CABINET FOR HEALTH AND FAMILY SERVICES
Department for Aging and Independent Living
Division of Quality Living
(Amendment)

910 KAR 1:260. Kentucky Family Caregiver Program.

RELATES TO: KRS Chapter 13B, Chapter 514, 199.011(4), 205.455(4), 209.030, 42 U.S.C. 601, 651, 1381, 3030s, 3030s-1
STATUTORY AUTHORITY: KRS 194A.050(1), 205.201(1)
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 205.201(1) requires the cabinet to promote and aid in the establishment of local programs to the aging. KRS 194A.050(1) requires the secretary to promulgate all administrative regulations authorized by applicable state laws necessary to operate programs and fulfill the responsibilities vested in the cabinet. This administrative regulation establishes the Kentucky Family Caregiver Program.

Section 1. Definitions.
(1) "District" is defined by KRS 205.455(4).
(2) "Federal poverty level" means the degree to which a household's gross income matches the official poverty income guidelines published annually in the Federal Register by the U.S. Department of Health and Human Services.
(3) "Formal support system" means a service obtainable through public or private service programs.
(4) "Grandchild" means a grandparent's grandchild:
(a) Through blood, marriage, or adoption; and
(b) Who is no more than eighteen (18) years of age.
(5) "Grant" means a payment to a grandparent for services specified in Sections 6(3)(a) or 7 of this administrative regulation and based on:
(a) Need; and
(b) Actual cost.
(6) "Household" means an individual or group of individuals who are living together in a principal residence as one (1) economic unit.
(7) "Household income" means all annual gross earned and unearned income received by a household, including a:
(a) Lump sum payment; or
(b) State or federal benefit assistance payment.
(8) "Informal support system" means any care provided to an individual which is not provided as part of a public or private formal service program.
(9) "Local resolution" means a phone conversation or meeting between a grandparent and district to resolve the grandparent's dispute against denial of eligibility.
(10) "National Family Caregiver Support Program" means the program established by 42 U.S.C. 3030s-1.
(11) " Older relative caregiver" is defined by 42 U.S.C. 3030s (a)(4).
(12) [~~(11)~~] "Primary caregiver" means a grandparent providing full time care for that person's grandchild.
(13) [~~(12)~~] "Respite services" is defined by KRS 205.455(12).
(14) [~~(13)~~] "Supplemental services" means the services that a grandparent may receive in accordance with Section 7 of this administrative regulation through application and grant or voucher process.
(15) [~~(14)~~] "Support services" means the services that a grandparent may receive in accordance with Section 6 of this administrative regulation through application and grant

or voucher process.

(16) ~~[(15)]~~ "Voucher" means a payment made directly to a vendor for the services specified in Sections 6(3)(a) or 7 of this administrative regulation.

Section 2. Eligibility.

(1) To be eligible for the Kentucky Family Caregiver Program, a grandparent shall:

(a) Be a Kentucky resident;

(b) Be the primary caregiver for a grandchild;

(c) Reside with the grandchild who shall not be residing in the same household with the grandchild's parent, but may reside in a house owned by the grandchild's parent; and

(d) ~~[Not receive a monthly payment for Kinship Care in accordance with 922 KAR 1:130; and]~~

~~[(e)]~~ Not have household income that exceeds 150 percent of the federal poverty level.

(2) A grandparent who has adopted a grandchild shall be eligible for the Kentucky Family Caregiver Program:

(a) If the grandparent is not eligible for other state or federal adoption subsidies; and

(b) For a period not to exceed one (1) calendar year from final order of adoption.

(3) To apply or reapply for the Kentucky Family Caregiver Program, a grandparent shall complete, sign, and submit a DAIL-KFC-1 Application, electronic forms and signatures are accepted, for Kentucky Family Caregiver Services:

(a) To a local district of residence; and

(b) For each voucher or grant requested.

(4) An applicant shall receive a written notice of eligibility or non-eligibility from a district within thirty (30) days of meeting the requirements of subsections (1) and (3) of this section.

(5) A payment from the Kentucky Family Caregiver Program may affect the eligibility income requirements for receipt of a federal or state benefit assistance payment.

