

1 AN ACT relating to child support and declaring an emergency.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 403 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) (a) As used in this section, "day" means more than twelve (12) consecutive
6 hours in a twenty-four (24) hour period under the care, control, or direct
7 supervision of one (1) parent or caretaker, or as the court determines based
8 on findings of substantially equivalent care or expense. Unless the context
9 requires otherwise, day shall include housing, entertaining, feeding,
10 transporting the child, attending to school work, athletic events,
11 extracurricular activities, or other activities that transfer with the child as
12 the child moves from one parent to the other. Merely providing a child with
13 a place to sleep shall not constitute a day under this section;

14 (b) The parenting time for either parent shall begin at the time of exchange of
15 the child or children from one parent to the other; and

16 (c) Unless otherwise ordered, if the exchange occurs at school or with a care
17 provider, the receiving parent's time shall begin and the other parent's time
18 shall end at the time the child is picked up from school or from the care
19 provider.

20 (2) (a) In order to receive a shared parenting time credit, a parent shall maintain
21 care, custody, and control over the child for a minimum of eighty-eight (88)
22 days per year, as defined by this section, regardless of the age of the child.

23 (b) The shared parenting time credit shall only be applicable for parenting time
24 that is court-ordered or approved parenting time that is consistently
25 exercised.

26 (3) Except as provided in subsection (6) of this section or otherwise provided in this
27 chapter, the child support obligation determined under KRS 403.212 shall be

1 subject to further adjustment upon motion of the parent seeking credit as follows:

2 (a) For parents who share parenting time under an order that is court-ordered
3 or approved and consistently exercised, the court shall:

4 1. a. Calculate the child support obligation set forth in the child
5 support guidelines table in accordance with KRS 403.212(5)(a)
6 using the combined gross adjusted income of the parties;

7 b. If both parents exercise their equal shared parenting time, the
8 parent with the higher gross monthly income shall be deemed the
9 obligor;

10 2. Determine the number of days for both parents on an annual basis
11 based upon an order that is court-ordered or approved and
12 consistently exercised;

13 3. Using the days a child spends with the obligated parent, determine the
14 adjustment percentage using the shared parenting time credit chart in
15 subsection (4) of this section;

16 4. Determine the shared parenting time credit adjustment by multiplying
17 the obligated parent's adjustment percentage by the total support
18 obligation found on the child support obligation worksheet to establish
19 the shared parenting expense adjustment for the obligated parent, as
20 determined in subparagraph 1. of this paragraph; and

21 5. Subtract the amount calculated in subparagraph 4. of this paragraph
22 from the obligated parent's monthly obligation, found on the child
23 support obligation worksheet, as determined in subparagraph 1. of this
24 paragraph;

25 (b) The court may use its discretion in adjusting each parent's child support
26 obligation under this subsection after consideration of the following:

27 1. The obligated parent's income and ability to maintain the basic

- 1 necessities of the home for the child;
- 2 2. The likelihood that either parent will exercise the court-ordered time-
- 3 sharing schedule or time-sharing agreement between the parents;
- 4 3. Whether all of the children are subject to the same time-sharing
- 5 schedule;
- 6 4. Whether the time-sharing plan results in fewer overnights due to a
- 7 significant geographical distance between the parties that may affect
- 8 the child support obligation;
- 9 5. The military deployment or extended service obligations of the parties;
- 10 and
- 11 6. The health insurance or medical care provided by either parent; and
- 12 (c) The self-support reserve, as calculated under KRS 403.212(5)(b), and the
- 13 shared parenting time credit, as calculated under this subsection, shall not
- 14 be applied together. The obligor shall be responsible for the lesser support
- 15 amount as determined under KRS 403.212(5)(c).

16 (4) The shared parenting time credit chart is as follows:

<u>Parenting Time Days</u>	<u>Adjustment Percentage</u>
<u>88-115</u>	<u>15%</u>
<u>116-129</u>	<u>20.5%</u>
<u>130-142</u>	<u>25%</u>
<u>143-152</u>	<u>30.5%</u>
<u>153-162</u>	<u>36%</u>
<u>163-172</u>	<u>42%</u>
<u>173-181</u>	<u>48.5%</u>
<u>182-182.5</u>	<u>50%</u>

26 (5) (a) Failure by one (1) party to consistently comply with the parenting schedule
 27 shall be grounds for the other party to seek modification from the court.

1 **(b) A party may seek modification following a fifteen percent (15%) change in**
 2 **the number of timesharing days and shall have the burden of proving a**
 3 **material change in timesharing circumstances.**

4 **(c) Nothing in this section shall affect or prevent the application of KRS**
 5 **403.213(2).**

6 **(6) The court shall have discretion in awarding a shared parenting time credit if the**
 7 **obligee receives:**

8 **(a) Kentucky Children's Health Insurance Program (KCHIP);**

9 **(b) Kentucky Transitional Assistance Program (KTAP);**

10 **(c) Supplemental Nutrition Assistance Program (SNAP); or**

11 **(d) Medicaid.**

12 ➔Section 2. KRS 403.211 is amended to read as follows:

13 (1) An action to establish or enforce child support may be initiated by the parent,
 14 custodian, or agency substantially contributing to the support of the child. The
 15 action may be brought in the county in which the child resides or where the
 16 defendant resides.

17 (2) At the time of initial establishment of a child support order, whether temporary or
 18 permanent, or in any proceeding to modify a support order, the child support
 19 guidelines in KRS 403.212 or **Section 1 of this Act**~~[403.2121]~~ shall serve as a
 20 rebuttable presumption for the establishment or modification of the amount of child
 21 support. Courts may deviate from the guidelines where their application would be
 22 unjust or inappropriate. Any deviation shall be accompanied by a written finding or
 23 specific finding on the record by the court, specifying the reason for the deviation.

24 (3) A written finding or specific finding on the record that the application of the
 25 guidelines would be unjust or inappropriate in a particular case shall be sufficient to
 26 rebut the presumption and allow for an appropriate adjustment of the guideline
 27 award if based upon one (1) or more of the following criteria:

- 1 (a) A child's extraordinary medical or dental needs;
- 2 (b) A child's extraordinary educational, job training, or special needs;
- 3 (c) Either parent's own extraordinary needs, such as medical expenses;
- 4 (d) The independent financial resources, if any, of the child or children;
- 5 (e) Combined monthly adjusted parental gross income in excess of the Kentucky
- 6 child support guidelines;
- 7 (f) The parents of the child, having demonstrated knowledge of the amount of
- 8 child support established by the Kentucky child support guidelines, have
- 9 agreed to child support different from the guideline amount. However, no
- 10 such agreement shall be the basis of any deviation if public assistance is being
- 11 paid on behalf of a child under the provisions of Part D of Title IV of the
- 12 Federal Social Security Act; and
- 13 (g) Any similar factor of an extraordinary nature specifically identified by the
- 14 court which would make application of the guidelines inappropriate.
- 15 (4) "Extraordinary" as used in this section shall be determined by the court in its
- 16 discretion.
- 17 (5) When a party has defaulted or the court is otherwise presented with insufficient
- 18 evidence to determine gross income, the court shall order child support based upon
- 19 the needs of the child or the previous standard of living of the child, whichever is
- 20 greater. An order entered by default or due to insufficient evidence to determine
- 21 gross income may be modified upward and arrearages awarded from the date of the
- 22 original order if evidence of gross income is presented within two (2) years which
- 23 would have established a higher amount of child support pursuant to the child
- 24 support guidelines set forth in KRS 403.212 or Section 1 of this Act[403.2121].
- 25 (6) The court shall allocate between the parents, in proportion to their combined
- 26 monthly adjusted parental gross income, reasonable and necessary child care costs
- 27 incurred due to employment, job search, or education leading to employment, in

1 addition to the amount ordered under the child support guidelines.

