

CHAPTER 122

(HB 501)

AN ACT relating to child support.

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

➔Section 1. 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) ***The Cabinet for Health and Family Services shall:***
 - (a) ***Promulgate an administrative regulation in accordance with KRS Chapter 13A establishing a child support obligation worksheet; and***
 - (b) ***Make accessible on its Web site a manual providing examples or illustrations of the application of the child support guidelines and the child support obligation worksheet.***
- ~~(3)~~~~(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) "Self-support reserve" means a low-income adjustment amount to the obligated parent of nine hundred fifteen dollars (\$915) per month that considers the subsistence needs of the ***obligor***~~parent~~ with a limited ability to pay in accordance with 45 C.F.R. sec. 302.56(c)(1)(ii), and as applied under subsection ~~(5)~~~~(3)~~ of this section;
 - (e)
 1. If there is a finding that a parent is voluntarily unemployed or underemployed, child support shall be calculated based on a determination of potential income, except that a finding of voluntary unemployment or underemployment and a determination of potential income shall not be made for a parent who is incarcerated, 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;
 2. A court may find a parent is voluntarily unemployed or underemployed without finding that the parent intended to avoid or reduce the child support obligation; and

3. Imputation of potential income, when applicable, shall include consideration of the following circumstances of the parents, to the extent known:
 - a. Assets and residence;
 - b. Employment, earning history, and job skills;
 - c. Educational level, literacy, age, health, and criminal record that could impair the ability to gain or continue employment;
 - d. Record of seeking work;
 - e. Local labor market, including availability of employment for which the parent may be qualified and employable;
 - f. Prevailing earnings in the local labor market; and
 - g. Other relevant background factors, including employment barriers;

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

(g)~~(f)~~ "Imputed child support obligation" means the amount of child support the parent would be required to pay from application of the child support guidelines;

(h)~~(g)~~ 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 self-employed;

(i)~~(h)~~ "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 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. 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. 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; and

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

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

(5)~~(3)~~ (a) Except as provided in paragraph (b) of this subsection, 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.

(b) ***The child support obligation of an obligated parent whose monthly adjusted gross income is equal to or less than the amounts in subparagraphs 1. to 5. of this paragraph shall be calculated using the monthly adjusted gross income of the obligated parent alone to provide for the self-support reserve. The following monthly adjusted gross income amounts shall qualify an individual for the self-support reserve.*** ~~If the monthly adjusted gross income of the obligated parent and the number of children for whom support is being determined fall within the following defined areas, which represent the self support reserve, the basic child support obligation shall be calculated by using the monthly adjusted gross income of the obligated parent only to provide the obligated parent with the self support reserve:~~

1. ~~Equal to or less than~~ One thousand one hundred dollars (\$1,100) with one (1) ~~for more~~ ***child*** ~~children~~;

- 2. ~~{Equal to or less than }~~One thousand three hundred dollars (\$1,300) with two (2) ~~{or more }~~children;
- 3. ~~{Equal to or less than }~~One thousand four hundred dollars (\$1,400) with three (3) ~~{or more }~~children;
- 4. ~~{Equal to or less than }~~One thousand five hundred dollars (\$1,500) with four (4) **or five (5)** ~~{or more }~~children; or
- 5. ~~{Equal to or less than }~~One thousand six hundred dollars (\$1,600) with six (6) or more children.

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

- 1. **Paragraph (a) of this subsection;**
- 2. **Paragraph (b) of this subsection; and**
- 3. **As determined under Section 2 of this Act if the shared parenting time credit is applicable.**

~~{(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.}~~

(6) The minimum amount of child support shall be sixty dollars (\$60) per month, **except as provided in subsection (3) of Section 2 of this Act.**

~~{(7)}~~~~{(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.

~~{(8)}~~~~{(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 parent with the greater monthly obligation amount shall pay the difference between the obligation amounts, as determined by the worksheets, to the other parent.

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

COMBINED						
MONTHLY						
ADJUSTED						
PARENTAL						
GROSS						SIX
INCOME	ONE	TWO	THREE	FOUR	FIVE	OR
	CHILD	CHILDREN				MORE
\$0	\$60	\$60	\$60	\$60	\$60	\$60
100	60	60	60	60	60	60
200	60	60	60	60	60	60
300	60	60	60	60	60	60
400	60	60	60	60	60	60
500	60	60	60	60	60	60
600	60	60	60	60	60	60
700	60	60	60	60	60	60
800	60	60	60	60	60	60
900	60	60	60	60	60	60

ACTS OF THE GENERAL ASSEMBLY

1,000	85	85	85	85	85	85
1,100	148	150	152	154	155	157
1,200	200	231	234	237	239	242
1,300	216	312	316	320	323	327
1,400	231	339	398	403	407	412
1,500	247	362	437	486	491	497
1,600	262	384	464	518	570	582
1,700	277	406	491	548	603	655
1,800	292	428	517	578	635	691
1,900	307	450	544	607	668	726
2,000	322	472	570	637	701	762
2,100	337	494	597	667	734	797
2,200	352	516	624	697	766	833
2,300	367	538	650	726	799	869
2,400	382	560	677	756	832	904
2,500	397	582	704	786	865	940
2,600	412	604	730	816	897	975
2,700	427	626	757	845	930	1,011
2,800	442	648	783	875	963	1,046
2,900	457	670	810	905	995	1,082
3,000	472	692	837	935	1,028	1,118
3,100	487	714	863	964	1,061	1,153
3,200	502	737	890	994	1,094	1,189
3,300	517	759	917	1,024	1,126	1,224
3,400	532	781	943	1,054	1,159	1,260
3,500	547	803	970	1,083	1,192	1,295
3,600	562	825	997	1,113	1,224	1,331
3,700	577	847	1,023	1,143	1,257	1,367
3,800	592	869	1,050	1,173	1,290	1,402
3,900	607	891	1,076	1,202	1,323	1,438
4,000	621	912	1,102	1,230	1,353	1,471
4,100	634	931	1,125	1,256	1,382	1,502
4,200	647	950	1,148	1,282	1,410	1,533
4,300	660	969	1,171	1,308	1,439	1,564
4,400	673	988	1,194	1,334	1,467	1,595
4,500	686	1,007	1,217	1,359	1,495	1,625
4,600	699	1,026	1,240	1,385	1,524	1,656
4,700	712	1,045	1,263	1,411	1,552	1,687
4,800	725	1,064	1,286	1,437	1,580	1,718

