

CABINET FOR HEALTH AND FAMILY SERVICES

Department for Community Based Services

Division of Family Support

(Amended at ARRS Committee)

921 KAR 2:006. Technical requirements for the Kentucky Transitional Assistance Program (KTAP).

RELATES TO: KRS 205.010, 205.2005, 205.703, 205.720(1), 403.720(2), 45 C.F.R. 260-265, Part 1626.2(b), 7 U.S.C. 2011-2036, 8 U.S.C. 1101-1524, 21 U.S.C. 802(6), 22 U.S.C. 7102(11), 7105, 38 U.S.C. 101, 107, 1101, 1301, 1304, 5303A(d), 42 U.S.C. 416, 601-619, 1381-1384, 1396, Pub. L. 111-118

STATUTORY AUTHORITY: KRS 194A.050(1), 205.200(2), (3), 205.2003(1), 42 U.S.C. 601-619

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary to promulgate all administrative regulations authorized by applicable state laws necessary to operate the programs and fulfill the responsibilities vested in the cabinet or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS 205.2003(1) requires the secretary to promulgate administrative regulations to develop a work program for recipients of public assistance under Title IV-A of the Federal Social Security Act, 42 U.S.C. 601 to 619. KRS 205.200(2) requires the secretary to promulgate administrative regulations prescribing the conditions of eligibility for public assistance in conformity with 42 U.S.C. 602 and federal regulations. KRS 205.200(3) authorizes the secretary to promulgate administrative regulations prescribing as a condition of eligibility that a needy child regularly attend school, and the degree of relationship of the person or persons in whose home the needy child must reside. This administrative regulation establishes the technical requirements of eligibility for the Kentucky Transitional Assistance Program (KTAP).

Section 1. Definitions.

- (1) "Assistance" is defined by 45 C.F.R. 260.31.
- (2) "Barriers" means a limitation in an individual's ability to become employed and self-sufficient or to comply with KTAP requirements.
- (3) "Battered or subjected to extreme cruelty" is defined by 45 C.F.R. 1626.2(b).
- (4) "Benefit group" means a group composed of one (1) or more children and may include as a specified relative a person pursuant to Section 6 of this administrative regulation.
- (5) "Child" means "minor child" as defined by 45 C.F.R. 260.30.
- (6) "Domestic violence and abuse" is defined by KRS 403.720(2).
- (7) "Family member" means an individual:
 - (a) Related by blood, marriage, or adoption to a child or a work-eligible individual, as defined by 45 C.F.R. 261.2(n), in the benefit group; or
 - (b) Who is a member of an unmarried couple and has a child in the benefit group in common with the work-eligible individual, as defined by 45 C.F.R. 261.2(n).
- (8) "Kentucky Transitional Assistance Program" or "KTAP" means Kentucky's Temporary Assistance for Needy Families (TANF) cash assistance program for eligible families with a child living in the home.
- (9) "Kentucky Works Program" or "KWP" means the program established in 921 KAR 2:370.
- (10) "Minor teenage parent" means an individual who:
 - (a) Has not attained eighteen (18) years of age;

- (b) Is not married, or is married and not living with the spouse; and
- (c) Has a minor child in the applicant's or recipient's care.
- (11) "Penalized individual" means a person who is required to be included in the benefit group, but fails to fulfill an eligibility requirement that causes a reduction in benefits of the benefit group. If otherwise eligible, a penalized individual remains a member of the benefit group.
- (12) "Qualified immigrant" means an immigrant lawfully admitted for permanent residence pursuant to 8 U.S.C. 1101 to 1524.
- (13) "Sanctioned individual" means a person who is required to be included in the benefit group, but who is excluded from the benefit group due to failure to fulfill an eligibility requirement.
- (14) "Second chance home" means an entity that:
 - (a) Provides a minor teenage parent a supportive and supervised living arrangement; and
 - (b) Requires a minor teenage parent to learn:
 - 1. Parenting skills, including child development;
 - 2. Family budgeting;
 - 3. Health and nutrition; and
 - 4. Other skills to promote long-term economic independence and the well-being of the child of the minor teenage parent.
- (15) "Severe form of trafficking in persons" is defined by 22 U.S.C. 7102(11).
- (16) "Striker" means an employed individual who is participating in:
 - (a) A work stoppage;
 - (b) A concerted slowdown of work; or
 - (c) An interruption of operations at his or her place of employment.
- (17) "Supplemental Security Income" or "SSI" means a monthly cash payment made pursuant to:
 - (a) 42 U.S.C. 1381 to 1384 to the aged, blind, or persons with a disability;
 - (b) 42 U.S.C. 1382e; or
 - (c) 42 U.S.C. 1382.
- (18) "Two parent case" means KTAP benefits paid to a family if both parents live in the home and are both required to participate in the KWP.
- (19) "Work" means participation in a KWP activity pursuant to 921 KAR 2:370, Section 2(1)(c).