2 (7) (a) Pursuant to 45 C.F.R. sec. 303.31(a)(2), for the purposes of this section,
3 "health care coverage" includes fee for service, health maintenance
4 organization, preferred provider organization, and other types of private
5 health insurance and public health care coverage under which medical
6 services could be provided to a dependent child. If health care coverage is
7 reasonable in cost and accessible to either parent at the time the request for
8 coverage is made, the court shall order the parent to obtain or maintain
9 coverage, and the court shall allocate between the parents, in proportion to
10 their combined monthly adjusted parental gross income, the cost of health
11 care coverage for the child, in addition to the support ordered under the child
12 support guidelines.

13 (b) A parent, who has one hundred percent (100%) of the combined monthly
14 adjusted parental gross income, shall be entitled to a reduction in gross
15 income of the entire amount of premiums incurred and paid.

16 (c) The court shall order the cost of health care coverage of the child to be paid
17 by either or both parents of the child regardless of who has physical custody.
18 The court order shall include:

19 1. A judicial directive designating which parent shall have financial
20 responsibility for providing health care coverage for the dependent
21 child, which shall include but not be limited to health care coverage,
22 payments of necessary health care deductibles or copayments;

23 2. If appropriate, cash medical support. "Cash medical support" means an
24 amount to be paid toward the cost of health care coverage, fixed
25 payments for ongoing medical costs, extraordinary medical expenses, or
26 any combination thereof; and

27 3. A statement providing that if the designated parent's health care

1 coverage provides for covered services for dependent children beyond
2 the age of majority, then any unmarried children up to twenty-five (25)
3 years of age who are full-time students enrolled in and attending an
4 accredited educational institution and who are primarily dependent on
5 the insured parent for maintenance and support shall be covered.

6 (d) If health care coverage is not reasonable in cost and accessible at the time the
7 request for the coverage is made, the court order shall provide for cash
8 medical support until health care coverage becomes reasonable in cost and
9 accessible.

10 (8) (a) For purposes of this section, "reasonable in cost" means that the cost of
11 coverage to the responsible parent does not exceed five percent (5%) of his or
12 her gross income. The five percent (5%) standard shall apply to the cost of
13 adding the child to an existing policy, the difference in the cost between a
14 single and a family policy, or the cost of acquiring a separate policy to cover
15 the child. If the parties agree or the court finds good cause exists, the court
16 may order health care coverage in excess of five percent (5%) of the parent's
17 gross income.

18 (b) For purposes of this section, "accessible" means that there are providers who
19 meet the health care needs of the child and who are located no more than sixty
20 (60) minutes or sixty (60) miles from the child's primary residence, except
21 that nothing shall prohibit use of a provider located more than sixty (60)
22 minutes or sixty (60) miles from the child's primary residence.

23 (9) **The initial two hundred fifty dollars (\$250) of medical expenses shall be covered**
24 **by the parent who maintains health insurance for the child or children subject to**
25 **the order per calendar year, unless the parties have agreed otherwise.**

26 **(10) (a)** The cost of extraordinary medical expenses shall be allocated between the
27 parties in proportion to their combined monthly adjusted parental gross

1 incomes.

2 **(b) 1.** "Extraordinary medical expenses" means uninsured expenses in excess
3 of two hundred fifty dollars (\$250) ~~for the~~^{per} child **or children subject**
4 **to the order** per calendar year.

5 **2.** "Extraordinary medical expenses" includes but is not limited to the costs
6 that are reasonably necessary for medical, surgical, dental, orthodontal,
7 optometric, nursing, and hospital services; for professional counseling or
8 psychiatric therapy for diagnosed medical disorders; and for drugs and
9 medical supplies, appliances, laboratory, diagnostic, and therapeutic
10 services.

11 ~~(11)~~⁽¹⁰⁾ The court order shall include the Social Security numbers, provided in
12 accordance with KRS 403.135, of all parties subject to a support order.

13 ~~(12)~~⁽¹¹⁾ In any case administered by the Cabinet for Health and Family Services, if the
14 parent ordered to provide health care coverage is enrolled through an insurer but
15 fails to enroll the child under family coverage, the other parent or the Cabinet for
16 Health and Family Services may, upon application, enroll the child.

17 ~~(13)~~⁽¹²⁾ In any case administered by the cabinet, information received or transmitted
18 shall not be published or be open for public inspection, including reasonable
19 evidence of domestic violence or child abuse if the disclosure of the information
20 could be harmful to the custodial parent or the child of the parent. Necessary
21 information and records may be furnished as specified by KRS 205.175.

22 ~~(14)~~⁽¹³⁾ In the case in which a parent is obligated to provide health care coverage, and
23 changes employment, and the new employer provides health care coverage, the
24 Cabinet for Health and Family Services shall transfer notice of the provision for
25 coverage for the child to the employer, which shall operate to enroll this child in the
26 obligated parent's health plan, unless the obligated parent contests the notice as
27 specified by KRS Chapter 13B.

1 ~~(15)~~~~(14)~~ Notwithstanding any other provision of this section, any wage or income shall
2 not be exempt from attachment or assignment for the payment of current child
3 support or owed or to-be-owed child support.

4 ~~(16)~~~~(15)~~ A payment of money received by a child as a result of a parental disability
5 shall be credited against the child support obligation of the parent. A payment shall
6 not be counted as income to either parent when calculating a child support
7 obligation. An amount received in excess of the child support obligation shall be
8 credited against a child support arrearage owed by the parent that accrued
9 subsequent to the date of the parental disability, but shall not be applied to an
10 arrearage that accrued prior to the date of disability. The date of disability shall be
11 as determined by the paying agency.

12 ➔Section 3. KRS 403.090 is amended to read as follows:

13 (1) The fiscal court of any county may, by resolution, authorize the appointment of a
14 "friend of the court." If the Circuit Court of the county has but one (1) judge, the
15 appointment shall be made by the judge. If the court has two (2) or more judges, the
16 appointment shall be made by joint action of the judges, at the general term. The
17 person appointed to the office of friend of the court shall serve at the pleasure of,
18 and subject to removal by, the appointing authority. The person appointed shall be a
19 licensed practicing attorney. The appointed person shall take the constitutional oath
20 of office and shall give bond in such sum as may be fixed by the appointing judge
21 or judges.

