Act~~[KRS 205.715 to 205.800]~~, 403.215,
11 405.405 to 405.520, 405.991(2), and 530.050 require delivery of a notice or other
12 communication in person or by certified mail, return receipt requested, receipt shall
13 be rebuttably presumed if the obligor or any other adult with apparent authority at
14 the obligor's address signs a receipt or if the obligor or other adult refuses to accept
15 the notice or communication.

16 (2) In the case of a notice to withhold and deliver property served on a person in
17 possession or control of property, receipt shall be rebuttably presumed if the person
18 to whom the order is directed signs or refuses to sign a receipt or if his employee,
19 agent or other adult with apparent authority signs or refuses to sign a receipt.

20 ➔Section 82. KRS 205.172 is amended to read as follows:

21 The Cabinet for Health and Family Services shall submit a report to the Legislative
22 Research Commission on efforts to implement KRS 205.1781, 205.193, 205.200,
23 205.5371, 205.5373, 205.5375, 205.5376, and Section 14 of this Act~~[205.725]~~ no later
24 than December 1, 2022, within one (1) year after July 14, 2022, and at any time thereafter
25 upon request from the Legislative Research Commission.

26 ➔Section 83. KRS 205.173 is amended to read as follows:

27 The Attorney General shall:

1 (1) On behalf of the Commonwealth of Kentucky, have jurisdiction to enforce this
2 chapter; and

3 (2) Bring an action against the Cabinet for Health and Family Services if any statutory
4 provisions are not fully implemented as required by KRS 205.178, 205.1781,
5 205.1783, 205.193, 205.200, 205.231, 205.232, 205.525, 205.5371, 205.5372,
6 205.5373, 205.5374, 205.5375, 205.5376, and Section 14 of this Act~~[205.725]~~ or
7 for any violation thereof.

8 ➔Section 84. KRS 205.191 is amended to read as follows:

9 For the purposes of KRS 205.178, 205.193, 205.200, 205.231, 205.232, 205.525, and
10 Section 14 of this Act~~[205.725]~~, unless context requires otherwise:

11 (1) "Cash assistance":

12 (a) Means cash benefits provided under this chapter, including via an electronic
13 benefit transfer card; and

14 (b) Does not include foster care payments, kinship care payments, fictive kin care
15 payments, or relative placement payments made by the cabinet; and

16 (2) "Public assistance" has the same meaning as in KRS 205.010 but does not include
17 foster care payments, kinship care payments, fictive kin care payments, or relative
18 placement payments made by the cabinet.

19 ➔Section 85. KRS 405.470 is amended to read as follows:

20 (1) The secretary may collect delinquent child support by issuing an order to withhold
21 and deliver earnings or property of any kind, real and personal, including booting of
22 vehicle in accordance with administrative regulations promulgated under Section
23 18 of this Act~~[KRS 205.745]~~, which the secretary has reason to believe are due,
24 owing or belonging to the parent.

25 (2) Fifty percent (50%) of the disposable earnings against which a support debt is
26 asserted shall be exempt and may be delivered to the obligor. The only other
27 exemptions allowed shall be those provided in KRS 427.060.

1 (3) The order shall continue to operate until the child support debt is paid in full and
2 shall take priority over all other debts and creditors of such debtor.

3 ➔Section 86. KRS 131.672 is amended to read as follows:

4 (1) To assist the department in the collection of delinquent taxes and debts owed to the
5 Commonwealth, the department shall implement and operate a financial institution
6 match system for the purpose of identifying and seizing the financial assets of
7 delinquent taxpayers and debtors as identified by the department. The provisions of
8 KRS 131.670 to 131.676 shall be applied uniformly to all financial institutions
9 within the Commonwealth holding accounts subject to levy as authorized by KRS
10 131.500 and shall not be implemented in any financial institution unless and until
11 the department is prepared to implement the system in ninety percent (90%) of all
12 financial institutions within a period of no longer than eighteen (18) months from
13 June 26, 2007, or unless the financial institution in which the system will be
14 implemented and the department agree, in writing, to implement the system sooner
15 in that financial institution.