Section 2. Eligible Parent.

- (1) An eligible parent shall include the natural, adopted, or adjudicated parent of the child.
- (2) An adjudicated parent shall include an administrative establishment of the relationship.
- (3) A stepparent shall not be an eligible parent.

Section 3. Age and School Attendance.

- (1) The definition of "child" shall be met for at least one (1) person living in the home.
- (2) Verification of school attendance shall be required for a:
 - (a) Child who is eighteen (18) years of age, in order to determine his or her continuing eligibility; or
 - (b) Minor teenage parent pursuant to Section 15(1) of this administrative regulation.
- (3) Unless the parent states the child shall not reenter school, a child shall be considered in regular attendance in a month he or she is not attending because of:
 - (a) Official school or training program vacation;
 - (b) Illness;
 - (c) Convalescence; or

- (d) Family emergency.
- (4) Verification of a high school diploma for a child under age eighteen (18) who is a high school graduate shall be required.

Section 4. Enumeration.

- (1) A person included in the KTAP case shall furnish his or her Social Security number or apply for a number if one (1) has not been issued.
- (2) Refusal to furnish the Social Security number or apply for a number shall result in the ineligibility of the person whose Social Security number is not furnished.
- (3) The cabinet shall assist an individual in making application for a Social Security number, if needed.

Section 5. Residence and Citizenship.

- (1) Residence. A resident shall be an individual who:
 - (a) Is living in the state voluntarily and not for a temporary purpose; or
 - (b)
 - 1. Entered the state with a job commitment or seeking employment; and
 - 2. Is not receiving assistance funded by a block grant program pursuant to 42 U.S.C. 601 to 619 from another state.
- (2) Citizenship.
 - (a) Except as provided in paragraphs (b) and (c) of this subsection, KTAP shall be provided only to a United States citizen.
 - (b) A qualified immigrant who entered the United States before August 22, 1996, who is otherwise eligible for KTAP, shall be eligible for assistance.
 - (c) A qualified immigrant who entered the United States on or after August 22, 1996, shall not be eligible for KTAP for a period of five (5) years beginning on the date of the immigrant's entry into the United States with the following exceptions:
 - 1. An immigrant who is admitted to the United States as a refugee pursuant to 8 U.S.C. 1157;
 - 2. An immigrant who is granted asylum pursuant to 8 U.S.C. 1158;
 - 3. An immigrant whose deportation is being withheld pursuant to:
 - a. 8 U.S.C. 1253, as in effect prior to April 1, 1997; or
 - b. 8 U.S.C. 1231(b);
 - 4. An immigrant who is lawfully residing in Kentucky and is:
 - a. A veteran pursuant to 38 U.S.C. 101, 107, 1101, or 1301 with a discharge characterized as an honorable discharge and not on account of immigrant status;
 - b. On active duty other than active duty for training in the Armed Forces of the United States and who fulfills the minimum active duty service requirements pursuant to 38 U.S.C. 5303A(d);
 - c. The spouse or un-remarried surviving spouse if the marriage fulfills the requirements in 38 U.S.C. 1304, or unmarried dependent child of an individual described in clause a or b of this subparagraph;
 - d. A victim, a child of a victim, or spouse of a victim of a severe form of trafficking in persons who is admitted to the United States pursuant to 22 U.S.C. 7105; or
 - e. A parent or a sibling of a victim of a severe form of trafficking in persons who is admitted to the United States pursuant to 22 U.S.C. 7105 and is under eighteen (18) years of age;
 - 5. An immigrant who is a Cuban or Haitian entrant pursuant to 8 U.S.C. 1522;
 - 6. An immigrant who is admitted to the United States as an Amerasian immigrant pursuant to 8 U.S.C. 1101; or
 - 7. An immigrant admitted to the United States as an Afghan or Iraqi special immigrant on or after December 19, 2009, in accordance with Pub. L. 111-118,

Section 8120.

