

CHAPTER 430**(SB 218)**

AN ACT relating to child support.

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

Section 1. KRS 154A.060 is amended to read as follows:

- (1) The corporation shall conduct and administer lottery games which will result in maximization of revenues to the Commonwealth of Kentucky while at the same time provide entertainment to its citizens. It shall be the duty of the corporation, its employees, and the members of the board to provide for the effective operation of lottery games which insure the integrity of the lottery and maintain the dignity of the Commonwealth and the general welfare of its citizens. The corporation, in pursuit of the attainment of the objectives and the purposes of this chapter, may:
 - (a) Sue and be sued in its corporate name;
 - (b) Adopt a corporate seal and a symbol;
 - (c) Hold copyrights, trademarks, and service marks, and enforce its rights with respect thereto;
 - (d) Appoint agents upon which process may be served;
 - (e) Enter into written agreements with one (1) or more other states for the operation, marketing, and promotion of a joint lottery or joint lottery games;
 - (f) Acquire real property and make improvements thereon. These acquisitions shall be reported to the Capital Projects and Bond Oversight Committee for its review and determination in accordance with KRS 45.750 to 45.810; and
 - (g) Make, execute, and effectuate any and all agreements or contracts including:
 1. Contracts for the purchase of such goods and services as are necessary for the operation and promotion of the state lottery. Proposed purchases of major items of equipment estimated to cost one hundred thousand dollars (\$100,000) or more and proposed purchases of items of equipment where the estimated contract price for all the items of equipment taken together is four hundred thousand dollars (\$400,000) or more shall be reported to the Capital Projects and Bond Oversight Committee for its review and determination in accordance with the provisions of KRS 45.750 to 45.810. A contract shall not be artificially divided to cause an estimated contract price to fall below the four hundred thousand dollar (\$400,000) threshold. Contracts for personal service shall be reviewed in accordance with KRS 45A.690 to 45A.725.
 2. Contracts to incur debt in its own name and enter into financing agreements with the Commonwealth, its own agencies, or with a commercial bank, excluding the authority to issue bonds.
- (2) The corporation shall:
 - (a) Supervise and administer the lottery in accordance with the provisions of this chapter and the administrative regulations adopted by the board;
 - (b) Submit monthly and annual reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing financial statements which include,

but are not limited to, disclosure of gross revenues, expenses, and net proceeds for the period;

- (c) Adopt by administrative regulation a system of continuous internal audits;
- (d) Maintain weekly or more frequent records of lottery transactions, including distribution of tickets to lottery retailers, revenues received, claims for prizes, prizes paid, and all other financial transactions of the corporation;
- (e) Adopt by administrative regulation a code of ethics for officers and employees of the corporation to carry out the standards of conduct established by the provisions of this chapter;~~and~~
- (f) Include capital projects, as defined in KRS 45.750(1)(f), which exceed the thresholds set forth in KRS 154A.060(1)(g)1. in the budget unit request submitted by the corporation to the Finance and Administration Cabinet pursuant to KRS 48.050. In the budget unit request submitted by the corporation, a contingency item for acquisition of the on-line central system, all related equipment, and any other equipment owned by vendors of the corporation relating to computer-generated lottery games from the corporation's vendors shall be stated separately from all other equipment. Further, if the identification of specific projects requiring the acquisition of equipment in the nature of computer systems, communications equipment and related peripheral devices, and operating system software cannot be ascertained with absolute certainty at the time the corporation is required to submit its budget unit request, the corporation shall be entitled to submit a general request for the equipment without individually identifying specific projects, together with a maximum amount to be allocated for the equipment, in the budget unit request; *and*
- (g) *The Kentucky Lottery Corporation and the Cabinet for Families and Children shall develop a system to allow the Kentucky Lottery Corporation to receive a list of delinquent child support obligors from the Cabinet for Families and Children on a monthly basis. The Kentucky Lottery Corporation shall withhold delinquent amounts from prizes of winners that appear on the list. This system shall be timely and shall not create an unavoidable delay in the payment of a lottery prize..*

SECTION 2. A NEW SECTION OF KRS 205.712 TO 205.800 IS CREATED 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 (3) of Section 5 of this Act shall be entered on forms adopted by the Administrative Office of the Courts after consultation with the Cabinet for Families and Children. 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 3. A NEW SECTION OF KRS 205.712 TO 205.800 IS CREATED TO READ AS FOLLOWS:

The Cabinet for Families and Children and the Revenue Cabinet shall work together to develop a system of information sharing for the effective and efficient collection of child support payments. Any requirement included in KRS Chapter 131, 205, 403, or 405 or any other law for

either cabinet for the confidentiality of individual personal and financial records shall not be violated in the process of this coordination.

SECTION 4. A NEW SECTION OF KRS 205.712 TO 205.800 IS CREATED TO READ AS FOLLOWS:

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

Section 5. KRS 205.712 is amended to read as follows:

- (1) The Division of Child Support Enforcement is established in the Cabinet for Families and Children.
- (2) The duties of the Division of Child Support Enforcement, or its designee, shall include:
 - (a) Serve as state agency authorized to administer Part D of Title IV of the Social Security Act, 42 U.S.C. secs. 651 to 669;
 - (b) Serve as the information agency as provided in the Uniform Interstate Family Support Act, KRS Chapter 407;
 - (c) Serve as collector of all court-ordered or administratively ordered child support payments pursuant to Part D of Title IV of the Social Security Act;
 - (d) Serve as the agent for enforcement of international child support obligations, and respond to requests from foreign reciprocating countries;
 - (e) Establish and enforce an obligation upon receipt of a completed, notarized voluntary acknowledgment-of-paternity form;
 - (f) Enforce Kentucky child support laws, including collection of court-ordered or administratively ordered child support arrearages and prosecution of persons who fail to pay child support;
 - (g) Publicize the availability of services and encourage the use of these services for establishing paternity and child support;
 - (h) Pay the cost of genetic testing to establish paternity, subject to recoupment from the alleged father, when paternity is administratively or judicially determined; and obtain additional testing when an original test is contested, upon request and advance payment by the contestant;
 - (i) Establish child support obligations and seek modification of judicially or administratively established child support obligations in accordance with the child support guidelines of the Commonwealth of Kentucky as provided under KRS 403.212;
 - (j) Administratively establish child support orders which shall have the same force and effect of law;