4,900	738	1,084	1,309	1,463	1,609	1,749
5,000	751	1,103	1,332	1,488	1,637	1,780
5,100	764	1,122	1,356	1,514	1,666	1,810
5,200	777	1,141	1,379	1,540	1,694	1,841
5,300	790	1,160	1,402	1,566	1,722	1,872
5,400	799	1,172	1,415	1,581	1,739	1,890
5,500	805	1,177	1,419	1,585	1,744	1,896
5,600	810	1,181	1,423	1,590	1,749	1,901
5,700	815	1,186	1,427	1,594	1,753	1,906
5,800	820	1,191	1,431	1,598	1,758	1,911
5,900	825	1,195	1,435	1,603	1,763	1,916
6,000	831	1,200	1,439	1,607	1,768	1,922
6,100	837	1,208	1,449	1,618	1,780	1,935
6,200	844	1,217	1,459	1,629	1,792	1,948
6,300	851	1,226	1,469	1,641	1,805	1,962
6,400	858	1,234	1,479	1,652	1,817	1,975
6,500	865	1,243	1,489	1,663	1,829	1,988
6,600	871	1,251	1,499	1,674	1,841	2,002
6,700	881	1,263	1,513	1,690	1,859	2,021
6,800	892	1,278	1,530	1,709	1,880	2,044
6,900	903	1,292	1,548	1,729	1,902	2,067
7,000	914	1,306	1,565	1,748	1,923	2,090
7,100	925	1,320	1,582	1,767	1,944	2,113
7,200	935	1,335	1,600	1,787	1,965	2,136
7,300	946	1,348	1,616	1,805	1,986	2,159
7,400	954	1,360	1,630	1,820	2,003	2,177
7,500	962	1,372	1,643	1,836	2,019	2,195
7,600	969	1,384	1,657	1,851	2,036	2,213
7,700	977	1,396	1,670	1,866	2,052	2,231
7,800	984	1,407	1,683	1,880	2,068	2,248
7,900	991	1,419	1,696	1,895	2,084	2,266
8,000	996	1,426	1,704	1,903	2,094	2,276
8,100	1,000	1,429	1,709	1,908	2,099	2,282
8,200	1,004	1,433	1,713	1,914	2,105	2,288
8,300	1,008	1,437	1,718	1,919	2,110	2,294
8,400	1,012	1,441	1,722	1,924	2,116	2,300
8,500	1,016	1,444	1,727	1,929	2,122	2,306
8,600	1,020	1,448	1,731	1,934	2,127	2,312

ACTS OF THE GENERAL ASSEMBLY

8,700	1,026	1,456	1,740	1,944	2,138	2,324
8,800	1,033	1,464	1,749	1,953	2,149	2,336
8,900	1,039	1,472	1,758	1,963	2,160	2,347
9,000	1,046	1,480	1,766	1,973	2,170	2,359
9,100	1,052	1,488	1,775	1,983	2,181	2,371
9,200	1,059	1,496	1,784	1,993	2,192	2,382
9,300	1,065	1,502	1,792	2,002	2,202	2,393
9,400	1,070	1,507	1,799	2,010	2,211	2,403
9,500	1,075	1,511	1,807	2,018	2,220	2,413
9,600	1,080	1,516	1,814	2,026	2,229	2,423
9,700	1,085	1,520	1,822	2,035	2,238	2,433
9,800	1,090	1,524	1,829	2,043	2,247	2,443
9,900	1,094	1,529	1,836	2,051	2,256	2,453
10,000	1,099	1,533	1,844	2,059	2,265	2,463
10,100	1,104	1,538	1,851	2,068	2,275	2,472
10,200	1,109	1,542	1,859	2,076	2,284	2,482
10,300	1,115	1,549	1,867	2,086	2,294	2,494
10,400	1,123	1,560	1,878	2,098	2,308	2,509
10,500	1,130	1,571	1,889	2,110	2,321	2,523
10,600	1,137	1,582	1,900	2,123	2,335	2,538
10,700	1,145	1,593	1,911	2,135	2,349	2,553
10,800	1,152	1,604	1,922	2,147	2,362	2,568
10,900	1,159	1,615	1,933	2,160	2,376	2,582
11,000	1,167	1,626	1,944	2,172	2,389	2,597
11,100	1,174	1,637	1,956	2,185	2,403	2,612
11,200	1,182	1,649	1,968	2,198	2,418	2,628
11,300	1,191	1,661	1,980	2,212	2,433	2,644
11,400	1,199	1,673	1,992	2,225	2,448	2,660
11,500	1,207	1,685	2,004	2,239	2,462	2,677
11,600	1,215	1,695	2,016	2,252	2,477	2,693
11,700	1,222	1,705	2,029	2,266	2,493	2,710
11,800	1,229	1,714	2,041	2,280	2,508	2,726
11,900	1,237	1,723	2,054	2,294	2,523	2,743
12,000	1,244	1,732	2,066	2,308	2,539	2,759
12,100	1,252	1,742	2,078	2,322	2,554	2,776
12,200	1,259	1,751	2,091	2,336	2,569	2,793
12,300	1,267	1,760	2,103	2,349	2,584	2,809
12,400	1,274	1,769	2,116	2,363	2,600	2,826
12,500	1,282	1,778	2,128	2,377	2,615	2,842

