

922 KAR 5:050. Funding requirements for domestic violence shelters.

RELATES TO: KRS 205.455(4), 209.020(2), 209.030(9), 209.160(1), (2), 209A.010-080, 45 C.F.R. 74, 92

STATUTORY AUTHORITY: KRS 194A.050(1), 209.030(1), 209A.030(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to formulate all administrative regulations necessary under applicable state laws to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of the individual citizens of the commonwealth and necessary to operate the programs and fulfill the responsibilities vested in the cabinet. KRS 209.030(1) and 209A.030(1) authorize the cabinet to promulgate administrative regulations to effect the purposes of KRS Chapters 209, governing protective services to adults, and 209A, governing the protective services to victims of domestic violence. This administrative regulation establishes the requirements necessary for domestic violence shelters to receive funding.

Section 1. Definitions.

- (1) "Agency" means a private or public nonprofit incorporated organization, or organization in the process of obtaining nonprofit status:
 - (a) That has the capacity to provide domestic violence shelter and related services to a client; and
 - (b) With whom the cabinet or its designee contracts for services.
- (2) "Annual plan and budget" means the annual application for funding submitted to the cabinet or its designee by each domestic violence shelter.
- (3) "Cabinet" is defined by KRS 209.020(2) and 209A.020(2).
- (4) "Client" means a:
 - (a) Domestic violence victim; and
 - (b) Dependent child of the domestic violence victim.
- (5) "District" is defined by KRS 205.455(4).
- (6) "Service provider" means the agency within each area development district, designated by the cabinet or its designee as the focal point of service delivery for domestic violence shelter and related services.

Section 2. General Funds. The cabinet or its designee shall annually allocate appropriated general funds to cabinet-approved service providers for the operation of domestic violence shelters.

Section 3. Service Provider.

- (1)
 - (a) The cabinet or its designee shall approve one (1) service provider for each area development district to receive an allocation of general funds in accordance with KRS 209.160(2).
 - (b) The approval shall be in effect unless rescinded following a review of the agency's performance and its annual plan and budget proposal for the upcoming year.
- (2)
 - (a) The cabinet or its designee shall select a service provider after a determination that the service provider meets the standards set forth in 922 KAR 5:040.
 - (b) Each selected agency shall submit a properly executed annual plan and budget proposal which shall indicate each agency's capacity to provide domestic violence shelter and other related services for a client.
 - (c) The application for funding shall:
 1. Specify the type and kind of services the provider proposes to perform, either as a provider or under subcontract;

2. Detail fiscal considerations;
 3. Assure that the agency and subcontractors shall comply with applicable federal and state laws, including KRS Chapters 209, 209A, and 45 C.F.R. Parts 74 and 92; and
 4. Include a commitment to provide outreach services in counties of the area development district in which it is located.
- (3)
- (a) The cabinet or its designee shall allocate general funds to the service provider in each area development district.
 - (b) The service provider:
 1. Shall be limited to providing services to the area development district where the service provider is located; and
 2. May provide services to a client of another area development district if:
 - a. Shelter space or services are available for an additional client of another area development district; or
 - b. An emergency situation exists, such as a temporary closure of another area development district's domestic violence shelter.

Section 4. Trust and Agency Funds.

- (1) The cabinet or its designee shall:
 - (a) Designate an agency as a service provider to receive trust and agency funds from the account created in KRS 209.160(1);
 - (b) Allocate trust and agency funds among each designated service provider at the amount approved by the cabinet or its designee for each designated service provider in accordance with the provider's approved plan and budget; and
 - (c) Require unencumbered funds to be returned to the cabinet if there is a change in the designated service provider.
 - (2) The cabinet or its designee may:
 - (a) Hold trust and agency funds allocated to a service provider at the beginning of each fiscal year which are not expended, to be expended by the same service provider the following year in accordance with the approved annual plan and budget; or
 - (b) Assign unencumbered funds returned from a designated service provider to a new designated service provider.
- (12 Ky.R. 1200; eff. 2-4-1986; Am. 13 Ky.R. 1784; 2009; eff. 5-14-1987; 15 Ky.R. 1950; eff. 3-15-1989; 20 Ky.R. 2447; 2861; eff. 3-23-1994; Recodified from 905 KAR 5:050, 10-30-1998; TAm eff 10-29-2004; Ky.R. 789; 1120; eff. 1-6-2006; 41 Ky.R. 1462; 1807; eff. 2-26-2015; Cert. eff. 12-3-2021.)