22 (2) Except for those cases administered pursuant to 42 U.S.C. secs. 651 et seq., it shall
23 be the duty of the friend of the court to supervise and enforce the payment of sums
24 ordered or adjudged by the Circuit Court in divorce actions to be paid for the care
25 and maintenance of minor children. All persons who have been ordered or adjudged
26 by the court, in connection with divorce actions, to make payments for the care and
27 maintenance of children, shall, if so ordered by the court, make such payments to

1 the friend of the court. The friend of the court shall see that the payments, except
2 for those cases administered pursuant to 42 U.S.C. secs. 651 et seq., are properly
3 applied in accordance with the order or judgment. However, if the court so directs,
4 the payments may be made through the juvenile session of District Court of the
5 county; in such case the friend of the court shall render such assistance as may be
6 required in keeping records concerning such payments and in the enforcement of
7 delinquent payments, and the Circuit Court may direct that a designated amount or
8 portion of the funds appropriated by the fiscal court for expenses of the friend of the
9 court be paid to the juvenile session of District Court as reimbursement for the
10 expenses incurred by the juvenile session of District Court in connection with the
11 handling of such payments. The friend of the court shall promptly investigate all
12 cases where payments have become delinquent, and when necessary shall cause the
13 delinquent person to be brought before the court for the purpose of compelling
14 payment. The friend of the court shall ascertain the facts concerning the care,
15 custody, and maintenance of children for whom payments are being made, and shall
16 report to the court all cases in which the children are not receiving proper care or
17 maintenance, or in which the person having custody is failing to furnish proper
18 custody. He shall make such other reports to the court as the court may require.

19 (3) In the event that a waiver is granted under 42 U.S.C. secs. 651 et seq., allowing
20 payment of wage withholding collections to be directed to the friend of the court, an
21 obligor shall be given the option of payment either to the friend of the court or the
22 centralized collection agency.

23 (4) In any action for divorce where the parties have minor children, the friend of the
24 court, if requested by the trial judge, shall make such investigation as will enable
25 the friend of the court to ascertain all facts and circumstances that will affect the
26 rights and interests of the children and will enable the court to enter just and proper
27 orders and judgment concerning the care, custody, and maintenance of the children.

1 The friend of the court shall make a report to the trial judge, at a time fixed by the
2 judge, setting forth recommendations as to the care, custody, and maintenance of
3 the children. The friend of the court may request the court to postpone the final
4 submission of any case to give the friend of the court a reasonable time in which to
5 complete the investigation.

6 (5) The friend of the court shall have authority to secure the issuance by the court of
7 any order, rule, or citation necessary for the proper enforcement of orders and
8 judgments in divorce actions concerning the custody, care, and maintenance of
9 children. In performing duties under subsection (4) of this section the friend of the
10 court shall attend the taking of depositions within the county, and shall have
11 authority to cross-examine the witnesses. In the case of depositions taken on
12 interrogatories, the friend of the court may file cross-interrogatories. The friend of
13 the court shall be duly notified of the time and place of the taking of depositions in
14 all divorce actions where the parties have minor children, and shall attend the taking
15 of all such depositions when the friend of the court deems it necessary for the
16 protection of the minor children, or when the friend of the court may be directed by
17 the court to attend.

18 (6) The friend of the court shall not directly or indirectly represent any party to a
19 divorce action except as herein authorized to represent the minor children of parties
20 to a divorce action, but if an allowance is made for the support of a spouse and an
21 infant child or children, may proceed to enforce the payment of the allowance made
22 to the spouse also.

23 (7) Where a friend of the court is acting as a designee of the cabinet pursuant to KRS
24 205.712 and an applicant for Title IV-D services pursuant to KRS 205.721 has
25 requested a modification of an existing child support order pursuant to a divorce or
26 other judicial order, the friend of the court shall seek the modification, providing all
27 jurisdictional requirements are met. The friend of the court's representation shall

1 extend only for the limited purpose of seeking a modification of an existing child
2 support order consistent with the provisions of KRS 403.212 or Section 1 of this
3 Act[403.2121].

4 (8) The fiscal court of any county which has authorized the appointment of a friend of
5 the court under this section shall, by resolution, fix a reasonable compensation for
6 the friend of the court and make a reasonable allowance for necessary expenses,
7 equipment, and supplies, payable out of the general fund of the county, upon
8 approval of the appointing judge or judges.

9 ➔Section 4. KRS 403.212 is amended to read as follows:

10 (1) The following provisions and child support table shall be the child support
11 guidelines established for the Commonwealth of Kentucky.

12 (2) The Cabinet for Health and Family Services shall:

13 (a) Promulgate an administrative regulation in accordance with KRS Chapter
14 13A establishing a child support obligation worksheet; and

15 (b) Make accessible on its Web site a manual providing examples or illustrations
16 of the application of the child support guidelines and the child support
17 obligation worksheet.

18 (3) For the purposes of the child support guidelines:

19 (a) "Income" means actual gross income of the parent if employed to full capacity
20 or potential income if unemployed or underemployed;

21 (b) "Gross income" includes income from any source, except as excluded in this
22 subsection, and includes but is not limited to income from salaries, wages,
23 retirement and pension funds, commissions, bonuses, dividends, severance
24 pay, pensions, interest, trust income, annuities, capital gains, Social Security
25 benefits, workers' compensation benefits, unemployment insurance benefits,
26 disability insurance benefits, Supplemental Security Income (SSI), gifts,
27 prizes, and alimony or maintenance received. Specifically excluded are

1 benefits received from means-tested public assistance programs, including but
2 not limited to public assistance as defined under Title IV-A of the Federal
3 Social Security Act, and food stamps;

4 (c) For income from self-employment, rent, royalties, proprietorship of a
5 business, or joint ownership of a partnership or closely held corporation,
6 "gross income" means gross receipts minus ordinary and necessary expenses
7 required for self-employment or business operation. Straight-line
8 depreciation, using Internal Revenue Service (IRS) guidelines, shall be the
9 only allowable method of calculating depreciation expense in determining
10 gross income. Specifically excluded from ordinary and necessary expenses for
11 purposes of this guideline shall be investment tax credits or any other business
12 expenses inappropriate for determining gross income for purposes of
13 calculating child support. Income and expenses from self-employment or
14 operation of a business shall be carefully reviewed to determine an
15 appropriate level of gross income available to the parent to satisfy a child
16 support obligation. In most cases, this amount will differ from a determination
17 of business income for tax purposes. Expense reimbursement or in-kind
18 payments received by a parent in the course of employment, self-employment,
19 or operation of a business or personal use of business property or payments of
20 expenses by a business, shall be counted as income if they are significant and
21 reduce personal living expenses such as a company or business car, free
22 housing, reimbursed meals, or club dues;

23 (d) "Self-support reserve" means a low-income adjustment amount to the
24 obligated parent of nine hundred fifteen dollars (\$915) per month that
25 considers the subsistence needs of the obligor with a limited ability to pay in
26 accordance with 45 C.F.R. sec. 302.56(c)(1)(ii), and as applied under
27 subsection (5) of this section;

- 1 (e) 1. If there is a finding that a parent is voluntarily unemployed or
2 underemployed, child support shall be calculated based on a
3 determination of potential income, except that a finding of voluntary
4 unemployment or underemployment and a determination of potential
5 income shall not be made for a parent who is incarcerated, physically or
6 mentally incapacitated, or is caring for a very young child, age three (3)
7 or younger, for whom the parents owe a joint legal responsibility;
- 8 2. A court may find a parent is voluntarily unemployed or underemployed
9 without finding that the parent intended to avoid or reduce the child
10 support obligation; and
- 11 3. Imputation of potential income, when applicable, shall include
12 consideration of the following circumstances of the parents, to the extent
13 known:
- 14 a. Assets and residence;
- 15 b. Employment, earning history, and job skills;
- 16 c. Educational level, literacy, age, health, and criminal record that
17 could impair the ability to gain or continue employment;
- 18 d. Record of seeking work;
- 19 e. Local labor market, including availability of employment for
20 which the parent may be qualified and employable;
- 21 f. Prevailing earnings in the local labor market; and
- 22 g. Other relevant background factors, including employment barriers;
- 23 (f) "Obligor" has the same meaning as in KRS 205.710;
- 24 (g) "Imputed child support obligation" means the amount of child support the
25 parent would be required to pay from application of the child support
26 guidelines;
- 27 (h) Income statements of the parents shall be verified by documentation of both