- (k) Issue an administrative subpoena to secure public and private records of utility and cable companies and asset and liability information from financial institutions for the establishment, modification, or enforcement of a child support obligation;
 - (l) Impose a penalty for failure to comply with an administrative subpoena;
 - (m) Provide notices, copies of proceedings, and determinations of support amounts to any parties or individuals who are applying for or receiving Title IV-D services, or who are parties to cases in which Title IV-D services are being provided;
 - (n) Issue interstate administrative subpoenas to any individual or entity for financial or other information or documents which are needed to establish, modify, or enforce a child support obligation pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. secs. 651 et seq. An administrative subpoena lawfully issued in another state to an individual or entity residing in this state shall be honored and enforced in the Circuit Court where the individual or entity resides; and
 - (o) May promulgate administrative regulations to implement this section and adopt forms or implement other requirements of federal law relating to interstate administrative subpoenas.
- (3) Effective September 30, 1999, the cabinet shall establish a system to receive and process all child support payments. The system shall include existing computer systems to record the payments. The automated system shall include a state case registry that contains records with respect to each case in which services are being provided by the cabinet and each child support order established or modified in the state on or after October 1, 1998.
- (4) The cabinet shall establish and operate a state disbursement unit for the collection, disbursement, and recording of payments under support orders for all Title IV-D cases and for all cases initially issued in the state on or after January 1, 1994, in which a wage withholding has been court-ordered or administratively ordered, pursuant to Part D of Title IV of the Social Security Act. Establishment of the state unit may include the designation and continuation of existing local collection units to aid efficient and effective collection, disbursement, and recording of child support payments.
- (5) After the establishment of the disbursement unit child support collection system, the cabinet or its designee shall serve as collector of all court-ordered or administratively ordered child support payments pursuant to Part D of Title IV of the Social Security Act.
- (6) Where establishment of paternity and enforcement and collection of child support is by law the responsibility of local officials, the cabinet shall refer cases to the appropriate official for such action. The cabinet may enter into cooperative arrangements with appropriate courts and law enforcement officials to assist the cabinet in administering the program of child support recovery, including the entering into of financial arrangements with such courts and officials as provided for under the provisions of federal law and regulations. The local county attorney shall be considered the designee of the cabinet for purposes of administering the program of child support recovery within a county, subject to the option of the county attorney to decline such designation. Nothing in this section shall prevent the secretary from taking such action, with prior written notice, as appropriate if the terms and conditions of the cooperative agreement are not met. When a cooperative agreement with a contracting official is canceled for good cause, the cabinet may not offer that cooperative agreement to that official during the official's tenure.

- (7) Where the local county attorney, friend of the court, domestic relations agent, or other designee of the cabinet has been contracted for the purpose of administering child support enforcement pursuant to Title IV-D of the Social Security Act, the contracting official shall be deemed to be representing the cabinet and as such does not have an attorney-client relationship with the applicant who has requested services pursuant to Title IV-D of the Social Security Act nor with any dependent on behalf of the individuals for whom services are sought.
- (8) The cabinet shall determine the name of each obligor who owes an arrearage of at least five thousand dollars (\$5,000). After notification to the obligor owing an arrearage amount of five thousand dollars (\$5,000), the cabinet shall transmit to the United States secretary of health and human services the certified names of the individuals and supporting documentation for the denial, revocation, or limitation of the obligor's passport. The cabinet shall notify the identified obligor of the determination and the consequences and provide an opportunity to contest the determination.
- (9) The cabinet shall determine the name of an obligor owing an arrearage and shall indefinitely deny, suspend, or revoke a license or certification that has been issued if the person has a child support arrearage that equals or exceeds the amount that would be owed after *six (6) months* ~~one (1) year~~ of nonpayment or fails, after receiving appropriate notice, to comply with subpoenas or warrants relating to paternity or child support proceedings as provided by 42 U.S.C. sec. 666(a)(16).
- (10) The cabinet shall forward the name of the individual to a board of licensure or board of certification for the notification of the denial, revocation, or suspension of a driver's license, professional license or certification, occupational license or certification, recreational license, or sporting license.
- (11) The denial or suspension shall remain in effect until the child support arrearage has been eliminated or payments on the child support arrearage are being made in accordance with a court or administrative order, the person complies with the subpoena or warrant relating to paternity or child support proceedings, or the appeal of the denial or suspension is upheld and the license is reinstated.
- (12) Except for cases administered by the cabinet under 42 U.S.C. secs. 651 et seq. which shall be afforded the appeal process set forth by KRS 405.450(3), an individual who has a license or certification denied, revoked, or suspended shall have the right to appeal to the licensing or certifying board.
- (13) A dispute hearing shall be conducted by the cabinet in accordance with KRS 405.450. The only basis for a dispute hearing shall be a mistake in fact.
- (14) The cabinet shall in its discretion enter into agreements with financial institutions doing business in the Commonwealth to develop and operate, in coordination with the financial institutions, a data match system. The financial institution shall be required to provide identifying information for each obligated parent who maintains an account at the institution and owes an arrearage, and who shall be identified by the cabinet. Assets held by the institutions on behalf of any obligated parent who is subject to a child support lien pursuant to KRS 205.745 shall be encumbered or surrendered in response to a notice of lien or levy issued by the cabinet. The cabinet may pay a reasonable fee to a financial institution for conducting the data match, not to exceed the actual cost. The financial institution shall not be

liable for encumbering or surrendering any assets held by the financial institution in response to a notice of lien or levy issued by the cabinet or for any other action taken in good faith to comply with the requirements of this subsection.

- (15) The cabinet may issue both intrastate and interstate administrative subpoenas to any individual or entity for financial or other information or documents that are needed to establish, modify, or enforce a child support obligation pursuant to Title IV-D of the Social Security Act, 42 U.S.C. secs. 651 et seq. An administrative subpoena lawfully issued in another state to an individual or entity in this state shall be honored and enforced in the Circuit Court of the county in which the individual or entity resides.
- (16) *The Cabinet for Families and Children shall forward to the Office of the Attorney General a list of names of delinquent obligors, and in cooperation with the Office of the Attorney General, shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement Section 16 of this Act.*
- (17) *The 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.*
- (18) *The cabinet shall prepare and distribute to the 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.*
- (19) *The 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 6. KRS 205.745 is amended to read as follows:

- (1) A child support lien or levy in favor of the cabinet shall be enforceable against all real and personal property of the obligor if he has failed to make child support payment in an amount equal to support payable for one (1) month and the child support has been assigned to the cabinet. In accordance with subsection (4) of this section, the lien or levy shall have first priority over any other lien assigned by any other agency, association, or corporation.
- (2) The cabinet shall file a notice of lien or levy with the county clerk of any county or counties in which the obligor has interest in property and the notice shall be recorded in the same manner as notices of lis pendens. The recordation shall constitute notice of both the original amount of child support due and all subsequent amounts due by the same obligor. Upon request, an authorized agent of the cabinet shall disclose the specific amount of liability to any interested party legally entitled to the information. The notice, when so filed, shall be

conclusive to all persons of the lien or levy on the property having legal situs in that county. The lien or levy shall commence as to property of the obligor located in the Commonwealth at the time the notice is filed and shall continue until the original amount of child support due and any subsequent amounts, including interest, penalties, or fees, are fully paid. The lien or levy shall attach to all interest in real and personal property in the Commonwealth, then owned or subsequently acquired by the obligor. The clerk shall be entitled to a fee pursuant to KRS Chapter 64.