12,600	1,289	1,788	2,141	2,391	2,630	2,859
12,700	1,296	1,797	2,153	2,405	2,645	2,876
12,800	1,304	1,806	2,165	2,419	2,661	2,892
12,900	1,311	1,815	2,178	2,433	2,676	2,909
13,000	1,319	1,825	2,190	2,447	2,691	2,925
13,100	1,326	1,834	2,203	2,461	2,707	2,942
13,200	1,334	1,843	2,215	2,474	2,722	2,959
13,300	1,341	1,852	2,228	2,488	2,737	2,975
13,400	1,348	1,861	2,238	2,500	2,750	2,990
13,500	1,353	1,868	2,247	2,510	2,761	3,001
13,600	1,359	1,875	2,255	2,519	2,771	3,012
13,700	1,364	1,882	2,264	2,529	2,781	3,023
13,800	1,370	1,889	2,272	2,538	2,792	3,035
13,900	1,375	1,896	2,281	2,547	2,802	3,046
14,000	1,381	1,903	2,289	2,557	2,812	3,057
14,100	1,386	1,910	2,297	2,566	2,822	3,068
14,200	1,391	1,916	2,304	2,574	2,831	3,078
14,300	1,396	1,922	2,312	2,582	2,841	3,088
14,400	1,401	1,929	2,319	2,591	2,850	3,098
14,500	1,406	1,935	2,327	2,599	2,859	3,108
14,600	1,410	1,941	2,334	2,607	2,868	3,118
14,700	1,415	1,947	2,342	2,616	2,877	3,128
14,800	1,420	1,954	2,349	2,624	2,886	3,138
14,900	1,425	1,960	2,357	2,632	2,896	3,147
15,000	1,430	1,966	2,364	2,641	2,905	3,157
15,100	1,435	1,972	2,371	2,649	2,914	3,167
15,200	1,440	1,978	2,379	2,657	2,923	3,177
15,300	1,444	1,985	2,386	2,666	2,932	3,187
15,400	1,449	1,991	2,394	2,674	2,941	3,197
15,500	1,454	1,997	2,401	2,682	2,950	3,207
15,600	1,459	2,003	2,409	2,691	2,960	3,217
15,700	1,464	2,010	2,416	2,699	2,969	3,227
15,800	1,469	2,016	2,424	2,707	2,978	3,237
15,900	1,474	2,022	2,431	2,715	2,987	3,247
16,000	1,478	2,028	2,439	2,724	2,996	3,257
16,100	1,484	2,035	2,445	2,732	3,005	3,266
16,200	1,490	2,041	2,452	2,739	3,013	3,275
16,300	1,495	2,047	2,459	2,747	3,022	3,285

ACTS OF THE GENERAL ASSEMBLY

16,400	1,501	2,053	2,466	2,755	3,030	3,294
16,500	1,506	2,059	2,473	2,763	3,039	3,303
16,600	1,512	2,065	2,480	2,770	3,047	3,313
16,700	1,518	2,071	2,487	2,778	3,056	3,322
16,800	1,523	2,077	2,494	2,786	3,065	3,331
16,900	1,529	2,083	2,501	2,794	3,073	3,340
17,000	1,534	2,089	2,508	2,801	3,082	3,350
17,100	1,540	2,095	2,515	2,809	3,090	3,359
17,200	1,545	2,102	2,522	2,817	3,099	3,368
17,300	1,551	2,108	2,529	2,825	3,107	3,378
17,400	1,557	2,114	2,536	2,832	3,116	3,387
17,500	1,562	2,120	2,543	2,840	3,124	3,396
17,600	1,568	2,126	2,550	2,848	3,133	3,405
17,700	1,573	2,132	2,557	2,856	3,141	3,415
17,800	1,579	2,138	2,563	2,863	3,149	3,423
17,900	1,584	2,144	2,570	2,870	3,157	3,432
18,000	1,589	2,149	2,576	2,878	3,166	3,441
18,100	1,595	2,155	2,583	2,885	3,174	3,450
18,200	1,600	2,161	2,590	2,893	3,182	3,459
18,300	1,605	2,167	2,596	2,900	3,190	3,467
18,400	1,611	2,173	2,603	2,907	3,198	3,476
18,500	1,616	2,178	2,609	2,915	3,206	3,485
18,600	1,621	2,184	2,616	2,922	3,214	3,494
18,700	1,627	2,190	2,623	2,929	3,222	3,503
18,800	1,632	2,196	2,629	2,937	3,231	3,512
18,900	1,637	2,202	2,636	2,944	3,239	3,520
19,000	1,642	2,207	2,642	2,952	3,247	3,529
19,100	1,648	2,213	2,649	2,959	3,255	3,538
19,200	1,653	2,219	2,656	2,966	3,263	3,547
19,300	1,658	2,225	2,662	2,974	3,271	3,556
19,400	1,664	2,231	2,669	2,981	3,279	3,565
19,500	1,669	2,236	2,675	2,989	3,287	3,573
19,600	1,674	2,242	2,682	2,996	3,295	3,582
19,700	1,680	2,248	2,689	3,003	3,304	3,591
19,800	1,685	2,254	2,695	3,011	3,312	3,600
19,900	1,690	2,260	2,702	3,018	3,320	3,609
20,000	1,696	2,265	2,709	3,025	3,328	3,617
20,100	1,701	2,271	2,715	3,033	3,336	3,626
20,200	1,706	2,277	2,722	3,040	3,344	3,635