1 current and past income. Suitable documentation shall include, but shall not
2 be limited to, income tax returns, paystubs, employer statements, or receipts
3 and expenses if self-employed;

4 (i) "Combined monthly adjusted parental gross income" means the combined
5 monthly gross incomes of both parents, less any of the following payments
6 made by the parent:

7 1. The amount of pre-existing orders for current maintenance for prior
8 spouses to the extent payment is actually made and the amount of
9 current maintenance, if any, ordered paid in the proceeding before the
10 court;

11 2. The amount of pre-existing orders of current child support for prior-born
12 children to the extent payment is actually made under those orders; and

13 3. A deduction for the support to the extent payment is made, if a parent is
14 legally responsible for and is actually providing support for other prior-
15 born children who are not the subject of a particular proceeding. If the
16 prior-born children reside with that parent, an "imputed child support
17 obligation" shall be allowed in the amount which would result from
18 application of the guidelines for the support of the prior-born children;
19 and

20 (j) "Split custody arrangement" means a situation where each parent has sole
21 custody and decision-making authority while the child or children is in his or
22 her residence. Visitation only occurs when the child is in residence with the
23 other parent.

24 (4) Any child support obligation shall be calculated by using the number of children for
25 whom the parents share a joint legal responsibility.

26 (5) (a) Except as provided in paragraph (b) of this subsection, the child support
27 obligation set forth in the child support guidelines table shall be divided

1 between the parents in proportion to their combined monthly adjusted parental
2 gross income.

3 (b) The child support obligation of an obligated parent whose monthly adjusted
4 gross income is equal to or less than the amounts in subparagraphs 1. to 5. of
5 this paragraph shall be calculated using the monthly adjusted gross income of
6 the obligated parent alone to provide for the self-support reserve. The
7 following monthly adjusted gross income amounts shall qualify an individual
8 for the self-support reserve:

- 9 1. One thousand one hundred dollars (\$1,100) with one (1) child;
- 10 2. One thousand three hundred dollars (\$1,300) with two (2) children;
- 11 3. One thousand four hundred dollars (\$1,400) with three (3) children;
- 12 4. One thousand five hundred dollars (\$1,500) with four (4) or five (5)
13 children; or
- 14 5. One thousand six hundred dollars (\$1,600) with six (6) or more children.

15 (c) The obligated parent shall pay the lesser support amount calculated in
16 accordance with:

- 17 1. Paragraph (a) of this subsection;
- 18 2. Paragraph (b) of this subsection; and
- 19 3. As determined under ***Section 1 of this Act***~~[KRS 403.2121]~~ if the shared
20 parenting time credit is applicable.

21 (6) The minimum amount of child support shall be sixty dollars (\$60) per month,
22 except as provided in ***subsection (3) of Section 1 of this Act***~~[KRS 403.2121(3)]~~.

23 (7) The court may use its judicial discretion in determining child support in
24 circumstances where combined adjusted parental gross income exceeds the
25 uppermost levels of the guideline table.

26 (8) The child support obligation in a split custody arrangement shall be calculated in
27 the following manner:

1 (a) Two (2) separate child support obligation worksheets shall be prepared, one
 2 (1) for each household, using the number of children born of the relationship
 3 in each separate household, rather than the total number of children born of
 4 the relationship.

5 (b) The parent with the greater monthly obligation amount shall pay the
 6 difference between the obligation amounts, as determined by the worksheets,
 7 to the other parent.

8 (9) The child support guidelines table is as follows:

9	COMBINED						
10	MONTHLY						
11	ADJUSTED						
12	PARENTAL						
13	GROSS						SIX
14	INCOME	ONE	TWO	THREE	FOUR	FIVE	OR
15		CHILD	CHILDREN				MORE
16	\$ 0	\$60	\$60	\$60	\$60	\$60	\$60
17	100	60	60	60	60	60	60
18	200	60	60	60	60	60	60
19	300	60	60	60	60	60	60
20	400	60	60	60	60	60	60
21	500	60	60	60	60	60	60
22	600	60	60	60	60	60	60
23	700	60	60	60	60	60	60
24	800	60	60	60	60	60	60
25	900	60	60	60	60	60	60
26	1,000	85	85	85	85	85	85
27	1,100	148	150	152	154	155	157

1	1,200	200	231	234	237	239	242
2	1,300	216	312	316	320	323	327
3	1,400	231	339	398	403	407	412
4	1,500	247	362	437	486	491	497
5	1,600	262	384	464	518	570	582
6	1,700	277	406	491	548	603	655
7	1,800	292	428	517	578	635	691
8	1,900	307	450	544	607	668	726
9	2,000	322	472	570	637	701	762
10	2,100	337	494	597	667	734	797
11	2,200	352	516	624	697	766	833
12	2,300	367	538	650	726	799	869
13	2,400	382	560	677	756	832	904
14	2,500	397	582	704	786	865	940
15	2,600	412	604	730	816	897	975
16	2,700	427	626	757	845	930	1,011
17	2,800	442	648	783	875	963	1,046
18	2,900	457	670	810	905	995	1,082
19	3,000	472	692	837	935	1,028	1,118
20	3,100	487	714	863	964	1,061	1,153
21	3,200	502	737	890	994	1,094	1,189
22	3,300	517	759	917	1,024	1,126	1,224
23	3,400	532	781	943	1,054	1,159	1,260
24	3,500	547	803	970	1,083	1,192	1,295
25	3,600	562	825	997	1,113	1,224	1,331
26	3,700	577	847	1,023	1,143	1,257	1,367
27	3,800	592	869	1,050	1,173	1,290	1,402

1	3,900	607	891	1,076	1,202	1,323	1,438
2	4,000	621	912	1,102	1,230	1,353	1,471
3	4,100	634	931	1,125	1,256	1,382	1,502
4	4,200	647	950	1,148	1,282	1,410	1,533
5	4,300	660	969	1,171	1,308	1,439	1,564
6	4,400	673	988	1,194	1,334	1,467	1,595
7	4,500	686	1,007	1,217	1,359	1,495	1,625
8	4,600	699	1,026	1,240	1,385	1,524	1,656
9	4,700	712	1,045	1,263	1,411	1,552	1,687
10	4,800	725	1,064	1,286	1,437	1,580	1,718
11	4,900	738	1,084	1,309	1,463	1,609	1,749
12	5,000	751	1,103	1,332	1,488	1,637	1,780
13	5,100	764	1,122	1,356	1,514	1,666	1,810
14	5,200	777	1,141	1,379	1,540	1,694	1,841
15	5,300	790	1,160	1,402	1,566	1,722	1,872
16	5,400	799	1,172	1,415	1,581	1,739	1,890
17	5,500	805	1,177	1,419	1,585	1,744	1,896
18	5,600	810	1,181	1,423	1,590	1,749	1,901
19	5,700	815	1,186	1,427	1,594	1,753	1,906
20	5,800	820	1,191	1,431	1,598	1,758	1,911
21	5,900	825	1,195	1,435	1,603	1,763	1,916
22	6,000	831	1,200	1,439	1,607	1,768	1,922
23	6,100	837	1,208	1,449	1,618	1,780	1,935
24	6,200	844	1,217	1,459	1,629	1,792	1,948
25	6,300	851	1,226	1,469	1,641	1,805	1,962
26	6,400	858	1,234	1,479	1,652	1,817	1,975
27	6,500	865	1,243	1,489	1,663	1,829	1,988

