

SECRETARY OF STATE
(New Administrative Regulation)

30 KAR 10:120. Recognition of certification in other state.

RELATES TO: Ky Acts ch. 172

STATUTORY AUTHORITY: Ky Acts ch. 172

NECESSITY, FUNCTION, AND CONFORMITY: Ky Acts ch. 172 authorizes the Secretary of State to promulgate administrative regulations implementing Ky Acts ch. 172. This administrative regulation implements Ky Acts ch. 172.

Section 1. A participant in a program in another state that is similar to the Safe at Home Program may apply for approval in the Kentucky Secretary of State Safe at Home Program.

(1) The application for recognition shall be made to the Secretary of State by submitting a completed Application for Recognition of Out of State Participant which contains:

- (a) Full legal name;
- (b) Date of birth;
- (c) Other names that may appear on applicant's mail;
- (d) County of residence;
- (e) Residential address;
- (f) Phone number;
- (g) Email address; and
- (h) Dependent's legal names and identifying information (if applicable).
- (i) The state where applicant is currently enrolled.
- (j) Contact information for the other State's administrator of the similar program.
- (k) Whether the applicant is permanently moving to the Commonwealth, temporarily living in the Commonwealth or doing business or engaged in other transactions in the Commonwealth.

(2) The application must include a sworn statement and acknowledge the following:

- (a) I am an adult survivor of domestic abuse, domestic abuse assault, sexual abuse, stalking, or human trafficking or I am the parent/guardian of a child or incapacitated individual who is such a survivor. I fear for my safety, the safety of those who reside in my household, or the safety of the person on whose behalf I completed this application;
- (b) I am not applying to participate in Safe at Home in order to avoid prosecution of any kind. I confirm that I am not a sexually violent predator;
- (c) I give permission to the Secretary of State's Office to verify my participation in Safe at Home to third parties when requested;
- (d) I designate the Secretary of State as my agent for service of process and for the purpose of receipt of mail. Therefore, if Safe at Home accepts legal documents or certified mail addressed to me, it is as if I received them;
- (e) I understand that my participation in Safe at Home may be cancelled for any of the following reasons:
 - 1. I change my legal name and do not notify the Secretary of State's Office in writing prior to the change,
 - 2. Mail forwarded by the Secretary of State's Office is returned as undeliverable by the United States Postal Service,
 - 3. If I do not accept service of process or am unavailable for delivery of service of process,
 - 4. If my application contains false information,
 - 5. I become ineligible for Safe at Home in the original state certification;

(f) I understand that it is my responsibility to notify family, friends, businesses, and government agencies of my Safe at Home designated address. I recognize that if I share my confidential address, the Safe at Home program cannot control its distribution;

(g) I realize that my mail address could include an apt. number. Without this apt. number, my mail may be delayed or may never reach me. Safe at Home will forward only first-class, legal, and certified mail, as well as packages of prescriptions;

(h) I understand that my approval in Safe at Home is for a one-year term. At the end of this term, I realize I will have to renew my enrollment or be cancelled from the program;

(i) I realize that if I purchase real estate, my information will appear on public records;

(j) I understand that I must notify the Safe at Home program if any of the information on my original Safe at Home application changes;

(k) I understand that once I am enrolled in the Safe at Home program, my actual address will be confidential unless otherwise ordered by a court or released by the lawful custodian of the record. The Safe at Home program may release my information to the Department of Public Safety, who may release it to law enforcement upon verification that it will aid in responding to an emergency situation, criminal complaint, or an ongoing investigation; and

(l) My children under the age of eighteen (18) may be enrolled with me as dependents. Individuals over the age of eighteen (18) must enroll separately. Minors who turn eighteen (18) during participation in the program are responsible for completing a renewal form at that time to continue Safe at Home participation.

Section 2. Certification in the Safe at Home Program.

(1) The Secretary of State shall approve an Application for Certification to Participate in Safe at Home Program and certify the applicant as a program participant if the applicant and the Application for Certification to Participate in the Safe at Home Program meet the requirements established Ky Acts ch. 172 and this administrative regulation.

(2) The Secretary of State shall notify the applicant or filer whether the Application for Certification to Participate in the Safe at Home Program was denied, or the applicant was certified as a program participant.

(a) If an Application for Certification to Participate in the Safe at Home Program is denied, the Secretary of State shall inform the applicant or filer of the reason for the denial.

(b) If an applicant is certified as a program participant, the Secretary of State shall:

1. Assign to the program participant a participant number and designated address; and

2. Issue to the program participant a Safe at Home Program Participant Card.

3. Provide information about the Safe at Home Program with instructions, frequently asked question and answers and other information deemed necessary.

4. Provide a general letter from the Secretary of State the participant can provide to agencies.

(3) If an applicant is certified as a program participant, participation in the Safe at Home program shall be effective as of the date of the notification of certification.

Section 3. Incorporation by Reference.

(1) "Application for Recognition of Out of State Participant", July 2023; is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Secretary of State's Office, 700 Capital Avenue, State Capitol, Suite 152, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m., or may be obtained at www.sos.ky.gov. MICHAEL G. ADAMS, Secretary of State

APPROVED BY AGENCY: June 27, 2023

FILED WITH LRC: June 29, 2023 at 3 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 29, 2023, at 10:00 a.m. EST, at Office of the Secretary of State. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. This 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 the proposed administrative regulation. Written comments shall be accepted until August 31, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jennifer Scutchfield, Assistant Secretary of State, 700 Capital Avenue, State Capitol, Suite 152, Frankfort, Kentucky 40601, phone (502) 782-7417, fax (502) 564-5687, email jscutchfield@ky.gov.