(d) Failure of the parent or other adult applying for or receiving benefits to verify citizenship or immigrant status shall cause the needs of the parent or other adult to be removed from the case.

Section 6. Living with a Specified Relative.

(1) To be eligible for KTAP, a child shall be living in the home of a relative as follows:

- (a) A blood relative, including a relative of a half-blood sibling;
- (b) A person listed in paragraph (a) of this subsection if the alleged father has had relationship established through the administrative determination process pursuant to Section 7 of this administrative regulation;
- (c) An adoptive parent, the natural and other legally adopted child and other relative of the adoptive parent; or
- (d) A relative by marriage, even if the marriage may have terminated, if termination occurred after the birth of the child.

1. A couple that has been considered married by a state with a common-law marriage provision shall be considered married in Kentucky for KTAP eligibility purposes; and

2. The statement of the applicant or recipient that the couple's marriage is recognized from another state as a common-law marriage shall be accepted as verification by the cabinet.

(2) Cash assistance shall not be provided for a child who is absent, or expected to be absent, from the home for a period of thirty (30) consecutive days or more unless good cause exists. Good cause for absence, or expected absence, of the child from the home for a period of thirty (30) consecutive days or more shall exist if the parent or relative caregiver continues to exercise care and control of the child and the child is absent due to:

- (a) Medical care;
- (b) Attendance at school, including boarding school;
- (c) College or vocational school;
- (d) Foster care, as verified by the cabinet; or
- (e) A short visit with a friend or relative if it is intended that the child will return to the home and the parent or specified relative caregiver maintains parental control of the child.

(3)

(a) A child shall be removed from the benefit group the first administratively feasible month following thirty (30) consecutive days from the date the child is placed in foster care.

(b) If the only eligible child in the benefit group is absent due to foster care, the otherwise eligible parent or parents in the benefit group shall:

- 1. Remain eligible for sixty (60) days from the date the child is placed in foster care; and
- 2. Be discontinued the first administratively feasible month following sixty (60) days from the date the child is placed in foster care if no other eligible child is in the benefit group.

(4)

(a) If a parent or specified relative caregiver fails to notify the cabinet of a thirty (30) consecutive day or more absence of the child for a reason other than one (1) of the good cause reasons listed in subsection (2) of this section, the parent or specified relative caregiver shall not be eligible for his or her share of KTAP benefits during the period of the child's unreported absence of thirty (30) consecutive days or more.

(b) Ineligible benefits received by the parent or specified relative and child during the period of the child's unreported absence of thirty (30) consecutive days or more shall

be recouped pursuant to 921 KAR 2:016, Section 11.

Section 7. Administrative Establishment of Relationship.

(1) An administrative determination of relationship as established in this administrative regulation shall be used only to establish relationship for KTAP eligibility if the following type of evidence is present:

- (a) A birth certificate listing the alleged parent;
- (b) Legal document which shall include:
 - 1. Hospital record;
 - 2. Juvenile court record;
 - 3. Will; or
 - 4. Other court record that clearly indicates the relationship of the alleged parent or specified relative caregiver;
- (c) Receipt of statutory benefits as a result of the alleged parent's circumstance;
- (d) Documents declaring voluntary paternity as specified in 901 KAR 5:070, Section 1; or
- (e) A sworn statement or affidavit of either parent acknowledging relationship plus one (1) of the following:
 - 1. School record;
 - 2. Bible record;
 - 3. Immigration record;
 - 4. Naturalization record;
 - 5. Church document, such as baptismal certificate;
 - 6. Passport;
 - 7. Military record;
 - 8. U.S. Census record; or
 - 9. Notarized statement or affidavit from an individual having specific knowledge about the relationship between the alleged parent and child.