1	6,600	871	1,251	1,499	1,674	1,841	2,002
2	6,700	881	1,263	1,513	1,690	1,859	2,021
3	6,800	892	1,278	1,530	1,709	1,880	2,044
4	6,900	903	1,292	1,548	1,729	1,902	2,067
5	7,000	914	1,306	1,565	1,748	1,923	2,090
6	7,100	925	1,320	1,582	1,767	1,944	2,113
7	7,200	935	1,335	1,600	1,787	1,965	2,136
8	7,300	946	1,348	1,616	1,805	1,986	2,159
9	7,400	954	1,360	1,630	1,820	2,003	2,177
10	7,500	962	1,372	1,643	1,836	2,019	2,195
11	7,600	969	1,384	1,657	1,851	2,036	2,213
12	7,700	977	1,396	1,670	1,866	2,052	2,231
13	7,800	984	1,407	1,683	1,880	2,068	2,248
14	7,900	991	1,419	1,696	1,895	2,084	2,266
15	8,000	996	1,426	1,704	1,903	2,094	2,276
16	8,100	1,000	1,429	1,709	1,908	2,099	2,282
17	8,200	1,004	1,433	1,713	1,914	2,105	2,288
18	8,300	1,008	1,437	1,718	1,919	2,110	2,294
19	8,400	1,012	1,441	1,722	1,924	2,116	2,300
20	8,500	1,016	1,444	1,727	1,929	2,122	2,306
21	8,600	1,020	1,448	1,731	1,934	2,127	2,312
22	8,700	1,026	1,456	1,740	1,944	2,138	2,324
23	8,800	1,033	1,464	1,749	1,953	2,149	2,336
24	8,900	1,039	1,472	1,758	1,963	2,160	2,347
25	9,000	1,046	1,480	1,766	1,973	2,170	2,359
26	9,100	1,052	1,488	1,775	1,983	2,181	2,371
27	9,200	1,059	1,496	1,784	1,993	2,192	2,382

1	9,300	1,065	1,502	1,792	2,002	2,202	2,393
2	9,400	1,070	1,507	1,799	2,010	2,211	2,403
3	9,500	1,075	1,511	1,807	2,018	2,220	2,413
4	9,600	1,080	1,516	1,814	2,026	2,229	2,423
5	9,700	1,085	1,520	1,822	2,035	2,238	2,433
6	9,800	1,090	1,524	1,829	2,043	2,247	2,443
7	9,900	1,094	1,529	1,836	2,051	2,256	2,453
8	10,000	1,099	1,533	1,844	2,059	2,265	2,463
9	10,100	1,104	1,538	1,851	2,068	2,275	2,472
10	10,200	1,109	1,542	1,859	2,076	2,284	2,482
11	10,300	1,115	1,549	1,867	2,086	2,294	2,494
12	10,400	1,123	1,560	1,878	2,098	2,308	2,509
13	10,500	1,130	1,571	1,889	2,110	2,321	2,523
14	10,600	1,137	1,582	1,900	2,123	2,335	2,538
15	10,700	1,145	1,593	1,911	2,135	2,349	2,553
16	10,800	1,152	1,604	1,922	2,147	2,362	2,568
17	10,900	1,159	1,615	1,933	2,160	2,376	2,582
18	11,000	1,167	1,626	1,944	2,172	2,389	2,597
19	11,100	1,174	1,637	1,956	2,185	2,403	2,612
20	11,200	1,182	1,649	1,968	2,198	2,418	2,628
21	11,300	1,191	1,661	1,980	2,212	2,433	2,644
22	11,400	1,199	1,673	1,992	2,225	2,448	2,660
23	11,500	1,207	1,685	2,004	2,239	2,462	2,677
24	11,600	1,215	1,695	2,016	2,252	2,477	2,693
25	11,700	1,222	1,705	2,029	2,266	2,493	2,710
26	11,800	1,229	1,714	2,041	2,280	2,508	2,726
27	11,900	1,237	1,723	2,054	2,294	2,523	2,743

1	12,000	1,244	1,732	2,066	2,308	2,539	2,759
2	12,100	1,252	1,742	2,078	2,322	2,554	2,776
3	12,200	1,259	1,751	2,091	2,336	2,569	2,793
4	12,300	1,267	1,760	2,103	2,349	2,584	2,809
5	12,400	1,274	1,769	2,116	2,363	2,600	2,826
6	12,500	1,282	1,778	2,128	2,377	2,615	2,842
7	12,600	1,289	1,788	2,141	2,391	2,630	2,859
8	12,700	1,296	1,797	2,153	2,405	2,645	2,876
9	12,800	1,304	1,806	2,165	2,419	2,661	2,892
10	12,900	1,311	1,815	2,178	2,433	2,676	2,909
11	13,000	1,319	1,825	2,190	2,447	2,691	2,925
12	13,100	1,326	1,834	2,203	2,461	2,707	2,942
13	13,200	1,334	1,843	2,215	2,474	2,722	2,959
14	13,300	1,341	1,852	2,228	2,488	2,737	2,975
15	13,400	1,348	1,861	2,238	2,500	2,750	2,990
16	13,500	1,353	1,868	2,247	2,510	2,761	3,001
17	13,600	1,359	1,875	2,255	2,519	2,771	3,012
18	13,700	1,364	1,882	2,264	2,529	2,781	3,023
19	13,800	1,370	1,889	2,272	2,538	2,792	3,035
20	13,900	1,375	1,896	2,281	2,547	2,802	3,046
21	14,000	1,381	1,903	2,289	2,557	2,812	3,057
22	14,100	1,386	1,910	2,297	2,566	2,822	3,068
23	14,200	1,391	1,916	2,304	2,574	2,831	3,078
24	14,300	1,396	1,922	2,312	2,582	2,841	3,088
25	14,400	1,401	1,929	2,319	2,591	2,850	3,098
26	14,500	1,406	1,935	2,327	2,599	2,859	3,108
27	14,600	1,410	1,941	2,334	2,607	2,868	3,118

1	14,700	1,415	1,947	2,342	2,616	2,877	3,128
2	14,800	1,420	1,954	2,349	2,624	2,886	3,138
3	14,900	1,425	1,960	2,357	2,632	2,896	3,147
4	15,000	1,430	1,966	2,364	2,641	2,905	3,157
5	15,100	1,435	1,972	2,371	2,649	2,914	3,167
6	15,200	1,440	1,978	2,379	2,657	2,923	3,177
7	15,300	1,444	1,985	2,386	2,666	2,932	3,187
8	15,400	1,449	1,991	2,394	2,674	2,941	3,197
9	15,500	1,454	1,997	2,401	2,682	2,950	3,207
10	15,600	1,459	2,003	2,409	2,691	2,960	3,217
11	15,700	1,464	2,010	2,416	2,699	2,969	3,227
12	15,800	1,469	2,016	2,424	2,707	2,978	3,237
13	15,900	1,474	2,022	2,431	2,715	2,987	3,247
14	16,000	1,478	2,028	2,439	2,724	2,996	3,257
15	16,100	1,484	2,035	2,445	2,732	3,005	3,266
16	16,200	1,490	2,041	2,452	2,739	3,013	3,275
17	16,300	1,495	2,047	2,459	2,747	3,022	3,285
18	16,400	1,501	2,053	2,466	2,755	3,030	3,294
19	16,500	1,506	2,059	2,473	2,763	3,039	3,303
20	16,600	1,512	2,065	2,480	2,770	3,047	3,313
21	16,700	1,518	2,071	2,487	2,778	3,056	3,322
22	16,800	1,523	2,077	2,494	2,786	3,065	3,331
23	16,900	1,529	2,083	2,501	2,794	3,073	3,340
24	17,000	1,534	2,089	2,508	2,801	3,082	3,350
25	17,100	1,540	2,095	2,515	2,809	3,090	3,359
26	17,200	1,545	2,102	2,522	2,817	3,099	3,368
27	17,300	1,551	2,108	2,529	2,825	3,107	3,378

