JUSTICE AND PUBLIC SAFETY CABINET

Office of the Secretary

(Amended at ARRS Committee)

500 KAR 16:010. Funds disbursement from the elder and vulnerable victims trust fund.

RELATES TO: KRS 15A.011, 41.305, 209.005, 381.280(3)

STATUTORY AUTHORITY: KRS 15A.160, 41.305, 196.035

NECESSITY, FUNCTION, AND CONFORMITY: KRS 41.305 requires the Justice and Public Safety Cabinet to administer the elder and vulnerable victims trust fund and to promulgate administrative regulations to implement operation of the fund. KRS 15A.160, 41.305, and 196.035 authorize the secretary of the Justice and Public Safety Cabinet to promulgate administrative regulations necessary or suitable for the proper administration of the functions vested in the cabinet or any division in the cabinet. This administrative regulation defines the terms, standards, and criteria governing the disbursement of money from the fund.

Section 1. Definitions.

(1) "Cabinet" means the Justice and Public Safety Cabinet as defined by KRS 15A.011(1).

(2) "Elder Abuse Committee" is defined by KRS 209.005(1).

(3) "Elder and vulnerable victim" means:

(a) A natural person sixty-five (65) years of age or older; or

(b) A natural person eighteen (18) years of age or older who, because of mental or physical dysfunction, is unable to manage his or her own resources, carry out the activities of daily living, or protect himself or herself from neglect, exploitation, or a hazardous or abusive situation without assistance from others, and who may be in need of protective services.

(4) "Funded program" means any program, campaign, project, or combination thereof, proposed by an applicant for which the trust fund review panel grants an award of funds from the elder and vulnerable victims trust fund.

(5) "Trust fund review panel" means the Elder Abuse Committee, with a representative from the cabinet and a representative from the Administrative Office of the Courts.

Section 2. Funding Criteria.

(1) The trust fund review panel may disburse funds from the elder and vulnerable victims trust fund.

(2) If funds are disbursed from the elder and vulnerable victims trust fund, the trust fund review panel shall disburse said money in accordance with KRS 41.305.

(3) In accordance with KRS 41.305(6), the trust fund review panel may only disburse available money from the elder and vulnerable victims trust fund to applicants that are qualified under KRS 41.305(6) as public or private nonprofit organizations, including government organizations, that have completed the Application for Grant Funding incorporated by reference in Section 5 of this administrative regulation.

(4) The applicant shall:

(a) Complete and submit the Application for Grant Funding online at https://justice.ky.gov/Pages/index.aspx in the Grants Management Division section no later than August 1 of the state fiscal year prior to the state fiscal year in which the award funds would be disbursed. The trust fund review panel may grant an extension of time up to and including September 1 of the state fiscal year prior to the state fiscal year in which the award funds would be disbursed; and

(b) Seek funding to:

1. Develop or operate the programming outlined in KRS 41.305(6)(c); and

2. Demonstrate the ability to comply with KRS 41.305(6)(a), (b), (c)1., 2., 3., and 4.

(5) The trust fund review panel shall make its decision as to disbursement of available money based on:

(a) The requirements in KRS 41.305;

(b) An assessment of the applicant's ability to meet the purposes of KRS 41.305;

(c) The strength of the applicant's plan, including project overview and proposed budget;

(d) If applicable, consideration of whether grant requirements were met for a previous grant, including consideration of whether the applicant properly submitted required reports as well as the content of the reports;

(e) An area of specific grant focus determined by the Elder Abuse Committee, if any; and

(f) Other factors of similar importance in assessing the strength of an application.

Section 3. Awards.

(1) The trust fund review panel shall provide written notice of its decision regarding a grant application to a grant applicant no later than January 1 of state fiscal year prior to the state fiscal year in which the award funds would be disbursed.

(2) If an award is granted to an applicant, the applicant shall execute a memorandum of agreement with the cabinet memorializing the proposed program prior to the disbursement of any funds.

(3) Disbursement of money from the elder and vulnerable victims trust fund shall occur during the state fiscal year following the approval of funding by the trust fund review panel.

(4) Denial of an award to an applicant by the trust fund review panel shall not be subject to an appeal.

Section 4. Reporting.

(1) If an application for funding is approved by the trust fund review panel and funds are disbursed to the applicant, the organization or entity who is granted the funds shall:

(a) Submit a quarterly report on the status of the funded program to the Grants Management Division (GMD) with the cabinet;

(b) Submit a follow-up report within five (5) calendar days of conclusion of the funded program to the GMD; and

(c) Submit a final report monitoring the success of the funded program within six (6) months of the conclusion of the funded project to the GMD.

(2) Any report required by this section shall be in writing and delivered to JUSIGX@ky.gov. An email shall constitute a writing for purposes of this section.

Section 5. Incorporation by Reference.

(1) "Elder and Vulnerable Victims Trust Fund, Application for Grant Funding", 2022, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be viewed on the Justice and Public Safety Cabinet Web site at https://justice.ky.gov/about/pages/lrcfilings.aspx.

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