(2) Rebuttal of administrative relationship shall occur if the parent or, in the absence of the parent, the caretaker relative:

- (a) Alleges the evidence pursuant to subsection (1)(a) or (b) of this section is erroneous;
- (b) Provides substantiation of the erroneous information; and
- (c) Provides a notarized statement or affidavit:
 - 1. Acknowledging the erroneous information; and
 - 2. Containing the correct information on the actual alleged parent.

(3) Presence of the notarized statement or affidavit pursuant to subsection (2)(c) of this section shall serve as rebuttal to the evidence present in subsection (1)(a) or (b) of this section and a determination of relationship shall not be acknowledged.

Section 8. One

(1) Category of Assistance. (1) A child or adult relative shall not be eligible for KTAP if receiving SSI.

(2) If a child who receives SSI meets the KTAP eligibility requirements and is living in the home of a specified relative, the specified relative caregiver shall be approved for KTAP if all other eligibility factors are met.

(3) If a child who receives foster care benefits meets the KTAP eligibility requirements and is living in the home of a specified relative, the specified relative caregiver shall be approved for KTAP if all other eligibility factors are met.

Section 9. Strikers.

(1) A family shall be ineligible for benefits for a month the parent, with whom the child is living on the last day of the month, is participating in a strike.

(2) A specified relative other than the parent shall be ineligible for benefits for a month if, on the last day of the month, the relative is participating in a strike.

Section 10. Work Registration. An adult applicant or recipient of the KTAP benefit group shall register for work pursuant to 921 KAR 2:370, Section 4(3).

Section 11. Assessment. A work-eligible individual, as defined by 45 C.F.R. 261.2(n), shall complete an assessment pursuant to 921 KAR 2:370.

Section 12. Kentucky Works Program. The technical requirements for participation in the Kentucky Works Program (KWP) shall be pursuant to 921 KAR 2:370.

Section 13. Cooperation in Child Support Activities.

(1) In cooperation with the Department for Income Support, the Department for Community Based Services shall attempt to secure parental support, and if necessary establish paternity, for a child receiving assistance who has a parent absent from the home due to:

- (a) Divorce;
- (b) Desertion;
- (c) Birth out-of-wedlock;
- (d) Legal separation;
- (e) Forced separation; or
- (f) Marriage annulment.

(2) With the exception of a good cause reason, pursuant to subsections (4) and (5) of this section, avoidance of the twenty-five (25) percent reduction of the amount of the payment maximum in KTAP benefits pursuant to subsection (7) of this section shall be dependent upon the applicant's or recipient's cooperation in child support activities that shall include:

- (a) Identifying the noncustodial parent or obligor;
- (b) Providing information to assist in the:
 - 1. Location of the noncustodial parent or obligor;
 - 2. Enforcement of a child support order; or
 - 3. Review or modification of a child support order;
- (c) Establishing paternity, if required;
- (d) Establishing, modifying or enforcing a child support order; and
- (e) Forwarding a child support payment received to the state's centralized collection agency.

(3) The cabinet shall inform the applicant or recipient of the individual's right to file a good cause claim for refusing to cooperate in a child support activity.

(4) The applicant or recipient shall be excused from penalty for failure to cooperate with a child support activity, pursuant to subsection (2) of this section, if one (1) of the following criteria is met:

- (a) Cooperation is reasonably anticipated to result in physical or emotional harm of a serious nature to the:
 - 1. Child; or
 - 2. Caretaker relative to an extent that it would reduce the capacity to care for the child adequately;
- (b) The child was conceived as a result of incest or forcible rape and the cabinet believes it would be detrimental to the child to require the applicant's or recipient's cooperation;
- (c) Legal proceedings for adoption of the child by a specific family are pending before a court of competent jurisdiction and the cabinet believes it would be detrimental to the child to require the applicant's or recipient's cooperation; or

