

CABINET FOR HEALTH AND FAMILY SERVICES

Department For Income Support

Child Support Enforcement

(Amendment)

921 KAR 1:380. Child Support Enforcement Program application and intergovernmental process.

RELATES TO: KRS 205.705, 205.710-205.802~~[800]~~, 205.992, 213.046(4), 403.211, 405.430(5), 405.467, 405.520, 406.021, 406.025, 407.5101-407.5903, 610.170, 45 C.F.R. 301.1, 302.30, 302.31, 302.33-302.36, 302.50, 302.65, 302.80, 303.2, 303.3-303.8, 303.15, 303.30-303.31, 303.69, 303.70, 42 U.S.C. 651-654, 657, 663, 666

STATUTORY AUTHORITY: KRS 194A.050(1), 205.795, 405.520

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1), 205.795, and 405.520 authorize the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations to operate the Child Support Enforcement Program (CSEP) in accordance with federal law and regulations. 45 C.F.R. 303.2 requires the child support application process to be accessible to the public. This administrative regulation specifies the process by which an individual may apply for child support services, the scope of services available, and the process for an intergovernmental case.

Section 1. Child Support Enforcement Case Types.

(1) Kentucky Transitional Assistance Program (KTAP~~[K-TAP]~~) or Kinship Care.

(a)

1. An applicant for, or recipient of, KTAP~~[K-TAP]~~ or Kinship Care shall make an assignment of rights to the state for support that the applicant or recipient may have from any other person in accordance with KRS 205.720(1) and 921 KAR 2:006.
2. The assignment shall:
 - a. Include members of the case for whom support rights apply; and
 - b. Be completed when applying for KTAP~~[K-TAP]~~ or Kinship Care benefits using the application form incorporated by reference in 921 KAR 2:040.

(b) An applicant or recipient shall cooperate in all phases of child support activity that shall, if known, include:

1. The name of the noncustodial parent or obligor;
2. The Social Security number of the noncustodial parent or obligor;
3. Information to assist in the:
 - a. Location of the noncustodial parent or obligor;
 - b. Enforcement of a child support order; or
 - c. Review or modification of a child support order;
4. Establishment of:
 - a. Paternity, if paternity has not been established; and
 - b. An assigned support obligation;
5. Enforcement of:
 - a. An assigned support obligation; and
 - b. A spousal support order if the cabinet is collecting for a child who resides with the spouse or former spouse; and
6. Forwarding any child support payment received to the cabinet's centralized collection unit.

(2) Foster Care.

(a) The CSEP shall collect and disburse child support on behalf of a child for whom:

1. The state is making a foster care maintenance payment as required by 42 U.S.C. 657 and an assignment of rights has been made; or

2. The cabinet has custody, and there is an order for the child's parent or parents to pay child support to the cabinet pursuant to KRS 610.170.
- (b) The child's benefit worker with responsibility for the foster care child shall:
 1. Cooperate with the CSEP;
 2. Review and approve a foster care child support referral;
 3. Complete a change of status if a change occurs that relates to the child support process; and
 4. Forward to the CSEP a copy of the child support court documents.
- (c) If a child with special needs is adopted in accordance with 922 KAR 1:100 and reenters the custody of the cabinet, the cabinet shall:
 1. Determine that good cause exists in accordance with Section 2(3) of this administrative regulation; or
 2. Establish a child support obligation if:
 - a. A child with special needs adopted in accordance with 922 KAR 1:100 has reentered the custody of the cabinet due to the child's maltreatment or abandonment; and
 - b. The commissioner or designee recommends the establishment of child support.
- (3) Medicaid only.
 - (a) If a Medicaid-only referral is made, the CSEP shall obtain the following information, if available:
 1. Medicaid case number;
 2. Name of the noncustodial parent or obligor;
 3. Social Security number of the noncustodial parent or obligor;
 4. Name and Social Security number of the child;
 5. Home address of the noncustodial parent or obligor;
 6. Name and address of the noncustodial parent or obligor's place of employment; and
 7. Whether the noncustodial parent has a health insurance policy and, if so, the policy name, policy number, and name of any person covered.
 - (b) An application for Medicaid shall include an assignment of rights for medical support, pursuant to 907 KAR 20:005.
 - (c) Except for a custodial parent who is pregnant or in her postpartum period, pursuant to 907 KAR 20:005, a custodial parent shall cooperate in all phases of medical support activity.
 - (d) A Medicaid-only recipient desiring full child support services, in addition to the medical support services, shall complete and submit to the CSEP the CS-140, Assignment of Rights and Authorization to Collect Support.
- (4) Nonpublic Assistance.
 - (a) In accordance with KRS 205.721, the CSEP shall make child support services available to any individual who:
 1. Assigns rights for medical support only;
 2. Applies for services pursuant to paragraph (c) of this subsection; or
 3. Has been receiving child support services as a public assistance recipient and is no longer eligible for public assistance.
 - (b) The CSEP shall notify the family no longer eligible for public assistance, within five (5) working days, that child support services shall continue unless the CSEP is notified to the contrary by the family.
 - (c) Application Process for a Nonpublic Assistance Individual.
 1. Upon the request of a nonpublic assistance applicant, the CSEP shall give an application packet to the applicant.
 2. If the request is:
 - a. Made in person, the packet shall be provided the same day; or

