

OFFICE OF THE ATTORNEY GENERAL
Department of Law
Department of Child Support Services
(Amendment)

40 KAR 11:001. Definitions for 040 KAR Chapter 11.

RELATES TO: KRS ~~15.802(2)[194A.050]~~, ~~15.800-15.876[205.710-205.800]~~, 403.210-403.240, 405.440, 405.520, 407.5101-407.5903, 45 C.F.R. 302.31, 302.33-302.38, 302.50-302.54, 302.56, 302.60, 302.80, 303.2-303.4, 303.6, 303.8, 303.15, 303.30-303.31, 303.70, 303.100-303.102, 42 U.S.C. 651 et seq.

STATUTORY AUTHORITY: KRS ~~15.802(2)[194A.050]~~, ~~15.800-15.876[205.710-205.800]~~, 405.440, 405.520, 42 U.S.C. 651 et seq.

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS ~~15.802(2)[194B.050]~~ requires the Office of the Attorney General (OAG), Department of Child Support Services (DCSS) within the Department of Law~~[Cabinet for Health and Family Services]~~ to promulgate administrative regulations to administer the Child Support Enforcement (CSE) program ~~[(CSEP)]~~. This administrative regulation establishes definitions of terms used by DCSS ~~[the cabinet]~~ in administrative regulations pertaining to the CSE~~[Child Support Enforcement]~~ program.

Section 1. Definitions of terms utilized in administrative regulations relating to the CSE~~[Child Support Enforcement]~~ program are as follows:

- (1) "Administrative hearing" means the process whereby a parent's objections to administrative determinations of DCSS~~[the cabinet]~~ are heard by an impartial hearing officer upon a timely request.
- (2) "Arrearage" means the amount of past due child~~[total unpaid]~~ support ~~[obligation]~~ owed by a noncustodial parent or obligor.
- (3) "Assigned support obligation" means any child support, spousal support, or medical support obligation assigned to the state.
- (4) "Assignment of rights" means the written transfer of rights to any child support, medical support, or spousal support obligation to the state in exchange for public assistance or IV-D services.
- (5) "CSE" means Child Support Enforcement - a federal-state program that provides the following seven (7) major services on behalf of children: ~~["CSEP" means the Child Support Enforcement Program.]~~
 - (a) Parent location;
 - (b) Paternity establishment;
 - (c) Establishment of child support orders;
 - (d) Review and modification of support orders;
 - (e) Collection of support payments;
 - (f) Distribution of support payments; and
 - (g) Establishment and enforcement of medical support.
- (6) "Custodial parent" or "custodian" means the parent or other person who is the physical custodian of the child or is the recipient of child support.~~[either a mother, father, or any other person or entity that may have standing to request services on behalf of a dependent child who is living in the home with the child.]~~
- (7) "DCSS" means the Department of Child Support Services, the state agency in charge of administering the CSE program.

(8) ~~[(7)]~~ "Default" means the noncustodial parent's or obligor's failure to return a financial statement or to keep an appointment, and the noncustodial parent's or obligor's income and assets cannot be obtained and verified from another source to determine a support obligation based on the Kentucky child support guidelines.

(9) "Disbursement" means the process of money being sent out to the person or agency to whom the money is owed once child support has been received.

(10) ~~[(8)]~~ "Distribution" means the allocation of child support collected to the various types of debt within a child support case as specified in 45 C.F.R. 302.51; how the total payment is divided between all money owed under the support orders, including reimbursement for public assistance.~~[either a disbursement of a collection to the family or an allotment of various portions of the collection to the state and federal government for the reimbursement of the share of the K-TAP assistance payment to the family, or money expended for a child in the custody of the state.]~~

(11) ~~[(9)]~~ "Escrow" means the difference between the amount of the assistance payment for the month in which the amount of the collection is used to redetermine eligibility and either the monthly obligation or the amount collected, whichever is less.

(12) ~~[(10)]~~ "Excess collections" means the amount of the collection which exceeds the monthly obligation amount.

(13) ~~[(11)]~~ "Income" is defined by KRS 15.800(9) and 403.212(3)(a) and includes "earnings" as defined by KRS 15.800(6) and "real and personal property" as defined by KRS 15.800(14).~~[means earnings or other periodic entitlements to money from any source and any other property subject to withholding for support as described in KRS 205.710(10), (11), (15) and 403.212(2).]~~

(14) ~~[(12)]~~ "Income withholding for support" means an automatic deduction from income that starts as soon as the order for support is established and an income withholding order/notice is received and put in place by the noncustodial parent's employer or income payor.~~[administrative order issued by the cabinet, or a judicial order to an obligor's employer to withhold an amount equal to the current obligation plus an amount to be applied toward liquidation of any arrearage, and if applicable, the employee paid share of the cost of health insurance coverage for a dependent child.]~~

(15) ~~[(13)]~~ "Initiating tribunal" is defined by KRS 407.5101(11).~~[means the tribunal of a state or foreign country from which a petition or comparable pleading is forwarded or in which a petition or comparable pleading is filed for forwarding to another state or foreign country.]~~

(16) ~~[(14)]~~ "Intergovernmental IV-D case" means a IV-D case in which the noncustodial parent lives or works in a different jurisdiction than the custodial parent and the child or children that have been referred by an initiating tribunal to a responding state for services, including:

(a) Any combination of referrals between states, tribes and countries; or

(b) Cases in which a state agency is seeking only to collect support arrearages, whether owed to the family or assigned to the state.