1	17,400	1,557	2,114	2,536	2,832	3,116	3,387
2	17,500	1,562	2,120	2,543	2,840	3,124	3,396
3	17,600	1,568	2,126	2,550	2,848	3,133	3,405
4	17,700	1,573	2,132	2,557	2,856	3,141	3,415
5	17,800	1,579	2,138	2,563	2,863	3,149	3,423
6	17,900	1,584	2,144	2,570	2,870	3,157	3,432
7	18,000	1,589	2,149	2,576	2,878	3,166	3,441
8	18,100	1,595	2,155	2,583	2,885	3,174	3,450
9	18,200	1,600	2,161	2,590	2,893	3,182	3,459
10	18,300	1,605	2,167	2,596	2,900	3,190	3,467
11	18,400	1,611	2,173	2,603	2,907	3,198	3,476
12	18,500	1,616	2,178	2,609	2,915	3,206	3,485
13	18,600	1,621	2,184	2,616	2,922	3,214	3,494
14	18,700	1,627	2,190	2,623	2,929	3,222	3,503
15	18,800	1,632	2,196	2,629	2,937	3,231	3,512
16	18,900	1,637	2,202	2,636	2,944	3,239	3,520
17	19,000	1,642	2,207	2,642	2,952	3,247	3,529
18	19,100	1,648	2,213	2,649	2,959	3,255	3,538
19	19,200	1,653	2,219	2,656	2,966	3,263	3,547
20	19,300	1,658	2,225	2,662	2,974	3,271	3,556
21	19,400	1,664	2,231	2,669	2,981	3,279	3,565
22	19,500	1,669	2,236	2,675	2,989	3,287	3,573
23	19,600	1,674	2,242	2,682	2,996	3,295	3,582
24	19,700	1,680	2,248	2,689	3,003	3,304	3,591
25	19,800	1,685	2,254	2,695	3,011	3,312	3,600
26	19,900	1,690	2,260	2,702	3,018	3,320	3,609
27	20,000	1,696	2,265	2,709	3,025	3,328	3,617

1	20,100	1,701	2,271	2,715	3,033	3,336	3,626
2	20,200	1,706	2,277	2,722	3,040	3,344	3,635
3	20,300	1,710	2,282	2,728	3,047	3,352	3,643
4	20,400	1,713	2,287	2,733	3,053	3,358	3,651
5	20,500	1,717	2,292	2,739	3,059	3,365	3,658
6	20,600	1,720	2,297	2,745	3,066	3,372	3,666
7	20,700	1,723	2,302	2,750	3,072	3,379	3,673
8	20,800	1,726	2,307	2,756	3,078	3,386	3,681
9	20,900	1,730	2,313	2,761	3,084	3,393	3,688
10	21,000	1,733	2,318	2,767	3,091	3,400	3,695
11	21,100	1,736	2,323	2,773	3,097	3,407	3,703
12	21,200	1,739	2,328	2,778	3,103	3,413	3,710
13	21,300	1,743	2,333	2,784	3,109	3,420	3,718
14	21,400	1,746	2,338	2,789	3,116	3,427	3,725
15	21,500	1,749	2,343	2,795	3,122	3,434	3,733
16	21,600	1,752	2,348	2,801	3,128	3,441	3,740
17	21,700	1,756	2,353	2,806	3,134	3,448	3,748
18	21,800	1,759	2,358	2,812	3,141	3,455	3,755
19	21,900	1,762	2,363	2,817	3,147	3,462	3,763
20	22,000	1,765	2,368	2,823	3,153	3,469	3,770
21	22,100	1,769	2,373	2,829	3,160	3,475	3,778
22	22,200	1,772	2,378	2,834	3,166	3,482	3,785
23	22,300	1,775	2,383	2,840	3,172	3,489	3,793
24	22,400	1,778	2,388	2,845	3,178	3,496	3,800
25	22,500	1,782	2,393	2,851	3,185	3,503	3,808
26	22,600	1,785	2,398	2,857	3,191	3,510	3,815
27	22,700	1,788	2,403	2,862	3,197	3,517	3,823

1	22,800	1,791	2,408	2,868	3,203	3,524	3,830
2	22,900	1,795	2,413	2,873	3,210	3,531	3,838
3	23,000	1,798	2,418	2,879	3,216	3,537	3,845
4	23,100	1,801	2,423	2,885	3,222	3,544	3,853
5	23,200	1,804	2,429	2,890	3,228	3,551	3,860
6	23,300	1,808	2,434	2,896	3,235	3,558	3,868
7	23,400	1,811	2,439	2,901	3,241	3,565	3,875
8	23,500	1,814	2,444	2,907	3,247	3,572	3,883
9	23,600	1,817	2,449	2,913	3,253	3,579	3,890
10	23,700	1,821	2,454	2,918	3,260	3,586	3,898
11	23,800	1,824	2,459	2,924	3,266	3,593	3,905
12	23,900	1,827	2,464	2,929	3,272	3,599	3,913
13	24,000	1,830	2,469	2,935	3,278	3,606	3,920
14	24,100	1,834	2,474	2,941	3,285	3,613	3,928
15	24,200	1,837	2,479	2,946	3,291	3,620	3,935
16	24,300	1,840	2,484	2,952	3,297	3,627	3,943
17	24,400	1,843	2,489	2,957	3,304	3,634	3,950
18	24,500	1,847	2,494	2,963	3,310	3,641	3,957
19	24,600	1,850	2,499	2,969	3,316	3,648	3,965
20	24,700	1,853	2,504	2,974	3,322	3,655	3,972
21	24,800	1,856	2,509	2,980	3,329	3,661	3,980
22	24,900	1,860	2,514	2,986	3,335	3,668	3,987
23	25,000	1,863	2,519	2,991	3,341	3,675	3,995
24	25,100	1,866	2,524	2,997	3,347	3,682	4,002
25	25,200	1,869	2,529	3,002	3,354	3,689	4,010
26	25,300	1,873	2,534	3,008	3,360	3,696	4,017
27	25,400	1,876	2,540	3,014	3,366	3,703	4,025