- (d) The applicant or recipient is being assisted by a public or licensed private social service agency to resolve whether to keep the child or release the child for adoption if:
1. Discussion has not gone on for more than three (3) months; and
 2. The cabinet believes it would be detrimental to the child to require the applicant's or recipient's cooperation.
- (5) Unless an extension is granted, the applicant or recipient shall have thirty (30) days from the date the good cause claim is made to provide evidence to substantiate the claim.
- (a) Evidence used to determine good cause shall include:
1. Birth certificate, medical information, or law enforcement record indicating that the child was conceived as a result of incest or forcible rape;
 2. Court document or other record indicating legal proceedings for adoption of the child by a specific family is pending before a court of competent jurisdiction;
 3. Record or other evidence indicating the noncustodial parent, or obligor, or the alleged parent might inflict physical or emotional harm on the child or caretaker relative;
 4. A written statement from a public or licensed private social service agency that assistance is being given to the applicant or recipient to resolve the issue of whether to keep the child or relinquish the child for adoption, and the issue has not been pending more than three (3) months; or
 5. Notarized statement from an individual, other than the applicant or recipient, with knowledge of the circumstance that provides the basis for the good cause claim.
- (b) In each good cause determination based upon anticipation of serious emotional harm to the child or caretaker relative, the following shall be considered:
1. The present emotional state of the individual subject to emotional harm;
 2. The emotional health history of the individual;
 3. The extent and probable duration of the individual's emotional impairment; and
 4. The extent of involvement required by the individual in establishing paternity or enforcing a support obligation.
- (c) If the good cause claim is based on the anticipation of physical harm to the child or caretaker relative, and corroborative evidence is not submitted, the cabinet shall conduct an investigation if it is believed that:
1. Corroborative evidence is not available; and
 2. The claim is credible without corroborative evidence.
- (d) If the cabinet conducts an investigation of a good cause claim, it shall not contact the noncustodial parent or obligor, or the alleged parent regarding support, unless the contact is necessary to establish the good cause claim.
- (e) If it is necessary for the cabinet to contact the noncustodial parent, or obligor, or the alleged parent during the investigation of a good cause claim, the worker shall notify the applicant or recipient of the proposed contact to either:
1. Obtain permission for the contact; or
 2. Enable the applicant or recipient to:
 - a. Present additional evidence or information so that the contact shall be unnecessary;
 - b. Withdraw the application for assistance or request discontinuance of KTAP; or
 - c. Have the good cause claim denied.
- (6) After receipt of evidence to substantiate the good cause claim or conducting an investigation, the cabinet shall:
- (a) Document the case;
- (b) Determine that good cause:
1. Exists and a support activity cannot be initiated without endangering the:
 - a. Best interests of the child; or
 - b. Physical or emotional health of the child or the relative; or

2. Does not exist;
- (c) Advise the applicant or recipient of the result of the good cause claim determination; and
- (d) Identify each case that good cause is established, but may be subject to change, for subsequent review.
- (7) If the specified relative refuses to cooperate without good cause criteria being claimed, or claimed but not considered to be met by the cabinet, KTAP benefits shall be reduced by twenty-five (25) percent of the amount of the maximum payment for the appropriate family size pursuant to Section 9 of 921 KAR 2:016.
- (8) If, after the reduction of the KTAP payment for failure to cooperate, the specified relative states he or she will cooperate, the cabinet shall:
 - (a) Remove the twenty-five (25) percent reduction in benefits effective the first administratively feasible month if the individual states he or she will cooperate and verification of cooperation is provided timely; and
 - (b) Not authorize a back payment for the period the individual did not cooperate.
- (9) As a condition of eligibility for assistance, each applicant for, or recipient of, KTAP shall make an assignment of rights to the state for support that the applicant or recipient may have from any other person in accordance with KRS 205.720(1). The assignment shall:
 - (a) Include all members of the case for whom support rights apply; and
 - (b) Be completed at the time of application for KTAP benefits.

Section 14. Potential Entitlement for Other Programs.

- (1) An applicant or recipient shall apply for and comply with the requirements to receive another benefit if potential entitlement exists.
- (2) Failure to apply for another benefit or comply with its requirements shall result in ineligibility for KTAP.
- (3) If an applicant or recipient voluntarily reduces the amount of benefits received from another source, other than for the purpose of reimbursing the source for a previous overpayment, this action shall result in ineligibility.

Section 15. Minor Teenage Parents.