20,300	1,710	2,282	2,728	3,047	3,352	3,643
20,400	1,713	2,287	2,733	3,053	3,358	3,651
20,500	1,717	2,292	2,739	3,059	3,365	3,658
20,600	1,720	2,297	2,745	3,066	3,372	3,666
20,700	1,723	2,302	2,750	3,072	3,379	3,673
20,800	1,726	2,307	2,756	3,078	3,386	3,681
20,900	1,730	2,313	2,761	3,084	3,393	3,688
21,000	1,733	2,318	2,767	3,091	3,400	3,695
21,100	1,736	2,323	2,773	3,097	3,407	3,703
21,200	1,739	2,328	2,778	3,103	3,413	3,710
21,300	1,743	2,333	2,784	3,109	3,420	3,718
21,400	1,746	2,338	2,789	3,116	3,427	3,725
21,500	1,749	2,343	2,795	3,122	3,434	3,733
21,600	1,752	2,348	2,801	3,128	3,441	3,740
21,700	1,756	2,353	2,806	3,134	3,448	3,748
21,800	1,759	2,358	2,812	3,141	3,455	3,755
21,900	1,762	2,363	2,817	3,147	3,462	3,763
22,000	1,765	2,368	2,823	3,153	3,469	3,770
22,100	1,769	2,373	2,829	3,160	3,475	3,778
22,200	1,772	2,378	2,834	3,166	3,482	3,785
22,300	1,775	2,383	2,840	3,172	3,489	3,793
22,400	1,778	2,388	2,845	3,178	3,496	3,800
22,500	1,782	2,393	2,851	3,185	3,503	3,808
22,600	1,785	2,398	2,857	3,191	3,510	3,815
22,700	1,788	2,403	2,862	3,197	3,517	3,823
22,800	1,791	2,408	2,868	3,203	3,524	3,830
22,900	1,795	2,413	2,873	3,210	3,531	3,838
23,000	1,798	2,418	2,879	3,216	3,537	3,845
23,100	1,801	2,423	2,885	3,222	3,544	3,853
23,200	1,804	2,429	2,890	3,228	3,551	3,860
23,300	1,808	2,434	2,896	3,235	3,558	3,868
23,400	1,811	2,439	2,901	3,241	3,565	3,875
23,500	1,814	2,444	2,907	3,247	3,572	3,883
23,600	1,817	2,449	2,913	3,253	3,579	3,890
23,700	1,821	2,454	2,918	3,260	3,586	3,898
23,800	1,824	2,459	2,924	3,266	3,593	3,905
23,900	1,827	2,464	2,929	3,272	3,599	3,913
24,000	1,830	2,469	2,935	3,278	3,606	3,920

ACTS OF THE GENERAL ASSEMBLY

24,100	1,834	2,474	2,941	3,285	3,613	3,928
24,200	1,837	2,479	2,946	3,291	3,620	3,935
24,300	1,840	2,484	2,952	3,297	3,627	3,943
24,400	1,843	2,489	2,957	3,304	3,634	3,950
24,500	1,847	2,494	2,963	3,310	3,641	3,957
24,600	1,850	2,499	2,969	3,316	3,648	3,965
24,700	1,853	2,504	2,974	3,322	3,655	3,972
24,800	1,856	2,509	2,980	3,329	3,661	3,980
24,900	1,860	2,514	2,986	3,335	3,668	3,987
25,000	1,863	2,519	2,991	3,341	3,675	3,995
25,100	1,866	2,524	2,997	3,347	3,682	4,002
25,200	1,869	2,529	3,002	3,354	3,689	4,010
25,300	1,873	2,534	3,008	3,360	3,696	4,017
25,400	1,876	2,540	3,014	3,366	3,703	4,025
25,500	1,879	2,545	3,019	3,372	3,710	4,032
25,600	1,882	2,550	3,025	3,379	3,716	4,040
25,700	1,886	2,555	3,030	3,385	3,723	4,047
25,800	1,889	2,560	3,036	3,391	3,730	4,055
25,900	1,892	2,565	3,042	3,397	3,737	4,062
26,000	1,895	2,570	3,047	3,404	3,744	4,070
26,100	1,899	2,575	3,053	3,410	3,751	4,077
26,200	1,902	2,580	3,058	3,416	3,758	4,085
26,300	1,905	2,585	3,064	3,422	3,765	4,092
26,400	1,908	2,590	3,070	3,429	3,772	4,100
26,500	1,912	2,595	3,075	3,435	3,778	4,107
26,600	1,915	2,600	3,081	3,441	3,785	4,115
26,700	1,918	2,605	3,086	3,447	3,792	4,122
26,800	1,921	2,610	3,092	3,454	3,799	4,130
26,900	1,925	2,615	3,098	3,460	3,806	4,137
27,000	1,928	2,620	3,103	3,466	3,813	4,145
27,100	1,931	2,625	3,109	3,473	3,820	4,152
27,200	1,934	2,630	3,114	3,479	3,827	4,160
27,300	1,938	2,635	3,120	3,485	3,834	4,167
27,400	1,941	2,640	3,126	3,491	3,840	4,175
27,500	1,944	2,645	3,131	3,498	3,847	4,182
27,600	1,948	2,650	3,137	3,504	3,854	4,190
27,700	1,951	2,656	3,142	3,510	3,861	4,197
27,800	1,954	2,661	3,148	3,516	3,868	4,205
27,900	1,957	2,666	3,154	3,523	3,875	4,212