1	25,500	1,879	2,545	3,019	3,372	3,710	4,032
2	25,600	1,882	2,550	3,025	3,379	3,716	4,040
3	25,700	1,886	2,555	3,030	3,385	3,723	4,047
4	25,800	1,889	2,560	3,036	3,391	3,730	4,055
5	25,900	1,892	2,565	3,042	3,397	3,737	4,062
6	26,000	1,895	2,570	3,047	3,404	3,744	4,070
7	26,100	1,899	2,575	3,053	3,410	3,751	4,077
8	26,200	1,902	2,580	3,058	3,416	3,758	4,085
9	26,300	1,905	2,585	3,064	3,422	3,765	4,092
10	26,400	1,908	2,590	3,070	3,429	3,772	4,100
11	26,500	1,912	2,595	3,075	3,435	3,778	4,107
12	26,600	1,915	2,600	3,081	3,441	3,785	4,115
13	26,700	1,918	2,605	3,086	3,447	3,792	4,122
14	26,800	1,921	2,610	3,092	3,454	3,799	4,130
15	26,900	1,925	2,615	3,098	3,460	3,806	4,137
16	27,000	1,928	2,620	3,103	3,466	3,813	4,145
17	27,100	1,931	2,625	3,109	3,473	3,820	4,152
18	27,200	1,934	2,630	3,114	3,479	3,827	4,160
19	27,300	1,938	2,635	3,120	3,485	3,834	4,167
20	27,400	1,941	2,640	3,126	3,491	3,840	4,175
21	27,500	1,944	2,645	3,131	3,498	3,847	4,182
22	27,600	1,948	2,650	3,137	3,504	3,854	4,190
23	27,700	1,951	2,656	3,142	3,510	3,861	4,197
24	27,800	1,954	2,661	3,148	3,516	3,868	4,205
25	27,900	1,957	2,666	3,154	3,523	3,875	4,212
26	28,000	1,961	2,671	3,159	3,529	3,882	4,219
27	28,100	1,964	2,676	3,165	3,535	3,889	4,227

1	28,200	1,967	2,681	3,170	3,541	3,896	4,234
2	28,300	1,970	2,686	3,176	3,548	3,902	4,242
3	28,400	1,972	2,689	3,179	3,551	3,907	4,247
4	28,500	1,974	2,691	3,182	3,555	3,911	4,251
5	28,600	1,976	2,694	3,185	3,558	3,914	4,255
6	28,700	1,978	2,696	3,188	3,561	3,918	4,259
7	28,800	1,980	2,699	3,191	3,565	3,922	4,263
8	28,900	1,982	2,701	3,194	3,568	3,926	4,268
9	29,000	1,984	2,704	3,197	3,571	3,930	4,272
10	29,100	1,986	2,707	3,200	3,575	3,934	4,276
11	29,200	1,988	2,709	3,203	3,578	3,938	4,280
12	29,300	1,990	2,712	3,206	3,581	3,941	4,284
13	29,400	1,992	2,714	3,209	3,584	3,945	4,289
14	29,500	1,993	2,717	3,212	3,588	3,949	4,293
15	29,600	1,995	2,719	3,215	3,591	3,953	4,297
16	29,700	1,997	2,722	3,218	3,594	3,957	4,301
17	29,800	1,999	2,724	3,221	3,598	3,961	4,305
18	29,900	2,001	2,727	3,224	3,601	3,965	4,310
19	30,000	2,003	2,730	3,227	3,604	3,968	4,314

20 ➔Section 5. KRS 403.740 is amended to read as follows:

21 (1) Following a hearing ordered under KRS 403.730, if a court finds by a
22 preponderance of the evidence that domestic violence and abuse has occurred and
23 may again occur, the court may issue a domestic violence order:

24 (a) Restraining the adverse party from:

- 25 1. Committing further acts of domestic violence and abuse;
- 26 2. Any unauthorized contact or communication with the petitioner or other
27 person specified by the court;

- 1 3. Approaching the petitioner or other person specified by the court within
- 2 a distance specified in the order, not to exceed five hundred (500) feet;
- 3 4. Going to or within a specified distance of a specifically described
- 4 residence, school, or place of employment or area where such a place is
- 5 located; and
- 6 5. Disposing of or damaging any of the property of the parties;
- 7 (b) Authorizing, at the request of the petitioner:
- 8 1. Limited contact or communication between the parties that the court
- 9 finds necessary; or
- 10 2. The parties to remain in a common area, which may necessitate them
- 11 being closer than five hundred (500) feet under limited circumstances
- 12 with specific parameters set forth by the court.
- 13 Nothing in this paragraph shall be interpreted to place any restriction or
- 14 restraint on the petitioner;
- 15 (c) Directing or prohibiting any other actions that the court believes will be of
- 16 assistance in eliminating future acts of domestic violence and abuse, except
- 17 that the court shall not order the petitioner to take any affirmative action;
- 18 (d) Directing that either or both of the parties receive counseling services
- 19 available in the community in domestic violence and abuse cases; and
- 20 (e) Additionally, if applicable:
- 21 1. Directing the adverse party to vacate a residence shared by the parties to
- 22 the action;
- 23 2. Utilizing the criteria set forth in KRS 403.270, 403.320, and 403.822,
- 24 grant temporary custody, subject to KRS 403.315;
- 25 3. Utilizing the criteria set forth in Section 1 of this Act and KRS 403.211,
- 26 403.212, ~~403.2121,~~ and 403.213, award temporary child support; and
- 27 4. Awarding possession of any shared domestic animal to the petitioner.

- 1 (2) In imposing a location restriction described in subsection (1)(a)4. of this section, the
2 court shall:
- 3 (a) Afford the petitioner and respondent, if present, an opportunity to testify on
4 the issue of the locations and areas from which the respondent should or
5 should not be excluded;
- 6 (b) Only impose a location restriction where there is a specific, demonstrable
7 danger to the petitioner or other person protected by the order;
- 8 (c) Specifically describe in the order the locations or areas prohibited to the
9 respondent; and
- 10 (d) Consider structuring a restriction so as to allow the respondent transit through
11 an area if the respondent does not interrupt his or her travel to harass, harm, or
12 attempt to harass or harm the petitioner.
- 13 (3) When temporary child support is granted under this section, the court shall enter an
14 order detailing how the child support is to be paid and collected. Child support
15 ordered under this section may be enforced utilizing the same procedures as any
16 other child support order.
- 17 (4) A domestic violence order shall be effective for a period of time fixed by the court,
18 not to exceed three (3) years, and may be reissued upon expiration for subsequent
19 periods of up to three (3) years each. The fact that an order has not been violated
20 since its issuance may be considered by a court in hearing a request for a reissuance
21 of the order.
- 22 ➔Section 6. KRS 405.430 is amended to read as follows:
- 23 (1) When a parent presents himself to the cabinet for the voluntary establishment of
24 paternity and clear evidence of parentage is not present, the cabinet shall pay when
25 administratively ordered the cost of genetic testing to establish paternity, subject to
26 recoupment from the alleged father when paternity is established.
- 27 (2) The cabinet shall obtain additional testing in any case if an original test is contested,

1 upon request and advance payment by the contestant.

2 (3) In a contested paternity case, the child, the mother, and the putative father shall
3 submit to genetic testing upon a request of any of the parties, unless the person or
4 guardian of the person who is requested to submit to genetic testing shows good
5 cause, taking into account the best interests of the child, why the genetic tests
6 cannot be performed. The request shall be supported by a sworn statement of the
7 party, requesting that the test be performed, which shall include the information
8 required by 42 U.S.C. sec. 666(a)(5)(B)(i) or (ii).