- (1) A minor teenage parent shall participate in an educational activity directed toward the attainment of a high school diploma, or its equivalent, or a cabinet approved alternate education or training program if the individual has:
 - (a) A minor child at least twelve (12) weeks of age in his or her care; and
 - (b) Not completed a high school education (or its equivalent).
- (2) Except pursuant to subsection (4) of this section, a minor teenage parent and his or her minor child shall reside in:
 - (a) A place of residence maintained by:
 1. A parent;
 2. A legal guardian; or
 3. An adult relative pursuant to Section 6 of this administrative regulation; or
 - (b) An appropriate adult supervised supportive living arrangement, that includes a second chance home or maternity home, taking into consideration the needs and barriers of the minor teenage parent.
- (3) The cabinet shall provide or assist the minor teenage parent in locating a second chance home, maternity home, or other appropriate adult supervised supportive living arrangement if the:
 - (a) Minor teenage parent does not have a:
 1. Parent, legal guardian, or appropriate adult relative pursuant to Section 6 of this administrative regulation who is living or whose whereabouts is known; or

2. Living parent, legal guardian, or other appropriate adult relative pursuant to Section 6 of this administrative regulation who:
 - a. Otherwise meets applicable state criteria to act as the legal guardian of the minor teenage parent; and
 - b. Would allow the minor teenage parent to live in the home of the parent, guardian, or relative pursuant to Section 6 of this administrative regulation; or
- (b) Cabinet determines:
 1. The minor teenage parent or the minor child of the teenage parent is being or has been subjected to serious physical or emotional harm, sexual abuse, or exploitation in the residence of the minor teenage parent's own parent or legal guardian; or
 2. Substantial evidence exists of an act or failure to act that presents an imminent or serious harm if the minor teenage parent and the minor child lived in the same residence with the minor teenage parent's own parent or legal guardian.
- (4) The requirement in subsection (2) of this section shall be waived if the cabinet determines:
 - (a) Living in the place of residence maintained by the parent, legal guardian, or adult relative pursuant to Section 6 of this administrative regulation is not in the best interest of the minor child taking into consideration the needs of the minor child; or
 - (b) The minor teenage parent's current living arrangement is appropriate.
- (5) If a circumstance changes and the current arrangement ceases to be appropriate based on the needs and barriers of the minor teenage parent, the cabinet shall assist the minor teenage parent in finding an alternate appropriate arrangement.
- (6) If the minor teenage parent is determined to be ineligible for KTAP as a result of not complying with a provision found in this section, payment shall continue for the eligible child of the minor teenage parent.
- (7) Even if exemption criteria are met and the cabinet determines the minor teenage parent's current living arrangement is appropriate, a minor teenage parent and the child, who do not reside in a place of residence maintained by a parent, legal guardian, other adult relative pursuant to Section 6 of this administrative regulation, second chance home, or maternity home, shall be considered an adult regarding benefit time limitations pursuant to Section 16 of this administrative regulation.

Section 16. Benefit Time Limits.

- (1) KTAP, or any other assistance from a federally-funded program pursuant to 42 U.S.C. 601 to 619, shall not be provided for more than sixty (60) cumulative months to a benefit group that includes:
 - (a) An adult; or
 - (b) A minor teenage parent who is head of household.
- (2) After assistance has been received for sixty (60) months, an otherwise eligible benefit group containing one (1) of the following individuals shall be allowed an extension of the sixty (60) month time limit, during the period the individual:
 - (a) Is battered or subjected to extreme cruelty. During the extension period the individual shall have an individual service plan pursuant to Section 19(1)(b) of this administrative regulation;
 - (b) Is a work-eligible individual in the benefit group, who the cabinet determines has a physical or mental disability. During the extension period, the individual shall comply with:
 1. Treatment or other activity recommended by the referral source and approved by the cabinet, as required by the Kentucky Works Program pursuant to 921 KAR 2:370, Sections 2(1)(c)12 and 4(2); and
 2. Child support cooperation requirements pursuant to Section 13 of this administrative regulation;

