

CHAPTER 7

(HB 224)

AN ACT relating to the Kentucky National Guard.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 36 IS CREATED TO READ AS FOLLOWS:

- (1) *There is hereby established the Kentucky National Guard Adoption Assistance Program to be administered by the Kentucky Department of Military Affairs.*
- (2) *Any member of the Kentucky National Guard who finalizes a legal adoption procedure for the adoption of a child, other than the child of a spouse, on or after the effective date of this Act, shall be eligible to receive reimbursement from the military family assistance trust fund as provided in Section 2 of this Act for actual costs associated with the adoption of the child, including a child with special needs. For the purposes of this section a child with special needs means the same as defined in KRS 199.555(1).*
- (3) *The eligible member of the Kentucky National Guard shall receive:*
 - (a) *Up to five thousand dollars (\$5,000) in unreimbursed direct costs related to the adoption of a child with special needs; or*
 - (b) *Up to three thousand dollars (\$3,000) in unreimbursed direct costs related to the adoption of any other child.*
- (4) *Unreimbursed direct costs related to the adoption of a child with special needs or other child shall include:*
 - (a) *Licensed adoption agency fees;*
 - (b) *Legal fees;*
 - (c) *Medical costs;*
 - (d) *Court costs; and*
 - (e) *Other fees or costs associated with the child adoption in accordance with state and federal law and after review and approval by the court at the finalization of the adoption.*
- (5) *Application for financial assistance shall be made by submitting a completed Kentucky National Guard adoption assistance application to the adjutant general along with documentary evidence of:*
 - (a) *Finalization of the adoption; and*
 - (b) *Certification by the secretary of the Cabinet for Health and Family Services that the adopted child is a child with special needs, if reimbursement for special needs adoption is sought.*
- (6) *If both adoptive parents are members of the Kentucky National Guard, the application for financial assistance shall be made jointly and the amount of reimbursement shall be limited to that specified in subsection (2) of this section.*
- (7) *Upon approval of the application for financial assistance, the adjutant general shall dispense funds from the military family assistance trust fund to the eligible applicant.*
- (8) *The Department of Military Affairs shall promulgate administrative regulations in accordance with KRS Chapter 13A to carry out the provisions of this section.*

➔Section 2. KRS 36.474 is amended to read as follows:

- (1) During active duty of a regular member of the United States Armed Forces deployed outside the United States who names Kentucky as home of record for military purposes, or any federal active duty of a member of a state National Guard or a Reserve component, who names Kentucky as home of record for military purposes, and for one hundred eighty (180) days following the end of deployment outside the United States or deactivation, as appropriate, trust fund moneys shall be used to support:
 - (a) The person who names Kentucky as home of record for military purposes;
 - (b) The person's Kentucky resident spouse;

- (c) The person's dependent or dependents; or
 - (d) A group of several members of the military or their families as described in paragraphs (a) to (c) of this subsection.
- (2) An application for a trust fund grant may be filed by the member who names Kentucky as home of record for military purposes or his or her Kentucky resident spouse. The application shall be accompanied by an appropriate authorization to access personnel information contained in the military database Defense Enrollment Reporting System (DEERS) for verification purposes.
- (3) Subject to the availability of trust fund moneys, the adjutant general shall award a grant to an applicant described in paragraphs (a) to (c) of subsection (1) of this section if that person's application is need-based, and the amount of the grant does not exceed the dollar cap established by the board through the promulgation of administrative regulations. An application shall be need-based if:
- (a) Funds are requested for necessary expenses incurred, or to be incurred. Necessary expenses shall include but not be limited to:
 - 1. Housing;
 - 2. Utilities;
 - 3. Groceries;
 - 4. Health insurance copay; and
 - 5. Child care;
 - (b) The necessary expenses created, or will create, an undue hardship on a person referred to in subsection (1) of this section;
 - (c) The undue hardship is directly related to the member's deployment outside the United States or federal active duty, as appropriate;
 - (d) The applicant does not have reasonable access to any other funding source, whether public or private; and
 - (e) The military family assistance trust fund is the last resort.
- (4) Subject to the availability of trust fund moneys, the adjutant general may expend trust fund money, in amounts up to one thousand dollars (\$1,000) per situation and up to ten thousand dollars (\$10,000) per calendar year, to benefit individuals described in paragraph (d) of subsection (1) of this section if:
- (a) The individuals have a demonstrated need that affects their health, safety, or well-being; and
 - (b) A majority of the members of the military family assistance trust fund board has approved the expenditure, verbally or in writing.
- (5) Subject to the availability of trust fund moneys, the director of the Kentucky National Guard Family Services Program within the Kentucky Department of Military Affairs may expend trust fund money, in amounts up to one thousand dollars (\$1,000) per situation and up to ten thousand dollars (\$10,000) per calendar year, to benefit individuals described in subsection (1) of this section if:
- (a) The individuals have a demonstrated need that affects their health, safety, or well-being; and
 - (b) A majority of the members of the military family assistance trust fund board has approved the expenditure, verbally or in writing.
- (6) ***Subject to the availability of military family assistance trust fund moneys, the adjutant general shall expend trust fund money to eligible applicants to the Kentucky National Guard Adoption Assistance Program as provided in Section 1 of this Act. Eligible applicants to the Kentucky National Guard Adoption Assistance Program shall not be subject to the requirements of subsection (1) of this section.***
- (7)~~(6)~~ (a) The adjutant general shall award or decline to award a grant within sixty (60) days of receiving an application.
- (b) If the adjutant general awards or declines to award a grant, he or she shall state in writing the reason for the decision and keep the writing on file.

- (c) If the adjutant general declines to award a grant, he or she shall provide the applicant with a copy of the writing referred to in paragraph (b) of this subsection. In addition, if the adjutant general declines to award a grant due to the availability of public or private funds, the adjutant general shall identify the source of available funds for the applicant and provide assistance with regard to seeking funds from that source.
- ~~(8)(7)~~ No later than August 15, 2006, the military family assistance trust fund board shall promulgate emergency administrative regulations to carry out the provisions of this section. These emergency regulations shall, at a minimum, enhance administrative efficiency and limit the dollar amount that a person may receive in grants per twelve (12) month period.

Signed by Governor March 28, 2012.