(6) If a child receives assistance from the Kentucky Children's Health Insurance Program or the Department for Medicaid Services, the child shall not be eligible to receive the medical services specified in Section 7(1)(e) of this administrative regulation.

(7) National Family Caregiver Support Program, excluding an older relative caregiver, participation shall not exclude participation in the Kentucky Family Caregiver Program.

Section 3. District Responsibilities.

(1) A district shall review the DAIL-KFC-1 Application for Kentucky Family Caregiver Services to determine completeness of the following information:

(a) Demographics;

(b) Establishment of eligibility relationship between grandparent and grandchild;

(c) Household income verified with:

1. A federal tax form;
2. A W-2;
3. A pay stub; or
4. Other documentation of monthly gross income;

(d) Living arrangements of household;

(e) Residency;

(f) Needs ~~[Need]~~ per grandchild; and

(g) Formal or informal support systems.

(2) A district shall consider applications on a priority basis, with applicants that did not receive services through the program in the past fiscal year, receiving a higher priority.

(3) A district shall:

(a) Develop a policy and procedure for:

1. Grandparent outreach of the Kentucky Family Caregiver Program;

2. Assurance of a grandparent's eligibility in accordance with Section 2(1) and (2) of this administrative regulation;
3. Informing a grandparent of the grandparent's rights and responsibilities; and
4. Client confidentiality and referrals;

(b) Develop a process for use of assistance, including a grant or voucher;

(c) Develop a process for:
1. Billing a participating vendor for provided services;
2. Monitoring and evaluation of the program; and
3. The review of invoices and receipts for approved items and expenditures;

(d) Notify the cabinet in writing if the process specified in paragraph (c) of this subsection changes;

(e) Make payment for the services specified in Sections 6(3)(a) and 7 of this administrative regulation through a voucher or grant;

(f) Document and maintain a case file for a grandparent that:
1. Is kept in a locked cabinet or is digitally secure utilizing the state database system;
2. Has all documentation regarding the grandparent secured to the file; and
3. Includes at a minimum:
a. The DAIL-KFC-1 Application for Kentucky Family Caregiver Services;
b. Consent and release of information;
c. Verification of eligibility;
d. Verification that the grandparent was informed of the grandparent's rights and responsibilities;
e. Documentation showing services provided;
f. Documentation of referrals and other resources given to the grandparent;
g. Progress notes or case notes, if applicable;
h. Correspondence, if applicable;
i. Documentation of grievance, local resolution, or hearing, if applicable;
j. Documentation of service termination, if applicable; and
k. Assignment of a case number;

(g) Provide the department with documentation of services provided and the number of grandparents served through the Kentucky Family Caregiver Program in that district;

(h) ~~[Verify with a local department for community based services office:]~~
~~[1.]~~ ~~[That a grandchild or grandparent is not receiving a monthly payment specified in Section 2(1)(c) of this administrative regulation;]~~
~~[2.]~~ ~~[Any type of state or federal benefit assistance payment a grandparent or grandchild is receiving; and]~~
~~[3.]~~ ~~[Medical services a grandchild receives through the Kentucky Children's Health Insurance Program or the Department for Medicaid Services;]~~

~~[(i)]~~ Provide for appeal procedures in accordance with Section 10 of this administrative regulation;

(i) ~~[(j)]~~ Provide referral and assistance to access other community services needed by the grandparent or grandchild; and

(j) ~~[(k)]~~ Maintain a current fiscal year waiting list for prioritizing a grandparent in the following year if the grandparent:
1. Applied for the current fiscal year;
2. Was not served in the current fiscal year; and
3. Reapplies for the program the following fiscal year.

Section 4. Department Responsibilities. The department shall:

(1) Be the state-wide administrator for the Kentucky Family Caregiver Program;

(2) Monitor a district at a minimum annually for assurance of compliance with the program requirements of this administrative regulation;

(3) Allocate available funding; and

(4) Provide technical and programmatic assistance, if needed.

Section 5. Kentucky Family Caregiver Payment.

