921 KAR 1:001. Definitions for 921 KAR Chapter 1.

RELATES TO: KRS 194A.050, 205.710-205.800, 403.210-403.240, 405.440, 405.520, 407.5101-407.5903, 45 C.F.R. 302.31, 302.33-302.38, 302.50-302.54, 302.56, 302.60, 302.80, 303.2-303.4, 303.6, 303.8, 303.15, 303.30-303.31, 303.70, 303.100-303.102, 42 U.S.C. 651 et seq.

STATUTORY AUTHORITY: KRS 194A.050, 205.710-205.800, 405.440, 405.520, 42 U.S.C. 651 et seq.

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194B.050 requires the Cabinet for Health and Family Services to promulgate administrative regulations to administer the Child Support Enforcement Program (CSEP). This administrative regulation establishes definitions of terms used by the cabinet in administrative regulations pertaining to the Child Support Enforcement Program.

Section 1. Definitions of terms utilized in administrative regulations relating to the Child Support Enforcement Program are as follows:

(1) "Administrative hearing" means the process whereby a parent's objections to administrative determinations of the cabinet are heard by an impartial hearing officer upon a timely request.

(2) "Arrearage" means the total unpaid support obligation owed by a noncustodial parent or obligor.

(3) "Assigned support obligation" means any child support, spousal support, or medical support obligation assigned to the state.

(4) "Assignment of rights" means the written transfer of rights to any child support, medical support, or spousal support obligation to the state.

(5) "CSEP" means the Child Support Enforcement Program.

(6) "Custodial parent" means either a mother, father, or any other person or entity that may have standing to request services on behalf of a dependent child who is living in the home with the child.

(7) "Default" means the noncustodial parent's or obligor's failure to return a financial statement or to keep an appointment, and the noncustodial parent's or obligor's income and assets cannot be obtained and verified from another source to determine a support obligation based on the Kentucky child support guidelines.

(8) "Distribution" means either a disbursement of a collection to the family or an allotment of various portions of the collection to the state and federal government for the reimbursement of the share of the K-TAP assistance payment to the family, or money expended for a child in the custody of the state.

(9) "Escrow" means the difference between the amount of the assistance payment for the month in which the amount of the collection is used to redetermine eligibility and either the monthly obligation or the amount collected, whichever is less.

(10) "Excess collections" means the amount of the collection which exceeds the monthly obligation amount.

(11) "Income" means earnings or other periodic entitlements to money from any source and any other property subject to withholding for support as described in KRS 205.710(10), (11), (15) and 403.212(2).

(12) "Income withholding for support" means an administrative order issued by the cabinet, or a judicial order to an obligor's employer to withhold an amount equal to the current obligation plus an amount to be applied toward liquidation of any arrearage, and if applicable, the employee-paid share of the cost of health insurance coverage for a dependent child.

(13) "Initiating tribunal" means the tribunal of a state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed for forwarding to another state or foreign country.

(14) "Intergovernmental IV-D case" means a IV-D case in which the noncustodial parent lives or works in a different jurisdiction than the custodial parent and the child or children that have been referred by an initiating tribunal to a responding state for services, including:

(a) Any combination of referrals between states, tribes and countries; or

(b) Cases in which a state agency is seeking only to collect support arrearages, whether owed to the family or assigned to the state.

(15) "Kentucky Transitional Assistance Program (K-TAP)" means Kentucky's Temporary Assistance for Needy Families (TANF) money payment program for children who are deprived of parental support or care due to:

(a) Death, continued voluntary or involuntary absence, physical or mental incapacity of a parent; or

(b) Unemployment of at least one (1) parent if both parents are in the home.

(16) "Location" means the determination of a parent's location, income, assets, property, or debt as provided by KRS 205.730(5).

(17) "Noncustodial parent" or "obligor" means either a mother or father of a dependent child who is not living in the home with the child as well as a description of the alleged father in a paternity case.

(18) "Notice of monthly support obligation" means an administrative order issued by the cabinet as specified in KRS 405.440 notifying the noncustodial parent, or obligor, of the child support and medical support obligation and of the noncustodial parent's, or obligor's right to request an administrative hearing.

(19) "Offset" means to set aside federal or state, or both, income tax refunds or nonexempt federal payments due a noncustodial parent, or obligor, as a means of collecting past-due child support.

(20) "Preoffset notice" means a letter notifying a noncustodial parent, or obligor, who owes an arrearage that the arrearage has been certified for state and federal tax refund intercept, state tax refund intercept only, passport denial or revocation, administrative offset of nonexempt federal payments, offset of lottery winnings, and to certified consumer credit reporting agencies.

(21) "Public assistance" means the receipt of K-TAP, including child care or work subsidies and vouchers, Medicaid, or foster care benefits.

(22) "Responding state" means a state in which a petition or comparable pleading for support or to determine parentage of a child is filed or to which a petition or comparable pleading is forwarded for filing from another state or foreign country.

(23) "Spousal support" means a legally enforceable obligation assessed against an individual for the support of a spouse or former spouse who is living with a child or children of that individual, even if child support is not part of the order.

(20 Ky.R. 2284; eff. 3-14-1994; Am. 21 Ky.R. 2535; eff. 5-17-1995; 22 Ky.R. 807; eff. 11-15-1995; 23 Ky.R. 2874; 3361; eff. 2-19-1997; 25 Ky.R. 632; 1633; eff. 1-19-1999; Recodified from 904 KAR 2:001, 2-1-1999; 39 Ky.R. 337; 772; eff. 10-17-2012; 43 Ky.R. 815; eff. 3-3-2017; Cert eff. 1-16-2024; Recodified to 040 KAR 001:001; eff. 6-22-2026.)