- (3) The cabinet may force the sale of the property of the parent subject to the lien or levy for the payment of assigned child support, and distribute the proceeds in accordance with 42 U.S.C. secs. 651 et seq.
- (4) The cabinet's lien or levy shall be superior to any mortgage or encumbrance created after the notice of lien or levy is recorded. The cabinet shall give full faith and credit to child support liens or levies created in other states without requirement of judicial notice or proceedings prior to enforcement, but the liens or levies shall subordinate to any child support lien or levy of the cabinet that relates to the same obligor and property.
- (5) The cabinet shall not enforce the lien by foreclosure action on a principal residence of an obligor if to do so would deprive a minor child of the obligor of a homestead, unless the failure to enforce the lien by foreclosure would result in the loss of the home of the minor child of the custodial parent.
- (6) In the event another lienholder initiates a foreclosure action against the property of the obligor, the cabinet may protect its interest in the property by filing an answer counterclaim and cross-claim and participate in the proceeds of any sale of the property as its interests may appear.
- (7) The cabinet shall notify the obligor of the filing of its claim of lien or levy and the opportunity to contest and appeal the action in accordance with the requirements of KRS Chapter 13B.
- (8) Liens or levies resulting from actions provided by this section shall be inapplicable to an account maintained at a financial institution that is or may be subject to the data match system established by KRS 205.774, and is subordinate to any prior lien, levy, or security interest perfected by a financial institution or other legitimate lien or levy holder.
- (9) ***The cabinet may, after application to and approval of the Circuit Court, enforce the lien by the immobilization with vehicle boots of a vehicle registered in the obligor's name. The cabinet shall establish procedures for vehicle booting by the promulgation of administrative regulations in accordance with the provisions of KRS Chapter 13A. The procedures shall require that the following conditions are verified before a vehicle is immobilized with a vehicle boot:***
 - (a) ***There is an arrearage that equals or exceeds six (6) months without payment;***
 - (b) ***The obligor has failed, after receiving appropriate notice, to comply with subpoenas or warrants relating to child support proceedings;***
 - (c) ***A lien has been filed in the county where the vehicle is kept;***
 - (d) ***The Department of Vehicle Regulation shows that the vehicle identification number for the vehicle to be booted is registered in the obligor's name;***
 - (e) ***The vehicle to be booted is solely owned by the obligor, co-owned by the obligor and current spouse, or owned by a business in which the obligor is the sole proprietor;***

- (f) *A notice of intent has been sent to the obligor, unless there is reason to believe that the obligor will leave town or hide the vehicle;*
- (g) *The obligor does not contact the cabinet within ten (10) days of notice to negotiate a settlement; and*
- (h) *A target date is set for booting.*

The administrative regulations shall also require that the cabinet send a cancellation notice to the obligor and the sheriff if a decision is made to terminate the booting of a vehicle. Once a vehicle has been booted, the cabinet shall attempt to reach a payment agreement with the obligor including terms for the release of the vehicle. If an agreement is not reached with the obligor, the cabinet may proceed with the sale of the vehicle. If the cabinet sells a vehicle, the cabinet shall notify the Department of Vehicle Regulation to issue clear title to the new owner of the vehicle. Section 7. KRS 205.755 is amended to read as follows:

- (1) Any payments of support made on behalf of a needy dependent child who is receiving public assistance shall be deposited by the cabinet in a manner prescribed by the secretary which is consistent with state and federal law and regulations. Distribution of any payments so made shall be made in a manner prescribed by the secretary which is consistent with state and federal law and regulations.
- (2) *The cabinet may establish a system to receive and process all child support payments using automated payment options including, but not limited to, telephone and personal computer payment methods.*

SECTION 8. A NEW SECTION OF KRS CHAPTER 248 IS CREATED TO READ AS FOLLOWS:

Before distribution of the funds, a list of individuals or entities that are awarded tobacco settlement moneys from the tobacco settlement agreement fund under KRS 248.654, or related state or federal legislation, shall be forwarded by the cabinet, agency, corporation, authority, or other entity responsible for the distribution of the moneys to all designees of the Cabinet for Families and Children for the administration of the child support program.

Section 9. KRS 403.212 is amended to read as follows:

- (1) The following provisions and child support table shall be the child support guidelines established for the Commonwealth of Kentucky.
- (2) For the purposes of the child support guidelines:
 - (a) "Income" means actual gross income of the parent if employed to full capacity or potential income if unemployed or underemployed.
 - (b) "Gross income" includes income from any source, except as excluded in this subsection, and includes but is not limited to income from salaries, wages, retirement and pension funds, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, Supplemental Security Income (SSI), gifts, prizes, and alimony or maintenance received. Specifically excluded are benefits received from means-tested public assistance programs, including but not limited to public assistance as defined under Title IV-A of the Federal Social Security Act, and food stamps.

- (c) For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, "gross income" means gross receipts minus ordinary and necessary expenses required for self-employment or business operation. Straight-line depreciation, using Internal Revenue Service (IRS) guidelines, shall be the only allowable method of calculating depreciation expense in determining gross income. Specifically excluded from ordinary and necessary expenses for purposes of this guideline shall be investment tax credits or any other business expenses inappropriate for determining gross income for purposes of calculating child support. Income and expenses from self-employment or operation of a business shall be carefully reviewed to determine an appropriate level of gross income available to the parent to satisfy a child support obligation. In most cases, this amount will differ from a determination of business income for tax purposes. Expense reimbursement or in-kind payments received by a parent in the course of employment, self-employment, or operation of a business or personal use of business property or payments of expenses by a business, shall be counted as income if they are significant and reduce personal living expenses such as a company or business car, free housing, reimbursed meals, or club dues.
- (d) If a parent is voluntarily unemployed or underemployed, child support shall be calculated based on a determination of potential income, except that a determination of potential income shall not be made for a parent who is physically or mentally incapacitated or is caring for a very young child, age three (3) or younger, for whom the parents owe a joint legal responsibility. Potential income shall be determined based upon employment potential and probable earnings level based on the obligor's or obligee's recent work history, occupational qualifications, and prevailing job opportunities and earnings levels in the community. A court may find a parent to be voluntarily unemployed or underemployed without finding that the parent intended to avoid or reduce the child support obligation.
- (e) "Imputed child support obligation" means the amount of child support the parent would be required to pay from application of the child support guidelines.
- (f) Income statements of the parents shall be verified by documentation of both current and past income. Suitable documentation shall include, but shall not be limited to, income tax returns, paystubs, employer statements, or receipts and expenses if selfemployed.
- (g) "Combined *monthly* adjusted parental gross income" means the combined *monthly* gross incomes of both parents, less any of the following payments made by the parent:
1. ~~The cost of health insurance coverage for the child;~~
 2. ~~The amount of pre-existing orders for current maintenance for prior spouses to the extent payment is actually made and the amount of current maintenance, if any, ordered paid in the proceeding before the court;~~
 2. ~~3.~~ The amount of pre-existing orders of current child support for prior-born children to the extent payment is actually made under those orders; and
 3. ~~4.~~ A deduction for the support to the extent payment is made, if a parent is legally responsible for and is actually providing support for other prior-born children who are not the subject of a particular proceeding. If the prior-born children reside with that parent, an "imputed child support obligation" shall be allowed in

the amount which would result from application of the guidelines for the support of the prior-born children.

(h) "Split custody arrangement" means a situation where each parent is the residential custodian for one (1) or more children for whom the parents share a joint legal responsibility.