(1) To the extent funds are available, the maximum total of assistance per grandchild, including a grant or voucher, shall be up to $500 per grandchild in any one (1) fiscal year.

(2) Funds shall be allocated based on priority order as specified in Section 3(2) of this administrative regulation.

(3) A grant or voucher shall not be given for services that occur before a district's establishment of a grandparent's eligibility.

(4) Prior approval with a district for counseling and supplemental services shall be required before actual purchase.

(5) If the Kentucky Family Caregiver Program funding is at capacity, an eligible applicant shall be placed on a waiting list and as funding becomes available be accepted for services in priority order as specified in Section 3(2) of this administrative regulation.

Section 6. Support Services. Support services shall include:

(1) Information about available services;

(2) Assistance in gaining access to services; and

(3) Assistance to the grandparent in decision-making and problem-solving relating to a care giving role including:

(a) Individual counseling;

(b) Organization of a support group; and

(c) Caregiver training.

Section 7. Supplemental Services.

(1) Supplemental services specific to the grandchild shall include:

(a) Child clothing and personal care needs;

(b) Respite services provided by a caregiver or agency approved by the district, for the grandparent;

(c) Educational supplies or assistance documented by the grandchild's school of attendance;

(d) Required legal services which shall:

1. Be related to the grandchild's safety and stability; and

2. Not include representation against any criminal charges;

(e) Medical and dental services, except for copays and premiums; and

(f) Furniture to be used by the grandchild ~~[including a:]~~

~~[1.]~~ ~~[Bed; or]~~

~~[2.]~~ ~~[Dresser]~~.

(2) Supplemental Services shall not include:

(a) Utilities;

(b) Appliances for household use, unless approved by the department;

(c) Items utilized for the entire family;

(d) Technology unless prescribed for communication due to a disability; ~~[or]~~

(e) Computers unless written documentation is provided by the school requiring a home computer and then one (1) per household is allowed; or

(f) Extracurricular costs and related equipment.

Section 8. Grandparent Responsibilities. A grandparent shall:

(1) Provide a district with the information required to determine eligibility as specified in Section 2 of this administrative regulation;

(2) Comply with a district's application process as established in Section 2(3) of this administrative regulation;

(3) Sign the DAIL Attestation form.

(4) Complete training on the reporting of fraud, abuse, neglect and exploitation;
(5) ~~[(3)]~~ Comply with the district's policies for expenditures of assistance, including:
(a) A grant or voucher; or
(b) Submittal of a receipt for cost reimbursement, if applicable.
(6) ~~[(4)]~~ Comply with the appeal procedures established in Section 10 of this administrative regulation if making an appeal; and
(7) ~~[(5)]~~ Notify the district immediately of a change in status that is in noncompliance with the eligibility requirements specified in Section 2 of this administrative regulation.

Section 9. Fraud. A grandparent's fraudulent use of a voucher or grant may result in prosecution pursuant to KRS Chapter 514.

Section 10. Appeal Procedure.
(1) A grandparent wishing to appeal denied eligibility for services shall first have a local resolution with the district of residence.
(2) If the grandparent is dissatisfied with the results of the local resolution, the grandparent may request a state administrative hearing in accordance with KRS Chapter 13B.

Section 11. Incorporation by Reference.
(1) The following material is incorporated by reference:
(a) "DAIL-KFC-1 Application for Kentucky Family Caregiver Services", edition June 2026; and
(b) "DAIL Attestation", June 2026 ~~[8/2012, is incorporated by reference]~~.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Cabinet for Health and Family Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m., Eastern Time / 7 a.m. to 3:30 p.m. Central Time, or online at the agency's website at https://www.chfs.ky.gov/agencies/dail/Pages/scsep.aspx.
COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency.