28,000	1,961	2,671	3,159	3,529	3,882	4,219
28,100	1,964	2,676	3,165	3,535	3,889	4,227
28,200	1,967	2,681	3,170	3,541	3,896	4,234
28,300	1,970	2,686	3,176	3,548	3,902	4,242
28,400	1,972	2,689	3,179	3,551	3,907	4,247
28,500	1,974	2,691	3,182	3,555	3,911	4,251
28,600	1,976	2,694	3,185	3,558	3,914	4,255
28,700	1,978	2,696	3,188	3,561	3,918	4,259
28,800	1,980	2,699	3,191	3,565	3,922	4,263
28,900	1,982	2,701	3,194	3,568	3,926	4,268
29,000	1,984	2,704	3,197	3,571	3,930	4,272
29,100	1,986	2,707	3,200	3,575	3,934	4,276
29,200	1,988	2,709	3,203	3,578	3,938	4,280
29,300	1,990	2,712	3,206	3,581	3,941	4,284
29,400	1,992	2,714	3,209	3,584	3,945	4,289
29,500	1,993	2,717	3,212	3,588	3,949	4,293
29,600	1,995	2,719	3,215	3,591	3,953	4,297
29,700	1,997	2,722	3,218	3,594	3,957	4,301
29,800	1,999	2,724	3,221	3,598	3,961	4,305
29,900	2,001	2,727	3,224	3,601	3,965	4,310
30,000	2,003	2,730	3,227	3,604	3,968	4,314

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

- (1) *For purposes of this section, "day":*
- (a) *Means more than twelve (12) consecutive hours in a twenty-four (24) hour period under the care, control, or direct supervision of one (1) parent or caretaker, or as the court determines based on findings of substantially equivalent care or expense; and*
- (b) *Unless the context requires otherwise, includes housing, entertaining, feeding, and transporting the child, attending to school work, athletic events, extracurricular activities, or other activities that transfer with the child as he or she moves from one parent to the other.*
- (2) (a) *In order to receive a shared parenting time credit, a parent shall maintain care, custody, and control over the child for a minimum of seventy-three (73) days per year, as defined by this section.*
- (b) *The shared parenting time credit shall only be applicable for parenting time that is court-ordered or approved and consistently exercised.*
- (3) *Except as provided in subsection (6) of this section or otherwise provided in this chapter, the child support obligation determined under Section 1 of this Act shall be subject to further adjustment as follows:*
- (a) *For parents who share parenting time under either a court-ordered time-sharing schedule or a time-sharing schedule exercised by agreement of the parties, the court shall:*
1. a. *Calculate the child support obligation set forth in the child support guidelines table in accordance with subsection (5)(a) of Section 1 of this Act using the combined gross adjusted income of the parties;*

- b. If both parents exercise their equal shared parenting time, consider the parent with the higher gross monthly income the obligor;*
- 2. Determine the number of days for both parents on an annual basis based upon either a court-ordered time-sharing schedule or a time-sharing schedule exercised by agreement of the parties;*
 - 3. Using the days a child spends with the obligated parent, determine the adjustment percentage using the shared parenting time credit chart in subsection (4) of this section;*
 - 4. Determine the shared parenting time credit adjustment by multiplying the obligated parent's adjustment percentage by the total support obligation found on the child support obligation worksheet to establish the shared parenting expense adjustment for the obligated parent, as determined in subparagraph 1. of this paragraph; and*
 - 5. Subtract the amount calculated in subparagraph 4. of this paragraph from the obligated parent's monthly obligation, found on the child support obligation worksheet, as determined in subparagraph 1. of this paragraph;*
- (b) The court may use its discretion in adjusting each parent's child support obligation under this paragraph in accordance with the factors proscribed in this section, and the following:*
- 1. The obligated parent's low income and ability to maintain the basic necessities of the home for the child;*
 - 2. The likelihood that either parent will actually exercise the time-sharing schedule set forth in the court-ordered time-sharing schedule or time-sharing agreement between the parents;*
 - 3. Whether all of the children are subject to the same time-sharing schedule;*
 - 4. Whether the time-sharing plan results in fewer overnights due to a significant geographical distance between the parties that may affect the child support obligation; and*
 - 5. The military deployment or extended service obligations of the parties; and*
- (c) The self-support reserve, as calculated under subsection (5)(b) of Section 1 of this Act, and the shared parenting time credit, as calculated under this subsection, shall not be applied together. The obligor shall be responsible for the lesser support amount as determined under subsection (5)(c) of Section 1 of this Act.*

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

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

- (5) Failure by one (1) party to consistently comply with the parenting schedule shall be grounds for the other party to seek modification from the court. A party may seek modification following a fifteen percent (15%) change in the number of timesharing days and shall have the burden of proving a material change in circumstances.*
- (6) This section shall not apply if the child or children subject to the child support award receive public assistance, including:*
- (a) Kentucky Children's Health Insurance Program (KCHIP);*

- (b) *Kentucky Transitional Assistance Program (K-TAP);*
- (c) *Supplemental Nutrition Assistance Program (SNAP); or*
- (d) *Medicaid.*