- (c) In accordance with 45 C.F.R. 261.2(n)(2)(i), is a parent providing care for a disabled family member living in the home as verified pursuant to 921 KAR 2:370, Section 3(5). During the extension period, the individual shall comply with child support cooperation requirements pursuant to Section 13 of this administrative regulation;
- (d) Is a grandparent or other relative, except for a parent, caring for an eligible child who would otherwise be placed in foster care. The caretaker relative shall continue to comply with:
 - 1. Child support cooperation requirements pursuant to Section 13 of this administrative regulation; and
 - 2. Except for a caretaker relative age sixty (60) or over, KWP requirements pursuant to 921 KAR 2:370 if the caretaker relative is included in the benefit group;
- (e) Is an adult with insufficient employment opportunities, who:
 - 1. Has complied with:
 - a. KWP requirements pursuant to 921 KAR 2:370; and
 - b. Child support cooperation requirements pursuant to Section 13 of this administrative regulation;
 - 2. During the extension period, shall:
 - a. Comply with:
 - (i) KWP requirements pursuant to 921 KAR 2:370;
 - (ii) Child support cooperation requirements pursuant to Section 13 of this administrative regulation;
 - (iii) Employment opportunities and activities listed on the KW-202, KTAP Transitional Assistance Agreement, incorporated by reference in and pursuant to 921 KAR 2:370, Section 4(2); and
 - (iv) Work registration requirements pursuant to 921 KAR 2:370, Section 4(3); and
 - b. Not quit or refuse a job without good cause pursuant to 921 KAR 2:370, Section 6; and
 - 3. Shall be limited to an extension period of six (6) consecutive months; or
- (f)
 - 1. Received a domestic violence and abuse exemption pursuant to Section 19(2) of this administrative regulation, up to the number of months the individual received KTAP during the domestic violence and abuse exemption.
 - 2. During the extension period, the individual shall comply with:
 - a. Child support cooperation requirements pursuant to Section 13 of this administrative regulation; and
 - b. KWP requirements pursuant to 921 KAR 2:370.
- (3) If otherwise eligible, a benefit group containing a member who has lost a job, through no fault of the recipient, within thirty (30) days of reaching the sixty (60) month time limit shall receive a three (3) consecutive month extension of the time limitation.
- (4) A benefit group that receives an extension to the sixty (60) months' time limit shall be reviewed:
 - (a) Every six (6) months for an extension pursuant to subsection (2)(a), (c), or (f) of this section;
 - (b) Every three (3) months for an extension pursuant to subsection (2)(e) of this section;
 - (c) Every three (3) months or the medical review team review period for an extension pursuant to subsection (2)(b) of this section; or
 - (d) Annually for an extension pursuant to subsection (2)(d) of this section.
- (5) The cabinet shall send a notice containing a list of the hardship extensions, pursuant to subsection (2) of this section, to a benefit group nearing the sixty (60) month time

limit.

(6) A benefit group discontinued from KTAP due to reaching the sixty (60) month time limitation shall receive a notice pursuant to 921 KAR 2:046, Section 4.

(7) The cabinet shall conduct a review at least two (2) months prior to the expiration of the sixty (60) month time limit to:

(a) Determine if the benefit group meets criteria established for a hardship extension pursuant to subsection (2) of this section; and

(b) Inform the benefit group of safety net services, pursuant to 922 KAR 1:400, Section 5.

(8)

(a) KTAP shall not be provided to a benefit group, pursuant to Section 2(1) of 921 KAR 2:016, that includes an adult, or minor teenage parent pursuant to Section 15(7) of this administrative regulation, who has:

1. Received six (6) cumulative months of assistance from a federally funded program pursuant to 42 U.S.C. 601 to 619; and

2. Been penalized for failure to cooperate in KWP, pursuant to 921 KAR 2:370, for a period of three (3) cumulative months.

(b) An adult or minor teenage parent in paragraph (a) of this subsection shall receive assistance if the individual:

1. Demonstrates cooperation in KWP pursuant to 921 KAR 2:370;

2. Meets the technical requirements established in this administrative regulation; and

3. Meets the standard of need in accordance with 921 KAR 2:016.

(9) Time limitations shall apply to a:

(a) Sanctioned individual; or

(b) Penalized individual.

Section 17. Receiving Assistance in Two (2) or More States.

(1) KTAP assistance shall be denied for ten (10) years to a person who has been convicted in federal or state court of having made a fraudulent statement or representation committed after August 22, 1996, with respect to the place of residence of the individual in order to receive assistance simultaneously from two (2) or more states for:

(a) A program pursuant to:

1. 42 U.S.C. 601 to 619;

2. 42 U.S.C. 1396; or

3. 7 U.S.C. 2011 to 2036; or

(b) Benefits received under SSI.