- b. Not made in person, the packet shall be sent to the applicant within five (5) working days of the request.
- 3. The application packet shall include the:
 - a. CS-33, Application for Child Support Services;
 - b. CS-202, Authorization for Electronic Deposit of Child Support Payments; and
 - c. CS-11, Authorization and Acknowledgement of No Legal Representation.
- 4. In order to receive child support services, the applicant shall complete and return the:
 - a. CS-33, Application for Child Support Services; and
 - b. CS-11, Authorization and Acknowledgement of No Legal Representation.
- (d) Except for a location-only case, services provided to a nonpublic assistance client through the CSEP shall be those services listed in Section 2 of this administrative regulation.
- (e) If a case involves a putative father, services provided shall be those identified in Section 2(1) of this administrative regulation.
- (f) The CSEP shall obtain the following information from a nonpublic assistance applicant, if available:
 - 1. Name, date of birth, and Social Security number of the child;
 - 2. Name of the custodial and noncustodial parent or obligor;
 - 3. Social Security number of the custodial and noncustodial parent or obligor;
 - 4. Date of birth of the custodial and noncustodial parent or obligor;
 - 5. Home address or last known address of the custodial and noncustodial parent or obligor; and
 - 6. Name and address of the custodial and noncustodial parent's or obligor's employer or last known employer.

Section 2. General Services and Good Cause for All Case Types.

- (1) The CSEP shall provide child support services for a case type described in this administrative regulation in accordance with 42 U.S.C. 654. The services shall include:
 - (a) Location of the noncustodial parent or obligor;
 - (b) Location of the custodial parent for establishment of paternity;
 - (c) Establishment of paternity based upon the receipt of either:
 - 1. A court order; or
 - 2. An affidavit from the Office of Vital Statistics that a signed, notarized voluntary acknowledgement of paternity has been registered;
 - (d) Establishment of a child support or medical support obligation by:
 - 1. Petitioning the court or administrative authority to establish child support pursuant to the Kentucky Child Support Guidelines; and
 - 2.
 - a. Petitioning the court or administrative authority to include health care coverage pursuant to 45 C.F.R. 303.31(b)(1) in new or modified court or administrative orders for support; or
 - b. Petitioning the court or administrative authority to include cash medical support in new or modified orders until health care coverage that is accessible and reasonable in cost, as defined by KRS 403.211(8)(a) and (b), becomes available;
 - (e) Enforcement of a:
 - 1. Child support or medical support obligation; and
 - 2. Spousal support obligation if the:
 - a. Custodial parent is the spouse or ex-spouse;
 - b. Child lives with the spouse or ex-spouse; and
 - c. Cabinet is collecting support on behalf of the child;

- (f) Review and modification of an assigned support obligation in accordance with 921 KAR 1:400;
 - (g) Collection and disbursement of current and past-due support payments resulting from an assigned support obligation, less an annual fee assessed against a custodial parent who has never received assistance, as defined by 42 U.S.C. 654(6)(B)(ii) and KRS 205.721(4), during each Federal fiscal year in which \$550 has been disbursed for the case; and
 - (h) Submission of an application to the health plan administrator to enroll the child if the parent ordered to provide health care coverage is enrolled through the insurer and has failed to enroll the child.
- (2) The CSEP shall open a case and determine needed action and services within twenty (20) calendar days of receipt of a:
- (a) Referral from the public assistance agency;
 - (b) Foster care referral; or
 - (c) Nonpublic assistance application in accordance with Section 1(4)(c) of this administrative regulation.
- (3) Good cause.
- (a)
 - 1. If an applicant or client states that good cause for noncooperation exists, the applicant or client shall have the opportunity to establish a claim pursuant to 921 KAR 2:006.
 - 2. Evidence for determination of good cause shall be pursuant to 921 KAR 2:006.
 - 3. For a foster care child, good cause for nonenforcement of child support shall be determined to exist if evidence and criteria are met pursuant to 921 KAR 2:006 or 922 KAR 1:530.
 - (b) If the CSEP has reason to believe an allegation of child maltreatment or domestic violence pursuant to KRS 205.730(1), the CSEP shall not attempt location, establishment, modification, or enforcement of an assigned support obligation.