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

- (1) If, after completion of the temporary removal hearing, the court finds there are reasonable grounds to believe the child is dependent, neglected or abused, the court shall:
 - (a) Issue an order for temporary removal and shall grant temporary custody to the cabinet or other appropriate person or agency. Preference shall be given to available and qualified relatives of the child considering the wishes of the parent or other person exercising custodial control or supervision, if known. The order shall state the specific reasons for removal and show that alternative less restrictive placements and services have been considered. The court may recommend a placement for the child;
 - (b) *Inquire as to an existing child support order; and*
 - (c) *If there is no existing order, or if the order is to be amended, the court shall:*
 1. *Make specific findings, either written or on the record, as to:*
 - a. *The child support obligation in the best interest of the child;*
 - b. *The action to be taken by the payee, payor, or any other party by making an application for services to the child support office who shall take all appropriate action; or*
 - c. *Setting a hearing as soon as practicable; and*
 2. *Require proper service before establishing a new child support order.*
- (2) In placing a child under an order of temporary custody, the cabinet or its designee shall use the least restrictive appropriate placement available. Preference shall be given to available and qualified relatives of the child considering the wishes of the parent or other person exercising custodial control or supervision, if known. The child may also be placed in a facility or program operated or approved by the cabinet, including a foster home, or any other appropriate available placement. However, under no circumstance shall the child be placed in a home, facility, or other shelter with a child who has been committed to the Department of Juvenile Justice for commission of a sex crime as that term is defined in KRS 17.500, unless the child committed for the commission of a sex crime is kept segregated from other children in the home, facility, or other shelter that have not been committed for the commission of a sex crime.
- (3) If the court finds there are not reasonable grounds to believe the child is dependent, neglected or abused, or if no action is taken within seventy-two (72) hours, the emergency custody order shall be dissolved automatically and the cabinet or its designee shall return the child to the parent or other person exercising custodial control or supervision. A request for a continuance of the hearing by the parent or other person exercising custodial control or supervision shall constitute action precluding automatic dissolution of the emergency custody order.
- (4) ~~When the court issues a temporary order for the custody of a child, the order shall initiate an action to establish child support in accordance with KRS 403.211. The court shall establish a child support order, or modify an existing order, within seven (7) days of the issuance of the order of temporary removal.~~
- ~~(5)~~—When the court issues a temporary order for the custody of a child, the court may order that, within two (2) weeks, arrangements be made for the child to receive a thorough medical, visual, and dental examination by a professional authorized by the Kentucky Revised Statutes to conduct such examinations. The costs of the examination shall be paid by the cabinet.
- ~~(5)~~~~(6)~~ The child shall remain in temporary custody with the cabinet for a period of time not to exceed forty-five (45) days from the date of the removal from his home. The court shall conduct the adjudicatory hearing and shall make a final disposition within forty-five (45) days of the removal of the child. The court may extend such time after making written findings establishing the need for the extension and after finding that the extension is in the child's best interest.
- ~~(6)~~~~(7)~~ If custody is granted to a grandparent of the child pursuant to this section, the court shall consider granting reasonable visitation rights to any other grandparent of the child if the court determines the grandparent has a significant and viable relationship with the child as established in KRS 405.021(1)(c).

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

- (1) The fiscal court of any county may, by resolution, authorize the appointment of a "friend of the court." If the Circuit Court of the county has but one (1) judge, the appointment shall be made by the judge. If the court has two (2) or more judges, the appointment shall be made by joint action of the judges, at the general term. The person appointed to the office of friend of the court shall serve at the pleasure of, and subject to removal by, the appointing authority. The person appointed shall be a licensed practicing attorney. The appointed person shall take the constitutional oath of office and shall give bond in such sum as may be fixed by the appointing judge or judges.
- (2) Except for those cases administered pursuant to 42 U.S.C. secs. 651 et seq., it shall be the duty of the friend of the court to supervise and enforce the payment of sums ordered or adjudged by the Circuit Court in divorce actions to be paid for the care and maintenance of minor children. All persons who have been ordered or adjudged by the court, in connection with divorce actions, to make payments for the care and maintenance of children, shall, if so ordered by the court, make such payments to the friend of the court. The friend of the court shall see that the payments, except for those cases administered pursuant to 42 U.S.C. secs. 651 et seq., are properly applied in accordance with the order or judgment. However, if the court so directs, the payments may be made through the juvenile session of District Court of the county; in such case the friend of the court shall render such assistance as may be required in keeping records concerning such payments and in the enforcement of delinquent payments, and the Circuit Court may direct that a designated amount or portion of the funds appropriated by the fiscal court for expenses of the friend of the court be paid to the juvenile session of District Court as reimbursement for the expenses incurred by the juvenile session of District Court in connection with the handling of such payments. The friend of the court shall promptly investigate all cases where payments have become delinquent, and when necessary shall cause the delinquent person to be brought before the court for the purpose of compelling payment. The friend of the court shall ascertain the facts concerning the care, custody, and maintenance of children for whom payments are being made, and shall report to the court all cases in which the children are not receiving proper care or maintenance, or in which the person having custody is failing to furnish proper custody. He shall make such other reports to the court as the court may require.
- (3) In the event that a waiver is granted under 42 U.S.C. secs. 651 et seq., allowing payment of wage withholding collections to be directed to the friend of the court, an obligor shall be given the option of payment either to the friend of the court or the centralized collection agency.
- (4) In any action for divorce where the parties have minor children, the friend of the court, if requested by the trial judge, shall make such investigation as will enable the friend of the court to ascertain all facts and circumstances that will affect the rights and interests of the children and will enable the court to enter just and proper orders and judgment concerning the care, custody, and maintenance of the children. The friend of the court shall make a report to the trial judge, at a time fixed by the judge, setting forth recommendations as to the care, custody, and maintenance of the children. The friend of the court may request the court to postpone the final submission of any case to give the friend of the court a reasonable time in which to complete the investigation.
- (5) The friend of the court shall have authority to secure the issuance by the court of any order, rule, or citation necessary for the proper enforcement of orders and judgments in divorce actions concerning the custody, care, and maintenance of children. In performing duties under subsection (4) of this section the friend of the court shall attend the taking of depositions within the county, and shall have authority to cross-examine the witnesses. In the case of depositions taken on interrogatories, the friend of the court may file cross-interrogatories. The friend of the court shall be duly notified of the time and place of the taking of depositions in all divorce actions where the parties have minor children, and shall attend the taking of all such depositions when the friend of the court deems it necessary for the protection of the minor children, or when the friend of the court may be directed by the court to attend.
- (6) The friend of the court shall not directly or indirectly represent any party to a divorce action except as herein authorized to represent the minor children of parties to a divorce action, but if an allowance is made for the support of a spouse and an infant child or children, may proceed to enforce the payment of the allowance made to the spouse also.
- (7) Where a friend of the court is acting as a designee of the cabinet pursuant to KRS 205.712 and an applicant for Title IV-D services pursuant to KRS 205.721 has requested a modification of an existing child support order pursuant to a divorce or other judicial order, the friend of the court shall seek the modification, providing all jurisdictional requirements are met. The friend of the court's representation shall extend only for the limited