16 (2) The department and the financial institution shall implement and operate the system
17 identified in subsection (1) of this section by use of the data match system operated
18 by the financial institution as required by Sections 30 to 31 of this Act ~~KRS~~
19 ~~205.772 and 205.774~~ for the purpose of administering the child support
20 enforcement programs of the Commonwealth.

21 (3) (a) When the department determines that the name, record address, and either
22 Social Security number or taxpayer identification number of an account with a
23 financial institution matches the name, record address, and either the Social
24 Security number or taxpayer identification number of a delinquent taxpayer or
25 debtor, a lien or levy shall, subject to the provisions of subsection (4) of this
26 section, arise against the assets in the account at the time of receipt of the
27 notice by the financial institution at which the account is maintained.

1 (b) The department shall provide notice of the following to the debtor or
2 delinquent taxpayer and the financial institution:

- 3 1. The match;
4 2. The lien or levy arising therefrom; and
5 3. The action to be taken to surrender or encumber the account with the
6 lien or levy for delinquent taxes.

7 Notice shall be provided to the debtor or delinquent taxpayer within two (2)
8 business days of the date the notice is sent to the financial institution.

9 (4) A financial institution ordered to surrender or encumber an account shall be entitled
10 to collect its normally scheduled account activity fees to maintain the account
11 during the period of time the account is seized or encumbered.

12 (5) A financial institution may charge an account levied on by the department a fee of
13 not more than twenty dollars (\$20), which may be deducted from the account prior
14 to remitting any funds to the department.

15 (6) The department shall bear the cost or, if paid by the delinquent taxpayer or debtor,
16 reimburse the delinquent taxpayer or debtor for any bank charges incurred as a
17 result of any erroneous lien or levy by the department, provided the erroneous lien
18 or levy was caused by department error and, prior to the issuance of the erroneous
19 lien or levy, the delinquent taxpayer or debtor timely responded to all contacts by
20 the department and provided information or documentation sufficient to establish
21 his or her position.

22 (7) The department shall promulgate administrative regulations to implement KRS
23 131.670 to 131.676.

24 (8) For purposes of this section, "financial institution" has the same meaning as
25 provided in Section 30 of this Act ~~[KRS 205.772]~~.

26 ➔Section 87. KRS 205.990 is amended to read as follows:

27 (1) Any person who violates any of the provisions of KRS 205.170 or subsections (1)

1 to (3) of KRS 205.175 shall be guilty of a Class A misdemeanor.

2 (2) Any person who violates subsection (4) of KRS 205.175 shall be guilty of a Class D
3 felony.

4 (3) Any person who willfully violates any of the provisions of KRS 205.310, or any
5 rule or regulation thereunder, shall be guilty of a Class B misdemeanor. Each
6 failure or violation shall constitute a separate offense.

7 (4) Any bank, savings and loan association, credit union, or other financial institution
8 which fails to comply with the provisions of subsection (1) of KRS 205.835 or
9 which submits fraudulent information to the cabinet shall be guilty of a Class A
10 misdemeanor.

11 (5) Any bank, savings and loan association, credit union, investment company, savings
12 institution, trust company, insurance or annuity company, pension or profit-sharing
13 trust company, or other financial institution failing to comply with provisions of
14 KRS 405.430(11) shall be subject to a penalty of five hundred dollars (\$500) for
15 each failure to comply.

16 (6) Any person or financial institution that fails to comply with the provisions of
17 Section 30 of this Act~~[KRS 205.772]~~ or any administrative regulation promulgated
18 under Section 30 of this Act~~[KRS 205.772]~~, within ninety (90) days after
19 notification by the cabinet shall, unless the failure is due to reasonable cause as
20 defined in KRS 131.010, be fined not less than one thousand dollars (\$1,000) and
21 no more than five thousand dollars (\$5,000) for each full month of noncompliance.
22 The fine shall begin on the first day of the month beginning after the expiration of
23 the ninety (90) days.