- (3) The child support obligation set forth in the child support guidelines table shall be divided between the parents in proportion to their **combined monthly** adjusted **parental** gross income.
- (4) The child support obligation shall be the appropriate amount for the number of children in the table for whom the parents share a joint legal responsibility. The minimum amount of child support shall be sixty dollars (\$60) per month.
- (5) The court may use its judicial discretion in determining child support in circumstances where combined adjusted parental gross income exceeds the uppermost levels of the guideline table.
- (6) *The child support obligation in a split custody arrangement shall be calculated in 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 nonresidential custodian with the greater monthly obligation amount shall pay the difference between the obligation amounts, as determined by the worksheets, to the other parent.*
- (7) The child support guidelines table is as follows:

| COMBINED MONTHLY ADJUSTED PARENTAL GROSS INCOME | | | | | | | SIX |
|--|--------------|-----------------|---------------|--------------|---------------|--------------|-------------|
| | ONE CHILD | TWO CHILDREN | THREE MORE | FOUR \$ 0 | FIVE \$ 60 | SIX \$ 60 | OR \$ 60 |
| | \$ 60 | \$ 60 | | | | | \$ |
| 60 | \$ 60 | \$ 60 | | | | | |
| 100 | 60 | 60 | 60 | 60 | 60 | 60 | 60 |
| 200 | 70 | 70 | 70 | 70 | 70 | 70 | 70 |
| 300 | 80 | 80 | 80 | 80 | 80 | 80 | 80 |
| 400 | 90 | 90 | 90 | 90 | 90 | 90 | 90 |
| 500 | 100 | 105 | 110 | 115 | 120 | 125 | 125 |
| 600 | 120 | 125 | 130 | 135 | 140 | 145 | 145 |
| 700 | 140 | 156 | 161 | 166 | 171 | 176 | 176 |

| | | | | | | |
|-------|-----|-----|-------|-------|-------|-------|
| 800 | 160 | 203 | 208 | 213 | 218 | 223 |
| 900 | 180 | 261 | 266 | 271 | 276 | 281 |
| 1,000 | 195 | 303 | 325 | 330 | 335 | 340 |
| 1,100 | 212 | 324 | 384 | 389 | 394 | 399 |
| 1,200 | 229 | 346 | 433 | 446 | 451 | 456 |
| 1,300 | 246 | 367 | 460 | 504 | 510 | 515 |
| 1,400 | 262 | 392 | 491 | 554 | 576 | 582 |
| 1,500 | 277 | 417 | 522 | 588 | 642 | 650 |
| 1,600 | 293 | 437 | 548 | 618 | 674 | 717 |
| 1,700 | 308 | 458 | 574 | 647 | 706 | 755 |
| 1,800 | 322 | 478 | 599 | 675 | 736 | 788 |
| 1,900 | 336 | 495 | 620 | 699 | 763 | 816 |
| 2,000 | 350 | 512 | 642 | 723 | 789 | 844 |
| 2,100 | 364 | 529 | 663 | 747 | 815 | 872 |
| 2,200 | 376 | 546 | 684 | 771 | 841 | 900 |
| 2,300 | 389 | 563 | 706 | 795 | 868 | 928 |
| 2,400 | 401 | 580 | 727 | 819 | 894 | 956 |
| 2,500 | 413 | 597 | 749 | 843 | 920 | 984 |
| 2,600 | 424 | 614 | 770 | 867 | 946 | 1,012 |
| 2,700 | 435 | 630 | 790 | 889 | 970 | 1,038 |
| 2,800 | 445 | 646 | 809 | 911 | 994 | 1,064 |
| 2,900 | 455 | 662 | 829 | 934 | 1,019 | 1,090 |
| 3,000 | 465 | 677 | 849 | 956 | 1,043 | 1,116 |
| 3,100 | 475 | 693 | 868 | 978 | 1,067 | 1,142 |
| 3,200 | 485 | 709 | 888 | 1,001 | 1,092 | 1,168 |
| 3,300 | 495 | 725 | 908 | 1,023 | 1,116 | 1,194 |
| 3,400 | 506 | 741 | 928 | 1,045 | 1,140 | 1,220 |
| 3,500 | 516 | 757 | 947 | 1,067 | 1,164 | 1,246 |
| 3,600 | 526 | 773 | 967 | 1,090 | 1,189 | 1,272 |
| 3,700 | 536 | 790 | 988 | 1,113 | 1,215 | 1,299 |
| 3,800 | 548 | 808 | 1,011 | 1,139 | 1,243 | 1,329 |
| 3,900 | 559 | 826 | 1,033 | 1,164 | 1,270 | 1,359 |
| 4,000 | 571 | 844 | 1,056 | 1,190 | 1,298 | 1,388 |

| | | | | | | |
|-------|-----|-------|-------|-------|-------|-------|
| 4,100 | 580 | 862 | 1,078 | 1,215 | 1,326 | 1,418 |
| 4,200 | 592 | 880 | 1,101 | 1,240 | 1,353 | 1,448 |
| 4,300 | 603 | 898 | 1,123 | 1,266 | 1,381 | 1,477 |
| 4,400 | 615 | 916 | 1,146 | 1,291 | 1,409 | 1,507 |
| 4,500 | 626 | 933 | 1,161 | 1,316 | 1,435 | 1,535 |
| 4,600 | 636 | 949 | 1,181 | 1,338 | 1,459 | 1,561 |
| 4,700 | 647 | 964 | 1,200 | 1,360 | 1,483 | 1,586 |
| 4,800 | 657 | 980 | 1,220 | 1,381 | 1,507 | 1,612 |
| 4,900 | 667 | 995 | 1,239 | 1,403 | 1,531 | 1,637 |
| 5,000 | 676 | 1,010 | 1,257 | 1,424 | 1,554 | 1,661 |
| 5,100 | 686 | 1,025 | 1,275 | 1,444 | 1,576 | 1,685 |
| 5,200 | 695 | 1,039 | 1,294 | 1,465 | 1,599 | 1,709 |
| 5,300 | 705 | 1,054 | 1,312 | 1,486 | 1,621 | 1,733 |
| 5,400 | 714 | 1,069 | 1,330 | 1,506 | 1,644 | 1,757 |
| 5,500 | 724 | 1,083 | 1,348 | 1,527 | 1,666 | 1,781 |
| 5,600 | 733 | 1,098 | 1,367 | 1,548 | 1,689 | 1,805 |
| 5,700 | 743 | 1,113 | 1,385 | 1,568 | 1,712 | 1,829 |
| 5,800 | 753 | 1,127 | 1,403 | 1,589 | 1,734 | 1,853 |
| 5,900 | 762 | 1,142 | 1,421 | 1,610 | 1,757 | 1,877 |
| 6,000 | 772 | 1,157 | 1,440 | 1,630 | 1,779 | 1,901 |
| 6,100 | 781 | 1,171 | 1,458 | 1,651 | 1,802 | 1,926 |
| 6,200 | 791 | 1,186 | 1,476 | 1,672 | 1,824 | 1,950 |
| 6,300 | 800 | 1,198 | 1,498 | 1,690 | 1,844 | 1,970 |
| 6,400 | 808 | 1,209 | 1,511 | 1,705 | 1,860 | 1,988 |
| 6,500 | 816 | 1,219 | 1,524 | 1,720 | 1,876 | 2,005 |
| 6,600 | 823 | 1,230 | 1,538 | 1,735 | 1,893 | 2,023 |
| 6,700 | 830 | 1,240 | 1,551 | 1,750 | 1,909 | 2,040 |
| 6,800 | 837 | 1,251 | 1,564 | 1,764 | 1,925 | 2,058 |
| 6,900 | 844 | 1,261 | 1,577 | 1,779 | 1,942 | 2,075 |
| 7,000 | 851 | 1,272 | 1,591 | 1,794 | 1,958 | 2,093 |
| 7,100 | 858 | 1,282 | 1,604 | 1,809 | 1,975 | 2,110 |
| 7,200 | 865 | 1,293 | 1,617 | 1,824 | 1,991 | 2,127 |
| 7,300 | 872 | 1,303 | 1,630 | 1,839 | 2,007 | 2,145 |
| 7,400 | 879 | 1,313 | 1,644 | 1,854 | 2,024 | 2,162 |