(17) ~~[(15)]~~ "Kentucky Transitional Assistance Program (K-TAP)" means Kentucky's Temporary Assistance for Needy Families (TANF).~~[money payment program for children who are deprived of parental support or care due to:]~~

~~[(a)] [Death, continued voluntary or involuntary absence, physical or mental incapacity of a parent; or]~~

~~[(b)] [Unemployment of at least one (1) parent if both parents are in the home.]~~

(18) ~~[(16)]~~ "Location" means the determination of a parent's location, income, assets, property, or debt as provided by KRS 15.814.~~[205.730(5).]~~

(19) "Medicaid Only IV-D Case" means a case where the child or children have been determined to be eligible for or are receiving Medicaid under Title XIX of the Social

Security Act, but who are not current or former recipients of aid under Title IV-A or IV-E of the Act. A Medicaid-Only case is reported as a never-assistance case.

~~(20) {(17)}~~ "Noncustodial parent" ~~{or "obligor"}~~ means the parent who does not have primary care, custody, or control of the child and who may have an obligation to pay child support.~~{either a mother or father of a dependent child who is not living in the home with the child as well as a description of the alleged father in a paternity case.}~~

~~(21) {(18)}~~ "Notice of monthly support obligation" means an administrative order issued by DCSS~~{the cabinet}~~ as specified in KRS 405.440 notifying the noncustodial parent, or obligor, of the child support and medical support obligation and of the noncustodial parent's, or obligor's right to request an administrative hearing.

~~(22)~~ "Obligor" means the person obligated to pay child support.

~~(23) {(19)}~~ "Offset" means reducing funds paid by the federal government to a noncustodial parent and applying funds toward the balance of the delinquent debt or seizing money from a noncustodial parent's state or federal income tax refund or administrative payment to satisfy a child support debt.~~{to set aside federal or state, or both, income tax refunds or nonexempt federal payments due a noncustodial parent, or obligor, as a means of collecting past due child support.}~~

~~(24) {(20)}~~ "Preoffset notice" means a letter notifying a noncustodial parent, or obligor, who owes an arrearage that the arrearage has been certified for state and federal tax refund intercept, state tax refund intercept only, passport denial or revocation, administrative offset of nonexempt federal payments, offset of lottery winnings, and to certified consumer credit reporting agencies.

~~(25) {(21)}~~ "Public assistance" means money or benefits granted from the state, territory, tribal, or federal programs to a person or family for living expenses, including~~{the receipt of} K-TAP, {including }child care or work subsidies and vouchers, Medicaid, or foster care benefits.~~

~~(26)~~ "Putative father" means the person alleged to be the birth father of a child but who has not yet been declared to be the legal father.

~~(27) {(22)}~~ "Responding state" is defined by KRS 407.5101.~~{means a state in which a petition or comparable pleading for support or to determine parentage of a child is filed or to which a petition or comparable pleading is forwarded for filing from another state or foreign country.}~~

~~(28) {(23)}~~ "Spousal support" means a legally enforceable obligation assessed against an individual for the support of a spouse or former spouse who is living with a child or children of that individual, even if child support is not part of the order.

~~(29)~~ "SDU" means State Disbursement Unit, the single site in the state where all child support payments are sent for processing.

~~(30)~~ "TANF" means the Temporary Assistance for Needy Families, a federal public assistance program designed to provide temporary financial support and services to families with children when the parent(s) or other responsible relative(s) cannot provide for the family's basic needs. The program provides job preparation, work, and support services to help promote economic stability.

40 KAR 11:001.

AMY C. BURKE, DCSS Chief

RUSSELL M. COLEMAN, Attorney General

APPROVED BY AGENCY: September 28, 2026

FILED WITH LRC: October 12, 2026 at 11:20 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 23, 2026, at 9:00 a.m. at the Office of Administrative Hearings, 105 Sea Hero Road, Suite 2, Frankfort, Kentucky 40601.