Section 3. Parent Locator Service and Associated Fee for Service.

- (1) Unless the cabinet has reason to believe an allegation of child maltreatment or domestic violence pursuant to KRS 205.730(1) or 921 KAR 2:006, Section 25, location shall be attempted for a:
 - (a) Public assistance case referred to the CSEP; or
 - (b) Nonpublic assistance case for which child support services are being provided.
- (2) The CSEP shall attempt to locate a noncustodial parent or obligor and the noncustodial parent's or obligor's employer, sources of income, assets, property, and debt, if necessary, for a public assistance case or nonpublic assistance case assigned to the CSEP pursuant to KRS 205.712, 205.730(5), and 45 C.F.R. 303.69 or 303.70.
- (3) In accordance with KRS 205.730(4), location services shall be provided in a parental kidnapping case.
- (4) The CSEP shall provide location services to a putative father in accordance with KRS 205.730(2) and (4).

Section 4. Intergovernmental Process for Child Support Enforcement Services. In accordance with KRS 205.712, 407.5101-407.5903, and 45 C.F.R. 303.70, the CSEP shall:

- (1) Extend to an intergovernmental IV-D child support case the same services available to an intrastate case; and
- (2) Provide a responding state with sufficient and accurate information and documentation on the appropriate intergovernmental transmittal forms, the:
 - (a) CS-98, General Testimony;
 - (b) CS-99, Declaration in Support of Establishing Parentage;
 - (c) CS-100, Uniform Support Petition;

- (d) CS-103, Child Support Enforcement Transmittal #1 – Initial Request;
- (e) CS-138, Child Support Locate Request;
- (f) CS-153, Child Support Enforcement Transmittal #2 – Subsequent Actions;
- (g) CS-154, Child Support Enforcement Transmittal #3 – Request for Assistance/Discovery;
- (h) CS-155, Notice of Determination of Controlling Order;
- (i) CS-157, Letter of Transmittal Requesting Registration;
- (j) CS-210, Child Support Agency Confidential Information Form;
- (k) CS-211, Personal Information Form for UIFSA § 311;
- (l) CS-212, Child Support Agency Request for Change of Support Payment Location Pursuant to UIFSA §319; and
- (m) CS-213, Child Support Enforcement Transmittal #1 – Initial Request Acknowledgment.

Section 5. Public Awareness. The effort, pursuant to KRS 205.712(2)(g), to publicize the availability of the CSEP's services and encourage their use may include:

- (1) Public service announcements;
- (2) Posters;
- (3) Press releases;
- (4) Videos;
- (5) Annual reports;
- (6) Newsletters;
- (7) Mail inserts;
- (8) Pamphlets;
- (9) Letters; and
- (10) Internet.

Section 6. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "CS-11, Authorization and Acknowledgement of No Legal Representation", 10/12;
 - (b) "CS-33, Application for Child Support Services", ~~6/2022~~^{8/19};
 - (c) "CS-98, General Testimony", 10/2020;
 - (d) "CS-99, Declaration in Support of Establishing Parentage", 10/2020;
 - (e) "CS-100, Uniform Support Petition", 10/2020;
 - (f) "CS-103, Child Support Enforcement Transmittal #1 - Initial Request", 10/2020;
 - (g) "CS-138, Child Support Locate Request", 10/2020;
 - (h) "CS-140, Assignment of Rights and Authorization to Collect Support", ~~6/2022~~^{10/12};
 - (i) "CS-153, Child Support Enforcement Transmittal #2 - Subsequent Actions", 10/2020;
 - (j) "CS-154, Child Support Enforcement Transmittal #3 - Request for Assistance/Discovery", 10/2020;
 - (k) "CS-155, Notice of Determination of Controlling Order", 10/2020;
 - (l) "CS-157, Letter of Transmittal Requesting Registration", 10/2020;
 - (m) "CS-202, Authorization for Electronic Deposit of Child Support Payments", ~~6/2022~~^{2/17};
 - (n) "CS-210, Child Support Agency Confidential Information Form", 10/2020;
 - (o) "CS-211, Personal Information Form for UIFSA § 311", 10/2020;
 - (p) "CS-212, Child Support Agency Request for Change of Support Payment Location Pursuant to UIFSA §319", 10/2020; and
 - (q) "CS-213, Child Support Enforcement Transmittal #1 - Initial Request Acknowledgment", 10/2020.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Income Support, Child Support Enforcement, 730 Schenkel Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be viewed on the department's Web site at <https://chfs.ky.gov/agencies/dis/Pages/cse.aspx>.