| | | | | | | |
|--------|-------|-------|-------|-------|-------|-------|
| 7,500 | 885 | 1,324 | 1,657 | 1,869 | 2,040 | 2,179 |
| 7,600 | 891 | 1,333 | 1,668 | 1,881 | 2,053 | 2,194 |
| 7,700 | 896 | 1,342 | 1,679 | 1,893 | 2,066 | 2,208 |
| 7,800 | 901 | 1,350 | 1,691 | 1,905 | 2,079 | 2,223 |
| 7,900 | 907 | 1,359 | 1,702 | 1,917 | 2,093 | 2,238 |
| 8,000 | 912 | 1,368 | 1,713 | 1,929 | 2,106 | 2,252 |
| 8,100 | 917 | 1,377 | 1,724 | 1,941 | 2,119 | 2,267 |
| 8,200 | 922 | 1,386 | 1,736 | 1,953 | 2,133 | 2,281 |
| 8,300 | 928 | 1,395 | 1,747 | 1,965 | 2,146 | 2,296 |
| 8,400 | 933 | 1,404 | 1,758 | 1,977 | 2,159 | 2,311 |
| 8,500 | 938 | 1,413 | 1,769 | 1,989 | 2,173 | 2,325 |
| 8,600 | 944 | 1,421 | 1,780 | 2,002 | 2,186 | 2,340 |
| 8,700 | 949 | 1,430 | 1,792 | 2,014 | 2,199 | 2,354 |
| 8,800 | 954 | 1,437 | 1,800 | 2,024 | 2,210 | 2,366 |
| 8,900 | 958 | 1,444 | 1,809 | 2,033 | 2,220 | 2,376 |
| 9,000 | 962 | 1,450 | 1,817 | 2,042 | 2,230 | 2,387 |
| 9,100 | 966 | 1,457 | 1,825 | 2,052 | 2,241 | 2,398 |
| 9,200 | 971 | 1,463 | 1,833 | 2,061 | 2,251 | 2,408 |
| 9,300 | 975 | 1,470 | 1,842 | 2,070 | 2,261 | 2,419 |
| 9,400 | 979 | 1,476 | 1,850 | 2,079 | 2,271 | 2,430 |
| 9,500 | 983 | 1,483 | 1,858 | 2,089 | 2,281 | 2,440 |
| 9,600 | 988 | 1,489 | 1,866 | 2,098 | 2,291 | 2,451 |
| 9,700 | 992 | 1,496 | 1,874 | 2,107 | 2,301 | 2,461 |
| 9,800 | 996 | 1,502 | 1,883 | 2,117 | 2,311 | 2,472 |
| 9,900 | 1,000 | 1,508 | 1,891 | 2,126 | 2,321 | 2,483 |
| 10,000 | 1,005 | 1,515 | 1,899 | 2,165 | 2,331 | 2,493 |
| 10,400 | 1,022 | 1,541 | 1,932 | 2,202 | 2,372 | 2,536 |
| 10,500 | 1,027 | 1,548 | 1,940 | 2,212 | 2,382 | 2,546 |
| 10,600 | 1,032 | 1,554 | 1,948 | 2,221 | 2,392 | 2,557 |
| 10,700 | 1,036 | 1,561 | 1,956 | 2,230 | 2,402 | 2,567 |
| 10,800 | 1,040 | 1,567 | 1,965 | 2,240 | 2,412 | 2,578 |
| 10,900 | 1,044 | 1,573 | 1,973 | 2,249 | 2,422 | 2,589 |
| 11,000 | 1,049 | 1,580 | 1,981 | 2,258 | 2,432 | 2,599 |

| | | | | | | |
|--------|-------|-------|-------|-------|-------|-------|
| 11,100 | 1,053 | 1,587 | 1,989 | 2,268 | 2,443 | 2,610 |
| 11,200 | 1,058 | 1,593 | 1,997 | 2,277 | 2,453 | 2,620 |
| 11,300 | 1,062 | 1,600 | 2,005 | 2,286 | 2,463 | 2,631 |
| 11,400 | 1,066 | 1,606 | 2,013 | 2,295 | 2,473 | 2,642 |
| 11,500 | 1,070 | 1,613 | 2,021 | 2,305 | 2,483 | 2,652 |
| 11,600 | 1,075 | 1,619 | 2,029 | 2,314 | 2,493 | 2,663 |
| 11,700 | 1,079 | 1,626 | 2,037 | 2,323 | 2,503 | 2,673 |
| 11,800 | 1,084 | 1,633 | 2,046 | 2,333 | 2,513 | 2,684 |
| 11,900 | 1,088 | 1,639 | 2,054 | 2,342 | 2,523 | 2,695 |
| 12,000 | 1,093 | 1,646 | 2,062 | 2,351 | 2,533 | 2,705 |
| 12,100 | 1,097 | 1,653 | 2,070 | 2,361 | 2,544 | 2,716 |
| 12,200 | 1,102 | 1,659 | 2,078 | 2,370 | 2,554 | 2,726 |
| 12,300 | 1,106 | 1,666 | 2,086 | 2,379 | 2,564 | 2,737 |
| 12,400 | 1,110 | 1,672 | 2,094 | 2,388 | 2,574 | 2,748 |
| 12,500 | 1,114 | 1,679 | 2,102 | 2,398 | 2,584 | 2,758 |
| 12,600 | 1,119 | 1,685 | 2,110 | 2,407 | 2,594 | 2,769 |
| 12,700 | 1,123 | 1,692 | 2,118 | 2,416 | 2,604 | 2,779 |
| 12,800 | 1,128 | 1,699 | 2,127 | 2,426 | 2,614 | 2,790 |
| 12,900 | 1,132 | 1,705 | 2,135 | 2,435 | 2,624 | 2,801 |
| 13,000 | 1,137 | 1,712 | 2,143 | 2,444 | 2,634 | 2,811 |
| 13,100 | 1,141 | 1,719 | 2,151 | 2,454 | 2,645 | 2,822 |
| 13,200 | 1,146 | 1,725 | 2,159 | 2,463 | 2,665 | 2,832 |
| 13,300 | 1,150 | 1,732 | 2,167 | 2,472 | 2,665 | 2,843 |
| 13,400 | 1,154 | 1,738 | 2,175 | 2,481 | 2,675 | 2,854 |
| 13,500 | 1,158 | 1,745 | 2,183 | 2,491 | 2,685 | 2,864 |
| 13,600 | 1,163 | 1,751 | 2,191 | 2,500 | 2,695 | 2,875 |
| 13,700 | 1,167 | 1,758 | 2,199 | 2,509 | 2,705 | 2,885 |
| 13,800 | 1,172 | 1,765 | 2,208 | 2,519 | 2,715 | 2,896 |
| 13,900 | 1,176 | 1,771 | 2,216 | 2,528 | 2,725 | 2,907 |
| 14,000 | 1,181 | 1,778 | 2,224 | 2,537 | 2,735 | 2,917 |
| 14,100 | 1,185 | 1,785 | 2,232 | 2,547 | 2,746 | 2,928 |
| 14,200 | 1,190 | 1,791 | 2,240 | 2,556 | 2,756 | 2,938 |
| 14,300 | 1,194 | 1,798 | 2,248 | 2,565 | 2,766 | 2,949 |