9 (4) When a parent who fails to support a child is not obligated to provide child support
10 by court order, the cabinet may administratively establish a child support obligation
11 based upon a voluntary acknowledgment of paternity as set forth in KRS Chapter
12 406, the parent's minimum monthly child support obligation and proportionate
13 share of child care costs incurred due to employment or job search of either parent,
14 or incurred while receiving elementary or secondary education, or higher education
15 or vocational training which will lead to employment. The monthly child support
16 obligation shall be determined pursuant to the Kentucky child support guidelines set
17 forth in KRS 403.212 or Section 1 of this Act~~[403.212]~~. The actual cost of child
18 care shall be reasonable and shall be allocated between the parents in the same
19 proportion as each parent's gross income, as determined under the guidelines, bears
20 to the total family gross income.

21 (5) The cabinet shall recognize a voluntary acknowledgment of paternity as a basis for
22 seeking a support order, irrespective of the alleged father's willingness to consent to
23 a support order.

24 (6) When in the best interest of the child, the cabinet may review and adjust a parent's
25 child support obligation or child care obligation as established by the cabinet, upon
26 a request of the cabinet when an assignment has been made, or upon either parent's
27 petition if the amount of the child support awarded under the order differs from the

1 amount that would be awarded in accordance with KRS 403.212 or Section 1 of
2 this Act~~[403.2121]~~. The cabinet shall notify parents at least once every three (3)
3 years of the right to a review.

4 (7) In establishing or modifying a parent's monthly child support obligation, the cabinet
5 may use automated methods to identify orders eligible for review, conduct the
6 review, identify orders eligible for adjustment, and apply the adjustment to eligible
7 orders in accordance with KRS 403.212 or Section 1 of this Act~~[403.2121]~~. The
8 cabinet shall utilize information, including financial records, about the parent and
9 child which it has good reason to believe is reliable and may require the parents to
10 provide income verification.

11 (8) In cases in which past-due support is owed for a child receiving public assistance
12 under Title IV-A of the Federal Social Security Act, the cabinet shall issue an
13 administrative order, or seek a judicial order, requiring the obligated parent to
14 participate in work activities, or educational or vocational training activities for at
15 least twenty (20) hours per week, unless the parent is incapacitated as defined by 42
16 U.S.C. sec. 607.

17 (9) The cabinet may disclose financial records only for the purpose of establishing,
18 modifying, or enforcing a child support obligation of an individual. A financial
19 institution shall not be liable to any individual for disclosing any financial record of
20 the individual to the cabinet attempting to establish, modify, or enforce a child
21 support obligation.

22 (10) The cabinet may issue both intrastate and interstate administrative subpoenas to any
23 individual or entity for financial or other information or documents which are
24 needed to establish, modify, or enforce a child support obligation pursuant to Title
25 IV-D of the Social Security Act, 42 U.S.C. secs. 651 et seq. An administrative
26 subpoena lawfully issued in another state to an individual or entity residing in this
27 state shall be honored and enforced in the Circuit Court of the county in which the

1 individual or entity resides.

2 (11) In any case where a person or entity fails to respond to a subpoena within the
3 specified time frame, the cabinet shall impose a penalty.

4 (12) No person shall knowingly make, present, or cause to be made or presented to an
5 employee or officer of the cabinet any false, fictitious, or fraudulent statement,
6 representation, or entry in any application, report, document, or financial record
7 used in determining child support or child care obligations.

8 (13) If a person knowingly or by reason of negligence discloses a financial record of an
9 individual, that individual may pursue civil action for damages in a federal District
10 Court or appropriate state court. No liability shall arise with respect to any
11 disclosure which results from a good faith, but erroneous, interpretation. In any
12 civil action brought for reason of negligence of disclosure of financial records, upon
13 finding of liability on the part of the defendant, the defendant shall be liable to the
14 plaintiff in an amount equal to:

15 (a) The sum of the greater of one thousand dollars (\$1,000) for each act of
16 unauthorized disclosure of financial records; or

17 (b) The sum of the actual damages sustained by the plaintiff resulting from the
18 unauthorized disclosure; plus

19 (c) If willful disclosure or disclosure was a result of gross negligence, punitive
20 damages, plus the costs, including attorney fees, of the action.

21 (14) The cabinet shall issue an administrative order or seek a judicial order requiring a
22 parent with a delinquent child support obligation, as defined by administrative
23 regulation promulgated under KRS 15.055, to participate in the program described
24 in KRS 205.732 to help low-income, noncustodial parents find and keep
25 employment unless the parent is incapacitated as defined by 42 U.S.C. sec. 607.

26 ➔Section 7. KRS 406.025 is amended to read as follows:

27 (1) Upon completion of a signed, notarized, voluntary acknowledgment-of-paternity

1 affidavit by the mother and alleged father, obtained through the hospital-based
2 paternity program, and submitted to the state registrar of vital statistics, paternity
3 shall be rebuttably presumed for the earlier of sixty (60) days or the date of an
4 administrative or judicial proceeding relating to the child, including a proceeding to
5 establish a child support order.

6 (2) Upon completion of a signed, notarized, voluntary acknowledgment-of-paternity
7 affidavit by the mother and alleged father obtained outside of the hospital and
8 submitted to the state registrar of vital statistics, paternity shall be rebuttably
9 presumed for the earlier of sixty (60) days or the date of an administrative or
10 judicial proceeding relating to the child, including a proceeding to establish a child
11 support order following the date of signatures on the notarized affidavit.

12 (3) Pending an administrative or judicial determination of parentage, or upon a signed,
13 notarized, voluntary acknowledgment-of-paternity form having been transmitted by
14 the local registrar and received by the Vital Statistics Branch, a temporary support
15 order shall be issued upon motion of any party if paternity is indicated by genetic
16 testing or other clear and convincing evidence.

17 (4) The motion shall be accompanied by an affidavit setting forth the factual basis for
18 the motion and the amounts requested.

19 (5) The court shall, within fourteen (14) days from the filing of the motion, order an
20 amount of temporary child support based upon the child support guidelines as
21 provided by KRS 403.212 or Section 1 of this Act[403.212]. The ordered child
22 support shall be retroactive to the date of the filing of the motion to move the court
23 to enter an order for temporary child support without written or oral notice to the
24 adverse party. The order shall provide that the order becomes effective seven (7)
25 days following service of the order and movant's affidavit upon the adverse party
26 unless the adverse party, within the seven (7) day period, files a motion for a
27 hearing before the court. The motion for hearing shall be accompanied by the

1 affidavit required by KRS 403.160(2)(a). Pending the hearing, the adverse party
2 shall pay child support in an amount based upon the guidelines and the adverse
3 party's affidavit. The child support order entered following the hearing shall be
4 retroactive to the date of the filing of the motion for temporary support unless
5 otherwise ordered by the court.

6 (6) Unless good cause is shown, court or administratively ordered child support shall
7 continue until final judicial or administrative determination of paternity.

8 ➔Section 8. The following KRS sections are repealed:

9 403.2121 Establishment of adjustment to child support obligations based upon parenting
10 time -- Authority to promulgate administrative regulations -- Children receiving
11 public assistance. (Effective until March 31, 2023)

12 403.2121 "Day" defined – Minimum requirement for shared parenting time credit --
13 Establishment of adjustment to child support obligations based upon parenting time
14 -- Modification of child support -- Children receiving public assistance. (Effective
15 March 31, 2023)

16 ➔Section 9. Whereas adjustments to child support, including implementation of a
17 shared parenting time credit, are needed to ensure uniform application of the provisions
18 throughout the Commonwealth, an emergency is declared to exist, and this Act takes
19 effect upon its passage and approval by the Governor or upon its otherwise becoming a
20 law.