purpose of seeking a modification of an existing child support order consistent with the provisions of KRS 403.212 *or Section 2 of this Act*.

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

➔Section 5. 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)(b)]~~, and the Social Security numbers, provided in accordance with KRS 403.135, 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 6. 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 *or Section 2 of this Act* 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 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 *or Section 2 of this Act*.
- (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) Pursuant to 45 C.F.R. sec. 303.31(a)(2), for the purposes of this section, "health care coverage" includes fee for service, health maintenance organization, preferred provider organization, and other types of private health insurance and public health care coverage under which medical services could be provided to a dependent child. If health care coverage is reasonable in cost and accessible to either parent at the time the request for coverage is made, the court shall order the parent to obtain or maintain coverage, and the court shall allocate between the parents, in proportion to their combined monthly adjusted parental gross income, the cost of health care 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 coverage 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 coverage for the dependent child, which shall include but not be limited to health care coverage, payments of necessary health care deductibles or copayments;
 - 2. If appropriate, cash medical support. "Cash medical support" means an amount to be paid toward the cost of health care coverage, fixed payments for ongoing medical costs, extraordinary medical expenses, or any combination thereof; and

3. 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) If health care coverage is not reasonable in cost and accessible at the time the request for the coverage is made, the court order shall provide for cash medical support until health care coverage becomes reasonable in cost and accessible.
- (8) (a) For purposes of this section, "reasonable in cost" means that the cost of coverage to the responsible parent does not exceed five percent (5%) of his or her gross income. The five percent (5%) standard shall apply to the cost of adding the child to an existing policy, the difference in the cost between a single and a family policy, or the cost of acquiring a separate policy to cover the child. If the parties agree or the court finds good cause exists, the court may order health care coverage in excess of five percent (5%) of the parent's gross income.
 - (b) For purposes of this section, "accessible" means that there are providers who meet the health care needs of the child and who are located no more than sixty (60) minutes or sixty (60) miles from the child's primary residence, except that nothing shall prohibit use of a provider located more than sixty (60) minutes or sixty (60) miles from the child's primary residence.
- (9) 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 two hundred fifty dollars (\$250) 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.
- (10) The court order shall include the Social Security numbers, provided in accordance with KRS 403.135, of all parties subject to a support order.
- (11) In any case administered by the Cabinet for Health and Family Services, 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 Health and Family Services may, upon application, enroll the child.
- (12) 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.
- (13) In the case in which a parent is obligated to provide health care coverage, and changes employment, and the new employer provides health care coverage, the Cabinet for Health and Family Services shall transfer notice of the provision for coverage for the child to the employer, which shall operate to enroll this child in the obligated parent's health plan, unless the obligated parent contests the notice as specified by KRS Chapter 13B.
- (14) 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.
- (15) 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 7. KRS 403.740 is amended to read as follows:

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

1. Committing further acts of domestic violence and abuse;
 2. Any unauthorized contact or communication with the petitioner or other person specified by the court;
 3. Approaching the petitioner or other person specified by the court within a distance specified in the order, not to exceed five hundred (500) feet;
 4. Going to or within a specified distance of a specifically described residence, school, or place of employment or area where such a place is located; and
 5. Disposing of or damaging any of the property of the parties;
- (b) Directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of domestic violence and abuse, except that the court shall not order the petitioner to take any affirmative action;
- (c) Directing that either or both of the parties receive counseling services available in the community in domestic violence and abuse cases; and
- (d) Additionally, if applicable:
1. Directing the adverse party to vacate a residence shared by the parties to the action;
 2. Utilizing the criteria set forth in KRS 403.270, 403.320, and 403.822, grant temporary custody, subject to KRS 403.315; and
 3. Utilizing the criteria set forth in KRS 403.211, 403.212, *Section 2 of this Act*, and 403.213, award temporary child support.
- (2) In imposing a location restriction described in subsection (1)(a)4. of this section, the court shall:
- (a) Afford the petitioner and respondent, if present, an opportunity to testify on the issue of the locations and areas from which the respondent should or should not be excluded;
 - (b) Only impose a location restriction where there is a specific, demonstrable danger to the petitioner or other person protected by the order;
 - (c) Specifically describe in the order the locations or areas prohibited to the respondent; and
 - (d) Consider structuring a restriction so as to allow the respondent transit through an area if the respondent does not interrupt his or her travel to harass, harm, or attempt to harass or harm the petitioner.
- (3) When temporary child support is granted under this section, the court shall enter an order detailing how the child support is to be paid and collected. Child support ordered under this section may be enforced utilizing the same procedures as any other child support order.
- (4) A domestic violence order shall be effective for a period of time fixed by the court, not to exceed three (3) years, and may be reissued upon expiration for subsequent periods of up to three (3) years each. The fact that an order has not been violated since its issuance may be considered by a court in hearing a request for a reissuance of the order.