| | | | | | | |
|--------|-------|-------|-------|-------|-------|-------|
| 14,400 | 1,198 | 1,804 | 2,256 | 2,574 | 2,776 | 2,960 |
| 14,500 | 1,202 | 1,811 | 2,264 | 2,584 | 2,786 | 2,970 |
| 14,600 | 1,207 | 1,817 | 2,272 | 2,593 | 2,796 | 2,981 |
| 14,700 | 1,211 | 1,824 | 2,280 | 2,602 | 2,806 | 2,991 |
| 14,800 | 1,216 | 1,831 | 2,289 | 2,612 | 2,816 | 3,002 |
| 14,900 | 1,220 | 1,837 | 2,297 | 2,621 | 2,826 | 3,013 |
| 15,000 | 1,225 | 1,844 | 2,305 | 2,630 | 2,836 | 3,023 |

Section 10. KRS 403.213 is amended to read as follows:

- (1) The Kentucky child support guidelines may be used by the parent, custodian, or agency substantially contributing to the support of the child as the basis for periodic updates of child support obligations and for modification of child support orders for health care. The provisions of any decree respecting child support may be modified only as to installments accruing subsequent to the filing of the motion for modification and only upon a showing of a material change in circumstances that is substantial and continuing.
- (2) Application of the Kentucky child support guidelines to the circumstances of the parties at the time of the filing of a motion or petition for modification of the child support order which results in equal to or greater than a fifteen percent (15%) change in the amount of support due per month shall be rebuttably presumed to be a material change in circumstances. Application which results in less than a fifteen percent (15%) change in the amount of support due per month shall be rebuttably presumed not to be a material change in circumstances. For the one (1) year period immediately following enactment of this statute, the presumption of material change shall be a twenty-five percent (25%) change in the amount of child support due rather than the fifteen percent (15%) stated above.
- (3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child shall be terminated by emancipation of the child unless the child is a high school student when he reaches the age of eighteen (18). In cases where the child becomes emancipated because of age, but not due to marriage, while still a high school student, the court-ordered support shall continue while the child is a high school student, but not beyond completion of the school year during which the child reaches the age of nineteen (19) years. Provisions for the support of the child shall not be terminated by the death of a parent obligated to support the child. If a parent obligated to pay support dies, the amount of support may be modified, revoked, or commuted to a lump-sum payment, to the extent just and appropriate in the circumstances. ***Emancipation of the child shall not terminate the obligation of child support arrearages that accrued while the child was an unemancipated minor.***
- (4) The child support guidelines table shall be reviewed at least once every four (4) years by a commission consisting of the following persons:
 - (a) The secretary of the Cabinet for Families and Children or a supervisory staff person designated by him;
 - (b) Two (2) members of the Kentucky Bar Association who have at least six (6) consecutive years' experience and are presently practicing domestic relations cases, one (1) member from a metropolitan or large urban area and one (1) member from a less populated area;

- (c) Two (2) Circuit Judges appointed by the Chief Justice of the Kentucky Supreme Court, one (1) from a metropolitan or large urban area, and one (1) from a less populated area;
 - (d) One (1) District Judge appointed by the Chief Justice of the Kentucky Supreme Court;
 - (e) Two (2) county attorneys appointed by the president of the County Attorneys Association, one (1) from a metropolitan or large urban area and one (1) from a less populated area; and
 - (f) The Attorney General or his designee, who shall be an attorney from his office.
- (5) The commission shall make a recommendation to the Kentucky General Assembly to ensure that the child support guidelines table results in a determination of appropriate child support amounts.

SECTION 11. A NEW SECTION OF KRS 405.405 TO 405.520 IS CREATED TO READ AS FOLLOWS:

- (1) *The Cabinet for Families and Children's designee under KRS 205.712(6) for the administration of child support may compile a list of the names of persons under its jurisdiction who have a child support arrearage that equals or exceeds six (6) months without payment, or fails, after receiving appropriate notice, to comply with subpoenas or warrants relating to paternity or child support proceedings as provided by 42 U.S.C. sec. 666(a)(16). The cabinet may furnish this list to the newspaper of general circulation in that county for publication.*
- (2) *The Division of Child Support Enforcement in the Cabinet for Families and Children shall determine uniform standards for publication. The cabinet is authorized to promulgate the necessary administrative regulations under KRS Chapter 13A to implement the provisions of this section.*
- (3) *For purposes of this section, "newspaper of general circulation" means a publication bearing a title or name, regularly issued at least as frequently as once a week for a definite price, having a second-class mailing privilege, being not less than four (4) pages, published continuously during the immediately preceding one (1) year period, which is published for the dissemination of news of general interest, and is circulated generally in the political subdivision in which it is published and in which notice is to be given. In any county where a publication fully complying with this definition does not exist, the Cabinet for Families and Children may publish this list in the publication utilized by the Circuit Court Clerk of the county for publication of other legal notices in the county. A newspaper that is not engaged in the distribution of news of general interest to the public, but that is primarily engaged in the distribution of news of interest to a particular group of citizens, is not a newspaper of general circulation.*

SECTION 12. A NEW SECTION OF KRS 405.405 TO 405.520 IS CREATED TO READ AS FOLLOWS:

The Kentucky Lottery Corporation and the Cabinet for Families and Children shall develop a system to allow the Kentucky Lottery Corporation to receive a list of delinquent child support obligors from the Cabinet for Families and Children on a monthly basis. The Kentucky Lottery Corporation shall withhold delinquent amounts from prizes of winners that appear on the list. This system shall be timely and shall not create an unavoidable delay in the payment of a lottery prize.