910 KAR 1:260
VICTORIA ELRIDGE, Commissioner
STEVEN J. STACK, MD, MBA, Secretary

APPROVED BY AGENCY: July 7, 2026
FILED WITH LRC: July 13, 2026 at 11:20 a.m.
PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on September 21, 2026, at 9:00 a.m. Eastern Time/ 8:00a.m. Central Time, 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 September 14, 2026, 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 through September 30, 2026. 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: 502-564-7476; Fax: 502-564-7091; CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Susan Taylor, Krista Quarles, Phone Number: 502-229-7380, (502) 564-7476, Email: susan.taylor@ky.gov, CHFSregs@ky.gov

Subject Headings:Aging, Children and Minors, Public Assistance, Custody & Guardianship, Small Business

(1) Provide a brief summary of:

(a) What this administrative regulation does:
This administrative regulation establishes eligibility, services, and program parameters for the Kentucky Family Caregiver Program (KFCG), including allowable services and oversight.

(b) The necessity of this administrative regulation:
The regulation is necessary to provide guidance for administering limited state funds to grandparents raising grandchildren, ensure equity, and establish clear responsibilities.

(c) How this administrative regulation conforms to the content of the authorizing statutes:
It conforms to KRS 205.201(1) and KRS 194A.050(1) by implementing programs for aging and promoting uniform processes.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
It assists by clarifying eligibility, allowable services and appeal rights.

(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:
The amendment updates terminology, forms, eligibility clarification, service caps and appeal processes.

(b) The necessity of the amendment to this administrative regulation:
It is necessary to modernize the program and ensure statewide consistency.

(c) How the amendment conforms to the content of the authorizing statutes:
It conforms to statutes by aligning regulation with statutory authority and family caregiver policy.

(d) How the amendment will assist in the effective administration of the statutes:
It assists in effective administration by improving consistency and protecting program integrity.

(3) Does this administrative regulation or amendment implement legislation from the previous five years?No. This regulation does not implement new legislation from the last five years but updates existing state program rules.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:
The regulation affects: Approximately 1,200 grandparents/relative caregivers annually Fifteen Area Agencies on Aging and Independent Living.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment:

Grandparents must apply, provide proof of income, and use DAIL-KFC-1 form; Case Managers must maintain case files and waitlists.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):

No fiscal impact.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):

Benefits include financial relief ($500/child/year), access to services, and consistent statewide processes.

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

(a) Initially:

No fiscal impact.

(b) On a continuing basis:

Program costs remain consistent with annual appropriations; no new infrastructure is required.

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

State General Fund appropriations to the Department for Aging and Independent Living distributed through Area Agencies on Aging and Independent Living.

(8) 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 increase in fees or funding.

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

This regulation does not establish or increase fees.

(10) TIERING: Is tiering applied?

No tiering is applied.

FISCAL IMPACT STATEMENT

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

KRS Chapter 13B, Chapter 514, 199.011(4), 205.455(4), 42 U.S.C. 601, 651, 1381, 3030s, 3030s-1.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions:

The promulgating agency is the Cabinet for Health and Family Services, Department for Aging and Independent Living (DAIL). This amended regulation will affect the agencies under contract with the DAIL to provide Kentucky Family Caregiver Program.

(a) Estimate the following for the first year:

Expenditures:No fiscal impact.

Revenues:This amended administrative regulation will not generate revenue for state or local government.

Cost Savings:No fiscal impact.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

There is no anticipated expenditure, revenue or cost savings as a result of this amendment.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):

This amended administrative regulation will affect the Area Agencies on Aging and Independent Living.

(a) Estimate the following for the first year:

Expenditures:No additional expenditures are anticipated

Revenues:No additional revenues are anticipated

Cost Savings:No cost savings is anticipated

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

N/A

(4) Identify additional regulated entities not listed in questions (2) or (3):

N/A

(a) Estimate the following for the first year:

Expenditures:N/A

Revenues:N/A

Cost Savings:N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

This amended administrative regulation does not impact the revenues or expenditures of the program. All funding is allocated according to the funding formula and utilized to provide needed services and supports.

(b) Methodology and resources used to determine the fiscal impact:
Review of the amended administrative regulation. No changes have been made to the allocations or expenditures.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). ($500,000 or more, in aggregate)
There is no negative or adverse major economic impact to the entities affected by this amended regulation. The amendments are technical in nature and do not affect funding.

(b) The methodology and resources used to reach this conclusion:
This is an existing program; therefore, there is no additional fiscal impact.