

**DEPARTMENT OF LAW**  
**Department of Criminal Litigation**  
**Office of Trafficking and Abuse Prevention and Prosecution**  
**(Amended at ARRS Committee)**

**40 KAR 6:020. Funding assistance from the child victims' trust fund.**

RELATES TO: KRS 15.900, 15.920, 15.935, 41.400

STATUTORY AUTHORITY: KRS 15.180, 15.935

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.180 authorizes the Attorney General to promulgate administrative regulations to facilitate performing the duties and exercise the authority vested in the Attorney General and the Department of Law. KRS 15.935(1) authorizes the Child Sexual Abuse and Exploitation Prevention Board to disburse available money from the child victims' trust fund, upon legislative appropriations, for the purposes, listed in the order of preference, stated in KRS 15.935(1)(a) through (g). This administrative regulation establishes standards and criteria governing the Board's disbursement of money from the fund.

**Section 1. Definitions.**

- (1) "Board" means the "state board" as defined by KRS 15.900(4).
- (2) "Child" is defined by KRS 15.900(1).
- (3) "Child sexual abuse medical examination" means a complete physical examination of a child with a special focus on the anal or genital area or oral cavity, and the case management associated with the physical examination.
- (4) "Eligible provider" means a private, nonprofit agency, designated as a Children's Advocacy Center by the Cabinet for Health and Family Services under KRS 620.045, whose primary purpose is to provide, either directly or through contract, prevention, intervention, and treatment services to sexually abused children and their families, employing a child-focused multidisciplinary team approach.
- (5) "Office" is the Office of Trafficking and Abuse Prevention and Prosecution.

**Section 2. Funding Criteria.**

- (1) The board may disperse available money from the child victims' trust fund, in accordance with KRS 15.935.
- (2) The Board may, in accordance with KRS 15.935(1), disburse available money from the child victims' trust fund to applicants that:
  - (a) Are private nonprofits or public organizations; and
  - (b) Have completed the application that is incorporated by reference in this administrative regulation.
- (3) An applicant:
  - (a) Shall complete and submit the appropriate application that is incorporated by reference in this administrative regulation no later than February 28 preceding the beginning of the fiscal year in which disbursement of available money is sought. The Board may grant an extension of time for good cause shown. Applications shall be submitted by:
    1. Mail to 1024 Capital Center Drive, Frankfort, Kentucky 40601; or
    2. Email to [ICareAboutKids@ky.gov](mailto:ICareAboutKids@ky.gov).
  - (b) Seeking funding to:
    1. Develop or operate a prevention program under KRS 15.935(1)(a) shall demonstrate ability to comply with the requirements of KRS 15.935(1)(a)1., 2., and 3.;

2. Develop or operate a statewide public education and awareness campaign on child sexual abuse under KRS 15.935(1)(e) shall demonstrate ability to comply with the requirements of KRS 15.935(1)(a)2. and 3.; or

3. Fund, under KRS 15.935(1)(b), the cost of medical examinations of victims of suspected child sexual abuse to the extent the fee for an examination is a service not eligible to be paid for by Medicaid or private insurance shall also comply with Section 3 of this administrative regulation.

(c) Shall demonstrate need for financial assistance.

(d) To whom funds are disbursed, shall agree to:

1. Provide program models and consultation to organizations and communities regarding program development and maintenance; and

2. Execute a memorandum of agreement with the office.

(4) Disbursement of money from the child victims' trust fund shall occur during the state fiscal year following the approval of funding by the board.

#### Section 3. Disbursement of money for child sexual abuse medical examinations.

(1) Disbursement of money from the child victims' trust fund for child sexual abuse medical examinations shall be on a reimbursement basis.

(2) Reimbursement for child sexual abuse medical examinations shall not exceed \$150 per case.

(3) An applicant for child sexual abuse medical examination funding shall certify that:

(a) Funds granted will:

1. Be used solely for the purpose of reimbursing the cost of child sexual abuse medical examinations on a per-exam basis;

2. Supplement and not replace existing funds received by the applicant from other sources for child sexual abuse medical examinations;

3. Not be used to reimburse services to the extent those services are covered by private health insurance or Medicaid, or if a third party has a legal obligation to pay;

(b) Every person performing a child sexual abuse medical examination service will comply with applicable state and federal licensing or certification requirements;

(c) The Applicant has ability to provide access to child sexual abuse medical examinations in the geographic region served by the applicant; and

(d) The applicant is an eligible provider as defined in Section 1 of this administrative regulation.

#### Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Child Sexual Abuse Medical Examination Funding Application , August 2021"; and

(b) "Child Victims' Trust Fund Prevention and Public Education and Awareness Program Funding Application, August 2021".

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Trafficking and Abuse Prevention and Prosecution, Office of Attorney General, 1024 Capital Center Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. The material incorporated by reference is also available at [icareaboutkids.ky.gov](http://icareaboutkids.ky.gov).

(26 Ky.R. 1459; Am. 1677; 1797; eff. 4-12-2000; 27 Ky.R. 2551; 3071; eff. 5-14-2001; 48 Ky.R. 856, 1724; eff. 3-1-2022.)

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