Section 13. KRS 405.430 is amended to read as follows:

- (1) When a parent presents himself to the cabinet for the voluntary establishment of paternity and clear evidence of parentage is not present, the cabinet shall pay when administratively ordered the cost of genetic testing to establish paternity, subject to recoupment from the alleged father when paternity is established.
- (2) The cabinet shall obtain additional testing in any case if an original test is contested, upon request and advance payment by the contestant.
- (3) In a contested paternity case, the child, the mother, and the putative father shall submit to genetic testing upon a request of any of the parties, unless the person or guardian of the person who is requested to submit to genetic testing shows good cause, taking into account the best interests of the child, why the genetic tests cannot be performed. The request shall be supported by a sworn statement of the party, requesting that the test be performed, which shall include the information required by 42 U.S.C. sec. 666(a)(5)(B)(i) or (ii).
- (4) When a parent who fails to support a child is not obligated to provide child support by court order, the cabinet may administratively establish a child support obligation based upon a voluntary acknowledgment of paternity as set forth in KRS Chapter 406, the parent's minimum monthly child support obligation and proportionate share of child care costs incurred due to employment or job search of either parent, or incurred while receiving elementary or secondary education, or higher education or vocational training which will lead to employment. The monthly child support obligation shall be determined pursuant to the Kentucky child support guidelines set forth in KRS 403.212. The actual cost of child care shall be reasonable and shall be allocated between the parents in the same proportion as each parent's gross income, as determined under the guidelines, bears to the total family gross income.
- (5) The cabinet shall recognize a voluntary acknowledgment of paternity as a basis for seeking a support order, irrespective of the alleged father's willingness to consent to a support order.
- (6) When in the best interest of the child, the cabinet may review and adjust a parent's child support obligation or child care obligation as established by the cabinet, upon a request of the cabinet when an assignment has been made, or upon either parent's petition if the amount of the child support awarded under the order differs from the amount that would be awarded in accordance with KRS 403.212. The cabinet shall notify parents at least once every three (3) years of the right to a review.
- (7) In establishing or modifying a parent's monthly child support obligation, the cabinet may use automated methods to identify orders eligible for review, conduct the review, identify orders eligible for adjustment, and apply the adjustment to eligible orders in accordance with KRS 403.212. The cabinet shall utilize information, including financial records, about the parent and child which it has good reason to believe is reliable and may require the parents to provide income verification.
- (8) In cases in which past-due support is owed for a child receiving public assistance under Title IV-A of the Federal Social Security Act, the cabinet shall issue an administrative order, or seek a judicial order, requiring the obligated parent to participate in work activities, ***or educational or vocational training activities for at least twenty (20) hours per week***, unless the parent is incapacitated as defined by 42 U.S.C. sec. 607.

- (9) The cabinet may disclose financial records only for the purpose of establishing, modifying, or enforcing a child support obligation of an individual. A financial institution shall not be liable to any individual for disclosing any financial record of the individual to the cabinet attempting to establish, modify, or enforce a child support obligation.
- (10) The cabinet may issue both intrastate and interstate administrative subpoenas to any individual or entity for financial or other information or documents which are needed to establish, modify, or enforce a child support obligation pursuant to Title IV-D of the Social Security Act, 42 U.S.C. secs. 651 et seq. An administrative subpoena lawfully issued in another state to an individual or entity residing in this state shall be honored and enforced in the Circuit Court of the county in which the individual or entity resides.
- (11) In any case where a person or entity fails to respond to a subpoena within the specified time frame, the cabinet shall impose a penalty.
- (12) No person shall knowingly make, present, or cause to be made or presented to an employee or officer of the cabinet any false, fictitious, or fraudulent statement, representation, or entry in any application, report, document, or financial record used in determining child support or child care obligations.
- (13) If a person knowingly or by reason of negligence discloses a financial record of an individual, that individual may pursue civil action for damages in a federal District Court or appropriate state court. No liability shall arise with respect to any disclosure which results from a good faith, but erroneous, interpretation. In any civil action brought for reason of negligence of disclosure of financial records, upon finding of liability on the part of the defendant, the defendant shall be liable to the plaintiff in an amount equal to:
 - (a) The sum of the greater of one thousand dollars (\$1,000) for each act of unauthorized disclosure of financial records; or
 - (b) The sum of the actual damages sustained by the plaintiff resulting from the unauthorized disclosure; plus
 - (c) If willful disclosure or disclosure was a result of gross negligence, punitive damages, plus the costs, including attorney fees, of the action.
- (14) ***The cabinet shall issue an administrative order or seek a judicial order requiring a parent with a delinquent child support obligation, as defined by administrative regulation promulgated under Section 16 of this Act, to participate in the program described in Section 4 of this Act to help low-income, noncustodial parents find and keep employment unless the parent is incapacitated as defined by 42 U.S.C. sec. 607.***

Section 14. KRS 405.470 is amended to read as follows:

- (1) The secretary may collect delinquent child support by issuing an order to withhold and deliver earnings or property of any kind, real and personal, ***including booting of vehicle in accordance with administrative regulations promulgated under Section 6 of this Act***, which the secretary has reason to believe are due, owing or belonging to the parent.
- (2) Fifty percent (50%) of the disposable earnings against which a support debt is asserted shall be exempt and may be delivered to the obligor. The only other exemptions allowed shall be those provided in KRS 427.060.

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

Section 15. KRS 403.160 is amended to read as follows:

- (1) In a proceeding for dissolution of marriage or for legal separation, or in a proceeding for disposition of property or for maintenance or support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, either party may move for temporary maintenance. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.
- (2)
 - (a) In a proceeding for dissolution of marriage, legal separation, or child support, either party, with notice to the opposing party, may move for temporary child support. The motion shall be accompanied by an affidavit setting forth the number of children of the marriage and the information required to calculate the combined adjusted parental gross income set forth in KRS 403.212(2)(~~h~~)(~~g~~), and the Social Security numbers of all parties subject to the motion. The court shall, within fourteen (14) days from the filing of said motion, order an amount of temporary child support based upon the child support guidelines as provided by law, and the ordered child support shall be retroactive to the date of the filing of the motion unless otherwise ordered by the court.
 - (b) Upon a showing of good cause, either party may move the court to enter an order for temporary child support without written or oral notice to the adverse party. After reviewing the affidavit required by paragraph (a) of this subsection, the court may issue a temporary child support order based upon the child support guidelines. The order shall provide that the order becomes effective seven (7) days following service of the order and movant's affidavit upon the adverse party unless the adverse party, within the seven (7) day period, files a motion for a hearing before the court. The motion for hearing shall be accompanied by the affidavit required by paragraph (a) of this subsection. Pending the hearing, the adverse party shall pay child support in an amount based upon the guidelines and the adverse party's affidavit. The child support order entered following the hearing shall be retroactive to the date of the filing of the motion for temporary support unless otherwise ordered by the court.
- (3) As part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit, either party may request the court to issue a temporary injunction or restraining order pursuant to the Rules of Civil Procedure.
- (4) If the court or agent of the court is made aware that there is reasonable evidence of domestic violence or child abuse, the court shall determine whether disclosure to any other person of the information could be harmful to the parent or child, and if the court determines that disclosure to any person could be harmful, the court and its agents shall not make the disclosure.
- (5) On the basis of the showing made and in conformity with KRS 403.200, the court may issue a temporary injunction or restraining order and an order for temporary maintenance in amounts and on terms just and proper in the circumstances.
- (6) A temporary order or temporary injunction:
 - (a) Does not prejudice the rights of the parties or the child which are to be adjudicated at subsequent hearings in the proceeding;

- (b) May be revoked or modified before final decree on a showing of the facts necessary to revocation or modification under the circumstances; and
- (c) Terminates when the final decree is entered or when the petition for dissolution or legal separation is voluntarily dismissed.

