

OFFICE OF THE ATTORNEY GENERAL
Department of Law
(Amendment)

40 KAR 1:390. Child Support Enforcement Program paternity establishment.

RELATES TO: KRS 186.570(2), 205.710, 205.712, 205.721, 205.730, 213.036(5), 213.046(3), (4), (5), (9), (10), 213.071, 237.110(4)(g), 405.430, 406.011, 406.021, 406.025, 406.180, 45 C.F.R. 302.31, 302.33, 303.5, 304, 42 U.S.C. 651, 652, 653, 654, 666, 668

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

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary to promulgate administrative regulations necessary to implement programs mandated by federal law, or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS 205.795 authorizes the secretary to promulgate administrative regulations consistent with the purpose and intent of KRS 205.710 through 205.800. This administrative regulation establishes the requirements for the establishment of paternity for the Child Support Enforcement Program.

Section 1. Requirement for Paternity Establishment. The cabinet shall bring action, as established in KRS 406.021(1) and (3) if:

- (1) The child is born out of wedlock; and
- (2) An assignment of rights to the cabinet is in effect or an individual not receiving public assistance applies for child support services including paternity establishment.

Section 2. Cabinet Action.

- (1) A case requiring paternity action shall be opened upon receipt of:
 - (a) A public assistance case referral; or
 - (b) A nonpublic assistance application, in accordance with KRS 205.721.
 - (2) The cabinet shall open a case pending determination of good cause.
 - (a) If good cause for failure to cooperate is determined, the child support case shall be closed.
 - (b) Good cause shall be established in accordance with the requirements of 921 KAR 2:006, Section 18(4) and (5).
 - (3) In a case referred to the cabinet in which paternity has not yet been established, the cabinet shall, within ninety (90) days of locating the alleged father or custodial parent:
 - (a) Obtain a voluntary acknowledgment of paternity as established by KRS 213.036(5) and 213.046(3), (9);
 - (b) File for establishment of paternity;
 - (c) Complete service of process to establish paternity; or
 - (d) Document unsuccessful attempts to serve process.
 - (4) Paternity shall be established or the putative father excluded as a result of genetic tests or legal process within one (1) year of:
 - (a) Successful service of process; or
 - (b) The child reaching the age of six (6) months.
 - (5) The voluntary acknowledgment of paternity may be rescinded. Rescinded acknowledgement of paternity shall be accomplished in accordance with KRS 213.071.
 - (6) The cabinet shall request denial, suspension, or revocation of a license or certification for failure to comply with a subpoena or warrant relating to paternity pursuant to KRS 186.570(2) and 237.110(4)(g).
- (922 KAR 001:390. 20 Ky.R. 2295; eff. 3-14-94; Am. 21 Ky.R. 2552; eff. 5-17-95; 23 Ky.R. 2880; 3576; eff. 2-19-97; 25 Ky.R. 640; 1639; eff. 1-19-99; Recodified from 904

KAR 2:390, 2-1-99; 26 Ky.R. 663; 1017; eff. 10-20-99; 33 Ky.R. 634; 1095; eff. 10-18-2006; 35 Ky.R. 1668; 1783; eff. 2-18-2009; 48 Ky.R. 212, 1179; eff. 10-20-2021; Recodified to 040 KAR 001:390; 6-22-2026.)