➔Section 8. 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 *or Section 2 of this Act*. 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 *or Section 2 of this Act*. 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 *or Section 2 of this Act*. 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 KRS 15.055, to participate in the program described in KRS 205.732 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 9. KRS 406.025 is amended to read as follows:

- (1) Upon completion of a signed, notarized, voluntary acknowledgment-of-paternity affidavit by the mother and alleged father, obtained through the hospital-based paternity program, and submitted to the state registrar of vital statistics, paternity shall be rebuttably presumed for the earlier of sixty (60) days or the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a child support order.
- (2) Upon completion of a signed, notarized, voluntary acknowledgment-of-paternity affidavit by the mother and alleged father obtained outside of the hospital and submitted to the state registrar of vital statistics, paternity shall be rebuttably presumed for the earlier of sixty (60) days or the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a child support order following the date of signatures on the notarized affidavit.
- (3) Pending an administrative or judicial determination of parentage, or upon a signed, notarized, voluntary acknowledgment-of-paternity form having been transmitted by the local registrar and received by the Vital Statistics Branch, a temporary support order shall be issued upon motion of any party if paternity is indicated by genetic testing or other clear and convincing evidence.
- (4) The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.
- (5) The court shall, within fourteen (14) days from the filing of the motion, order an amount of temporary child support based upon the child support guidelines as provided by KRS 403.212 *or Section 2 of this Act*. The ordered child support shall be retroactive to the date of the filing of the motion to move the court to enter an order for temporary child support without written or oral notice to the adverse party. 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 KRS 403.160(2)(a). 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.
- (6) Unless good cause is shown, court or administratively ordered child support shall continue until final judicial or administrative determination of paternity.

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

- (1) For each child placed in the custody of the cabinet by an order of commitment, the cabinet shall file a case permanency plan for the child with the court and send a copy to the Administrative Office of the Courts Citizen Foster Care Review Board Program as soon as the plan is prepared but no later than thirty (30) days after the effective date of the order. Notwithstanding the provisions of KRS 620.090(5)~~(6)~~, if a child remains in the temporary custody of the cabinet for longer than forty-five (45) days and if a request is submitted by the Administrative Office of the Courts Citizen Foster Care Review Board Program, the cabinet shall provide a copy of the case permanency plan for the child.
- (2) The case permanency plan shall include, but need not be limited to:
 - (a) A concise statement of the reasons why the child is in the custody of the cabinet;
 - (b) A statement of the actions which have been taken with regard to the child to the date of the plan;
 - (c) A statement of the proposed actions which may be taken or are contemplated with regard to the child during the next six (6) months and during the entire duration of the time the child is in the custody of the cabinet;
 - (d) Contemplated placements for the child;
 - (e) If the child is placed outside the home, reasons why the child cannot be protected adequately in the home, the harms the child may suffer if left in the home, factors which may indicate when the child can be returned to the home, and efforts the cabinet or others are making to return the child to the home;
 - (f) If the child is placed outside the home, the steps that the cabinet will take to minimize the harm to the child as a result of the action, both at the time of removal and on a long-term basis;

- (g) A description of the type of home, child-caring facility, child-placing agency or facility in which the child is to be placed or has been placed, and a statement why the placement is appropriate for the child, including but not limited to:
 - 1. Age;
 - 2. Educational needs;
 - 3. Medical needs;
 - 4. Emotional needs;
 - 5. Relationship with parents; and
 - 6. Number of children the home is authorized to care for and the number of children currently residing in the home;
 - (h) If the placement is outside the child's original county of residence, documentation that no closer placement is appropriate or available, and the reasons why the placement made was chosen;
 - (i) A description of the services for the child and his family to be provided or arranged by the cabinet to facilitate the return of the child to his own home or to another permanent placement;
 - (j) A list of objectives and specific tasks, together with specific time frames for each task, for which the parents have agreed to assume responsibility, including a schedule of regular visits with the child;
 - (k) A projected schedule of time intervals by which each of the services, objectives, and tasks outlined in the case permanency plan should be accomplished and a schedule of time intervals which have already been accomplished or are in the process of accomplishment;
 - (l) If the child is to remain at home, a description of the potential harm which could befall the child and measures that are being taken to prevent or minimize such harm; and
 - (m) If the child is to remain at home, reasons why he cannot be placed in foster care or why such care is not needed.
- (3) Under no circumstance shall a child be placed in a home, facility, or other shelter with a child who has been committed to the Department of Juvenile Justice for commission of a sex crime as defined in KRS 17.500, unless the child committed for the commission of a sex crime is kept segregated from other children in the home, facility, or other shelter that have not been committed for the commission of a sex crime.

➔Section 11. Section 2 of this Act takes effect March 31, 2023.

Signed by Governor April 8, 2022.