SECTION 16. A NEW SECTION OF KRS CHAPTER 15 IS CREATED TO READ AS FOLLOWS:

- (1) *The Office of the Attorney General shall receive from the Cabinet for Families and Children a list of names of delinquent obligors as defined in administrative regulations promulgated under this section.*
- (2) *The Office of the Attorney General in cooperation with the Cabinet for Families and Children shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section.*
- (3) *The Office of the Attorney General shall:*
 - (a) *Publish and update the list on an appropriate agency internet site; and*
 - (b) *Distribute to all designees of the cabinet for the administration of the child support program, a "most wanted" poster that includes names, and photos if available, of delinquent obligors whose whereabouts are unknown or unverified, or who if known, refuse to meet their child support obligations. The poster shall be posted locally by the designee of the cabinet for the administration of the child support program in public locations.*

Section 17. KRS 44.030 is amended to read as follows:

- (1) No money shall be paid to any person on a claim against the state in his own right, or as an assignee of another, when he or his assignor is indebted to the state. The claim, to the extent it is allowed, shall be credited to the account of the person so indebted, and if there is any balance due him after settling the whole demand of the state such balance shall be paid to him.
- (2) *The Finance and Administration Cabinet shall provide the Cabinet for Families and Children with a quarterly report of all tort claims made against the state by individuals that the Cabinet for Families and Children shall compare with the child support database to match individuals who have a child support arrearage and may receive a settlement from the state.*

Section 18. KRS 403.211 is amended to read as follows:

- (1) An action to establish or enforce child support may be initiated by the parent, custodian, or agency substantially contributing to the support of the child. The action may be brought in the county in which the child resides or where the defendant resides.
- (2) At the time of initial establishment of a child support order, whether temporary or permanent, or in any proceeding to modify a support order, the child support guidelines in KRS 403.212 shall serve as a rebuttable presumption for the establishment or modification of the amount of child support. Courts may deviate from the guidelines where their application would be unjust or inappropriate. Any deviation shall be accompanied by a written finding or specific finding on the record by the court, specifying the reason for the deviation.

- (3) A written finding or specific finding on the record that the application of the guidelines would be unjust or inappropriate in a particular case shall be sufficient to rebut the presumption and allow for an appropriate adjustment of the guideline award if based upon one (1) or more of the following criteria:
- (a) A child's extraordinary medical or dental needs;
 - (b) A child's extraordinary educational, job training, or special needs;
 - (c) Either parent's own extraordinary needs, such as medical expenses;
 - (d) The independent financial resources, if any, of the child or children;
 - (e) Combined **monthly adjusted parental gross**~~parental~~ income in excess of the Kentucky child support guidelines;
 - (f) The parents of the child, having demonstrated knowledge of the amount of child support established by the Kentucky child support guidelines, have agreed to child support different from the guideline amount. However, no such agreement shall be the basis of any deviation if public assistance is being paid on behalf of a child under the provisions of Part D of Title IV of the Federal Social Security Act; and
 - (g) Any similar factor of an extraordinary nature specifically identified by the court which would make application of the guidelines inappropriate.
- (4) "Extraordinary" as used in this section shall be determined by the court in its discretion.
- (5) When a party has defaulted or the court is otherwise presented with insufficient evidence to determine gross income, the court shall order child support based upon the needs of the child or the previous standard of living of the child, whichever is greater. An order entered by default or due to insufficient evidence to determine gross income may be modified upward and arrearages awarded from the date of the original order if evidence of gross income is presented within two (2) years which would have established a higher amount of child support pursuant to the child support guidelines set forth in KRS 403.212.
- (6) The court shall allocate between the parents, in proportion to their **combined monthly** adjusted **parental** gross income, reasonable and necessary child care costs incurred due to employment, job search, or education leading to employment, in addition to the amount ordered under the child support guidelines.
- (7) (a) ***If health care insurance coverage is reasonable and available at the time the request for coverage is made, the court shall allocate between the parents, in proportion to their combined monthly adjusted parental gross income, the cost of health care insurance coverage for the child, in addition to the support ordered under the child support guidelines.***
- (b) ***A parent, who has one hundred percent (100%) of the combined monthly adjusted parental gross income, shall be entitled to a reduction in gross income of the entire amount of premiums incurred and paid.***
- (c) The court shall order the cost of health care of the child to be paid by either or both parents of the child regardless of who has physical custody. The court order shall include:
- 1. A judicial directive designating which parent shall have financial responsibility for providing health care for the dependent child, which shall include, but not be

limited to, insurance coverage, payments of necessary health care deductibles or copayments; and

2. A statement providing that if the designated parent's health care coverage provides for covered services for dependent children beyond the age of majority, then any unmarried children up to twenty-five (25) years of age who are full-time students enrolled in and attending an accredited educational institution and who are primarily dependent on the insured parent for maintenance and support shall be covered.

~~(d)(b)~~ If health care insurance coverage is not reasonable and available at the time the request for the coverage is made, the court order shall provide for health care insurance coverage at the time it becomes reasonable and available.

- (8) The cost of extraordinary medical expenses shall be allocated between the parties in proportion to their **combined monthly** adjusted **parental** gross incomes. "Extraordinary medical expenses" means uninsured expenses in excess of one hundred dollars (\$100) per child per calendar year. "Extraordinary medical expenses" includes, but is not limited to, the costs that are reasonably necessary for medical, surgical, dental, orthodontal, optometric, nursing, and hospital services; for professional counseling or psychiatric therapy for diagnosed medical disorders; and for drugs and medical supplies, appliances, laboratory, diagnostic, and therapeutic services.
- (9) The court order shall include the Social Security numbers of all parties subject to a support order.
- (10) In any case administered by the Cabinet for Families and Children, if the parent ordered to provide health care coverage is enrolled through an insurer but fails to enroll the child under family coverage, the other parent or the Cabinet for Families and Children may, upon application, enroll the child.
- (11) In any case administered by the cabinet, information received or transmitted shall not be published or be open for public inspection, including reasonable evidence of domestic violence or child abuse if the disclosure of the information could be harmful to the custodial parent or the child of the parent. Necessary information and records may be furnished as specified by KRS 205.175.
- (12) In the case in which a noncustodial parent provides health care coverage, and changes employment, and the new employer provides health care coverage, the Cabinet for Families and Children shall transfer notice of the provision for coverage for the child to the employer, which shall operate to enroll this child in the noncustodial parent's health plan, unless the noncustodial parent contests the notice as specified by KRS Chapter 13B.
- (13) Notwithstanding any other provision of this section, any wage or income shall not be exempt from attachment or assignment for the payment of current child support or owed or to-be-owed child support.
- (14) ***A payment of money received by a child as a result of a parental disability shall be credited against the child support obligation of the parent. A payment shall not be counted as income to either parent when calculating a child support obligation. An amount received in excess of the child support obligation shall be credited against a child support arrearage owed by the parent that accrued subsequent to the date of the parental disability, but shall not be***

applied to an arrearage that accrued prior to the date of disability. The date of disability shall be as determined by the paying agency.

Section 19. Sections 1 to 17 of this Act may be cited as the Kentucky's Kids Come First Act of 2000.

Approved April 21, 2000