24 ➔Section 88. KRS 70.325 is amended to read as follows:

25 (1) Except as provided in subsection (2) of this section, for any constable or deputy
26 constable taking office after January 1, 2023, who was not a constable or deputy
27 constable in the preceding four (4) year term of office, the powers and duties of the

- 1 office of constable shall not include the general powers of a peace officer or police
2 officer. The powers and duties of the office of constable shall include:
- 3 (a) The specific powers and duties enumerated in this chapter;
 - 4 (b) The power to distrain for his or her fees or for that of other officers as
5 provided in KRS 64.400;
 - 6 (c) The power to take necessary steps to stop, prevent, or bring under control any
7 dog found chasing or molesting wild elk or deer at any time as provided in
8 KRS 150.390;
 - 9 (d) The power, in a county containing a city of the first class, to serve all forms of
10 legal process in any child support action as provided in Section 36 of this
11 Act~~[KRS 205.782]~~;
 - 12 (e) The power to sell property to satisfy a lien created by a taker-up of boats,
13 rafts, platforms, or timber as provided in KRS 364.020;
 - 14 (f) The power to serve a warrant to levy and seize upon the baggage and other
15 personal property of a guest for unpaid services to the keeper of a hotel, inn,
16 boarding house, or house of private entertainment as provided in KRS
17 376.350;
 - 18 (g) The power to enforce a lien for the care of livestock as provided in KRS
19 376.410;
 - 20 (h) The power to execute a warrant in actions regarding forcible entry or detainers
21 as provided in KRS 383.210 and 383.245;
 - 22 (i) The power to serve subpoenas issued by the Parole Board as provided in KRS
23 439.390; and
 - 24 (j) The power to take up vagrants, kill mad dogs, kill and bury a distempered
25 horse, ass, or mule, kill and bury cattle, and alter a stud, jackass, or bull as
26 provided in KRS 64.190.
- 27 (2) After January 1, 2023, no constable who is elected for the first time or a deputy

1 constable appointed pursuant to KRS 70.320 shall be granted the powers generally
2 applicable to peace officers and police officers unless the individual has been
3 certified and maintains his or her certification pursuant to KRS 15.380.

4 ➔Section 89. KRS 205.992 is amended to read as follows:

5 Any person violating the provisions of Section 37 of this Act~~[KRS 205.785]~~ shall be
6 fined not more than five hundred dollars (\$500) or be imprisoned in the county jail for
7 not more than one (1) year, or both.

8 ➔Section 90. The General Assembly hereby directs the Cabinet for Health and
9 Family Services Organizational Structure, Operations, and Administration Task Force to
10 continue through the interim of 2023.

11 ➔Section 91. The Department for Medicaid Services, Department for Aging and
12 Independent Living, and Department for Behavioral Health, Developmental and
13 Intellectual Disabilities shall identify and eliminate redundancies and barriers to
14 administering 1915(c) Medicaid waiver programs and issue a report containing its
15 findings, recommendations, and action plan to the Legislative Research Commission by
16 December 1, 2023.

17 ➔Section 92. The Office of Human Resource Management and the Personnel
18 Cabinet shall work together to identify the systemic barriers and redundancies that are
19 prohibiting an effective and timely hiring and onboarding process for prospective
20 employees. The Cabinet for Health and Family Services shall issue a report containing its
21 findings, recommendations, and action plan to the Legislative Research Commission by
22 December 1, 2023.

23 ➔Section 93. The Disability Determination Services program is currently within
24 the Department for Income Support, Cabinet for Health and Family Services. It shall be
25 moved to the Education and Labor Cabinet. The Education and Labor Cabinet and the
26 Cabinet for Health and Family Services shall inform the General Assembly by December
27 1, 2023, of any necessary legislative action that shall be taken to ensure the Education

1 and Labor Cabinet has legislative authority over the Disability Determination Services
2 program.

3 ➔Section 94. The Department for Aging and Independent Living administers the
4 Division of Adult Guardianship. The Division of Adult Guardianship shall be moved
5 from the Department for Aging and Independent Living and placed in, and administered
6 by, the Department for Community Based Services.