Individuals interested in attending 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 was received by that date, the hearing may be cancelled. 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. Written comments shall be accepted through December 30, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stacy Byrns Taulbee, General Counsel, Department of Child Support Services, 730 Schenkel Drive, Frankfort, Kentucky 40601; Phone (502) 229-2088; email: stacy.byrnstaulbee@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stacy Byrns Taulbee, **Phone Number:** (502) 229-2088, **Email:** stacy.byrnstaulbee@ky.gov

Subject Headings: Child Support; Attorney General; Children and Minors

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation transfers the responsibility for establishing definitions of terms used by DCSS in administrative regulations pertaining to the CSE program from the Cabinet for Health and Family Services (CHFS) to the Office of the Attorney General (OAG), pursuant to Senate Bill 48 of the 2023 RS.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to implement the definition of terms utilized by DCSS in administrative regulations relating to the CSE program in accordance with 45 C.F.R. 302.31, 302.33-302.38, 302.50-302.54, 302.56, 302.60, 302.80, 303.2-303.4, 303.6, 303.8, 303.15, 303.30-303.31, 303.70, 303.100-303.102 and 42 U.S.C. 651 et seq.

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

This administrative regulation is necessary as it provides terms and definitions that are used in 921 KAR 1:380, 1:390, 1:400, 1:410, 1:420 and 1:430.

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

This administrative regulation sets forth terms and definitions used throughout the regulation cited in (b).

(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 to this administrative regulation removes the Cabinet for Health and Family Services and the Department for Income Support as the entities responsible for promulgating administrative regulations for the Department of Child Support Services. It also updates statutory and regulatory citations to conform with Senate Bill 48 of the 2023 RS. Additionally, the amendment updates definitions and removes terms and definitions that are not used in other child support related regulations.

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

The amendment to this administrative regulation is necessary to conform with the transfer of the Child Support Enforcement Program to the Department of Child Support Services within the Department of Law and necessary to update and remove definitions and terms that are not used in other child support related regulations.

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

The amendment conforms to the content of the authorizing statutes by defining terms used by DCSS pertaining to the CSE program.

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

The authorizing statutes provide guidance for the Department of Child Support Services (DCSS); this amended regulation provides terms and definitions that allow

the public to gain an understanding of the DCSS program.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? The amendment implements legislation from Senate Bill 48 of the 2023 RS.

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

1. Administrative Office of the Courts – 868 employees, 113 district judges, 97 circuit judges, 61 family court judges 2. Private attorneys – 19,581 3. Child support attorneys and staff – 725 4. Participants in the child support program – 601,231

(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:

Each regulated entity will be informed that the Office of the Attorney General (OAG) is now the entity responsible for promulgating administrative regulations for the Department of Child Support Services. They will also be advised of the updated statutory and regulatory citations, provided with guidance on where to access this information, and notified of changes to definitions, including the removal of certain terms.

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

The amendment to this administrative regulation will create no new or additional costs to regulated entities.

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

The amendment to this regulation will not accrue benefits to regulated entities.

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

(a) Initially:

There will be no initial costs to the administrative body to implement this administrative regulation.

(b) On a continuing basis:

There will be no costs to the administrative body on a continuing basis.

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

The sources of funding include state General Funds and Federal Funds under 42 U.S.C. 601-619, Title IV-D of the Social Security Act.

(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:

There will be no increase in fees or funding to implement amendment to this administrative regulation.

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

This administrative regulation does establish any fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied?

Tiering is not applicable as compliance with this administrative regulation applies equally to all individuals or entities.

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 15.800(2), 15.800–15.876, 403.210-403.240, 405.440, 405.520, 407.5101-407.5903, 45 C.F.R. 302.31, 302.33-302.38, 302.50-302.54, 302.56, 302.60, 302.80, 303.2-303.4, 303.6, 303.8, 303.15, 303.30-303.31, 303.70, 303.100-303.102

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

This administrative regulation is expressly authorized by 2023 Ky Acts Ch. 124.

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

Office of the Attorney General, Department of Law, Department of Child Support Services

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A

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

Local entities will not be affected.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):

Administrative Office of the Courts, private attorneys, DCSS attorneys and staff, new and existing child support program participants.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A (6) Provide a narrative to explain the following for each identified in (3)(a), (4)(a), and (5)(a):

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation:

No answer provided.

(b) Methodology and resources used to reach this conclusion:

There is no fiscal impact of this administrative regulation. (b) Methodology and resources used to determine the fiscal impact: N/A

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14):

N/A

(b) The methodology and resources used to reach this conclusion:

N/A

FEDERAL MANDATE ANALYSIS COMPARISON

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

45 C.F.R. 302.31, 302.33-302.38, 303.50-302.54, 302.56. 302.60. 302.80, 303.2-303.4, 303.6, 303.8, 303.15, 303.30-303.31, 303.70, 303.100-303.102

(2) State compliance standards.

KRS 15.802, 15.800-15.876, 403.210-403.240, 405.440, 405.520, 407.5101-407.5903

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

42 U.S.C. 651

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

This administrative regulation will 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.

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