(2) The requirement in subsection (1) of this section shall not apply to a conviction for a month beginning after the granting of a pardon by the President of the United States with respect to the conduct that was the subject of the conviction.

(3) An individual in subsection (1) of this section living with a child receiving assistance shall be required to cooperate in KWP in accordance with 921 KAR 2:370.

Section 18. Fugitive Felons.

(1) KTAP assistance shall not be provided to an individual:

(a) Fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or an attempt to commit a crime, committed or attempted to be committed after August 22, 1996, that is a felony; or

(b) Violating a condition of probation or parole imposed under federal or state law.

(2) Subsection (1) of this section shall not apply with respect to conduct of an individual for a month beginning after the President of the United States grants a pardon with respect to the conduct.

(3) An individual in subsection (1) of this section living with a child receiving assistance shall be required to cooperate in KWP in accordance with 921 KAR 2:370.

Section 19. Domestic Violence and Abuse.

(1)

(a) A KTAP applicant or recipient shall be screened for a history of domestic violence and abuse.

(b) If the applicant or recipient is identified as a survivor of domestic violence and abuse, an appropriate services plan shall be required for the individual. The plan shall:

1. Be developed by a provider of domestic violence and abuse services;
2. Reflect the individualized assessment and a revision made by a redetermination;
3. Include appropriate referral to counseling and supportive services based on the needs and barriers identified in the individualized assessment, as determined by the cabinet;
4. Be designed to lead safely to employment; and
5. Be completed at least every six (6) months.

(2) If compliance with the following KTAP requirements would make it more difficult for an individual receiving KTAP to escape domestic violence and abuse or unfairly penalize the individual who is a survivor of domestic violence and abuse, the individual shall not be required to meet:

(a) Residency requirements pursuant to Section 5 of this administrative regulation;

(b) Child support cooperation requirements pursuant to Section 13 of this administrative regulation;

(c) Time limitations, for so long as necessary and otherwise eligible, pursuant to Section 16 of this administrative regulation; or

(d) Participation in KWP requirements pursuant to 921 KAR 2:370.

(8 Ky.R. 616; eff. 2-1-1982; Am. 1187; eff. 6-25-1982; 9 Ky.R. 504; eff. 11-3-1982; 10 Ky.R. 181; eff. 11-2-1983; 943; 1164; eff. 6-1-1984; 11 Ky.R. 858; eff. 12-11-1984; 1942; eff. 7-9-1985; 12 Ky.R. 453; eff. 11-12-1985; 13 Ky.R. 800; eff. 11-11-1986; 2145; eff. 7-2-1987; 14 Ky.R. 1001; 1286; eff. 1-4-1988; 15 Ky.R. 2304; eff. 6-21-1989; 16 Ky.R. 238; eff. 9-20-1989; 17 Ky.R. 1608; eff. 12-9-1990; 2520; eff. 3-12-1991; 18 Ky.R. 500; 1047; eff. 10-6-1991; 3056; 3414; eff. 5-18-1992; 19 Ky.R. 520; 10-8-1992; 2130; 2442; eff. 4-21-1993; 20 Ky.R. 2229; 2643; eff. 3-14-1994; 21 Ky.R. 628; eff. 9-21-1994; 22 Ky.R. 388; 741; eff. 9-20-1995; 24 Ky.R. 1400; 1715; 1884; eff. 3-16-1998; 25 Ky.R. 1989; 2605; 2904; eff. 6-16-1999; Recodified from 904 KAR 2:006, 7-8-1999; 26 Ky.R. 1709; 1963; eff. 5-10-2000; 28 Ky.R. 169; 642; 892; eff. 9-25-2001; 31 Ky.R. 1610; 1996; 32 Ky.R. 88; eff. 7-25-2005; 33 Ky.R. 1446; 1823; eff. 2-2-2007; 35 Ky.R. 1324; 2062; eff. 3-11-2009; 37 Ky.R. 1885; eff. 4-1-2011; 42 Ky.R. 572; eff. 11-18-2015; 49 Ky.R. 667,1280; eff. 3-16-2023.)

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