(20 Ky.R. 2292; eff. 3-14-1994; 21 Ky.R. 2548; eff. 5-17-1995; 23 Ky.R. 2876; 3573; eff. 2-19-1997; 25 Ky.R. 636; 1636; eff. 1-19-1999; Recodified from 904 KAR 2:380, 2-1-1999; 26 Ky.R. 913; eff. 12-15-1999; 27 Ky.R. 249; eff. 9-11-2000; 28 Ky.R. 166; 888; eff. 9-25-2001; 33 Ky.R. 629; 1090; eff. 10-18-2006; 34 Ky.R. 1867; 2141; eff. 3-19-2008; 35 Ky.R. 1089; eff. 1-5-2009; 36 Ky.R. 1545; 2077-M; eff. 4-2-2010; 39 Ky.R. 339; 774; eff. 10-17-2012; 43 Ky.R. 473, 701; eff. 11-16-2016; 45 Ky.R. 193; eff. 9-19-2018; 45 Ky.R. 3583, 46 Ky.R. 472; eff. 8-19-2019; TAm eff. 11-2-2020; 49 Ky.R. 144; eff. 10-26-2022.)

STEVEN P. VENNO, Commissioner

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: May 31, 2022

FILED WITH LRC: June 7, 2022 at 8:03 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on August 22, 2022, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by August 15, 2022, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until August 31, 2022. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone: 502-564-6746; fax: 502-564-7091; email CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Mary W. Sparrow

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation specifies the process by which an individual may apply for child support services, the scope of services available, and the process for an intergovernmental case.

(b) The necessity of this administrative regulation:

This administrative regulation provides the procedures for applying for child support enforcement services, the scope of child support enforcement services available as well as the procedures for establishing an intergovernmental case in accordance with 42 U.S.C. 651-654, 657, 663, 666, and 45 C.F.R. 302 and 303.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

The cabinet has responsibility under KRS 194A.050(1), 205.721, 205.795, 405.520, and by virtue of applying for federal funds under 42 U.S.C. 651-654, 657, 663, and 666, to outline the application process for child support services, scope of child support enforcement services available, and the procedures for establishing an intergovernmental case.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation assists in the effective administration of the statutes by establishing procedures and processes utilized by the cabinet for applicants to apply for child support enforcement services, the scope of child support enforcement services available, and the procedures for establishing an intergovernmental child support case.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This amendment updates three existing forms that are incorporated by reference.

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary to update three forms that are incorporated by reference.

(c) How the amendment conforms to the content of the authorizing statutes:

The authorizing statutes provide guidance for the Child Support Enforcement Program (CSEP).

(d) How the amendment will assist in the effective administration of the statutes:

This amendment will assist in the administration of the statutes through the updates to three forms that are incorporated by reference.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

The updates in this regulation will affect participants and workers in the Child Support Enforcement Program (CSEP). There are currently 254,251 cases.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

The forms will be completed by child support staff based on answers provided by the participants in the child support case.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There will be no additional costs associated with this update.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Two of the forms are being revised to update language and the third form, the CS-202, is being updated to notify participants that child support payments can now be placed on a debit card.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

None.

(b) On a continuing basis:

None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

Federal funds from The Child Support Enforcement State Program under Title IV-D of the Social Security Act support the implementation and enforcement of this administrative regulation. State General Funds are also utilized.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No new funding or fees are associated with this update.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

No new funding or fees are associated with this update.

(9) TIERING: Is tiering applied?

Tiering is not necessary because the child support requirements are applied uniformly.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

None.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

42 U.S.C. 454(6)(B)(ii) and KRS 205.721.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

None.

(c) How much will it cost to administer this program for the first year?

No additional funding will be necessary.

(d) How much will it cost to administer this program for subsequent years?

No additional administrative costs will be incurred.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

There is no cost savings associated with this administrative regulation.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

There is no cost savings associated with this administrative regulation.

(c) How much will it cost the regulated entities for the first year?

There is no cost associated with this administrative regulation.

(d) How much will it cost the regulated entities for subsequent years?

There is no cost associated with this administrative regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This administrative regulation will not have a major economic impact.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate.

42 U.S.C. 654(6)(b)(ii).

(2) State compliance standards.

KRS 205.721(4).

(3) Minimum or uniform standards contained in the federal mandate.

42 U.S.C. 654(6)(b)(ii)

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?

The administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

The administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.