

**403.210 Recognition of "Family Support Act of 1988" mandate.**

The General Assembly recognizes that under the federal "Family Support Act of 1988," P.L. 100-485, the Commonwealth of Kentucky is required to implement child support guidelines.

**Effective:** July 13, 1990

**History:** Repealed and reenacted 1990 Ky. Acts ch. 418, sec. 1, effective July 13, 1990.  
-- Amended 1988 Ky. Acts ch. 258, sec. 7, effective July 15, 1988. -- Created 1972 Ky. Acts ch. 182, sec. 11.

**403.211 Action to establish or enforce child support -- Rebuttable presumption for award -- Allocation of child-care costs and health care expenses -- Order for payment of health insurance coverage -- Noncustodial parent's health plan -- Attachment of income -- Credit for disability payments.**

- (1) An action to establish or enforce child support may be initiated by the parent, custodian, or agency substantially contributing to the support of the child. The action may be brought in the county in which the child resides or where the defendant resides.
- (2) At the time of initial establishment of a child support order, whether temporary or permanent, or in any proceeding to modify a support order, the child support guidelines in KRS 403.212 shall serve as a rebuttable presumption for the establishment or modification of the amount of child support. Courts may deviate from the guidelines where their application would be unjust or inappropriate. Any deviation shall be accompanied by a written finding or specific finding on the record by the court, specifying the reason for the deviation.
- (3) A written finding or specific finding on the record that the application of the guidelines would be unjust or inappropriate in a particular case shall be sufficient to rebut the presumption and allow for an appropriate adjustment of the guideline award if based upon one (1) or more of the following criteria:
  - (a) A child's extraordinary medical or dental needs;
  - (b) A child's extraordinary educational, job training, or special needs;
  - (c) Either parent's own extraordinary needs, such as medical expenses;
  - (d) The independent financial resources, if any, of the child or children;
  - (e) Combined monthly adjusted parental gross income in excess of the Kentucky child support guidelines;
  - (f) The parents of the child, having demonstrated knowledge of the amount of child support established by the Kentucky child support guidelines, have agreed to child support different from the guideline amount. However, no such agreement shall be the basis of any deviation if public assistance is being paid on behalf of a child under the provisions of Part D of Title IV of the Federal Social Security Act; and
  - (g) Any similar factor of an extraordinary nature specifically identified by the court which would make application of the guidelines inappropriate.
- (4) "Extraordinary" as used in this section shall be determined by the court in its discretion.
- (5) When a party has defaulted or the court is otherwise presented with insufficient evidence to determine gross income, the court shall order child support based upon the needs of the child or the previous standard of living of the child, whichever is greater. An order entered by default or due to insufficient evidence to determine gross income may be modified upward and arrearages awarded from the date of the original order if evidence of gross income is presented within two (2) years which would have established a higher amount of child support pursuant to the child support guidelines set forth in KRS 403.212.

- (6) The court shall allocate between the parents, in proportion to their combined monthly adjusted parental gross income, reasonable and necessary child care costs incurred due to employment, job search, or education leading to employment, in addition to the amount ordered under the child support guidelines.
- (7) (a) If private health care insurance coverage is reasonable in cost and accessible to either parent at the time the request for coverage is made, the court shall order the parent to obtain or maintain coverage, and the court shall allocate between the parents, in proportion to their combined monthly adjusted parental gross income, the cost of health care insurance coverage for the child, in addition to the support ordered under the child support guidelines.
- (b) A parent, who has one hundred percent (100%) of the combined monthly adjusted parental gross income, shall be entitled to a reduction in gross income of the entire amount of premiums incurred and paid.
- (c) The court shall order the cost of health care of the child to be paid by either or both parents of the child regardless of who has physical custody. The court order shall include:
1. A judicial directive designating which parent shall have financial responsibility for providing health care for the dependent child, which shall include but not be limited to private health care insurance coverage, payments of necessary health care deductibles or copayments;
  2. If appropriate, cash medical support. "Cash medical support" means an amount to be paid toward the cost of health care insurance coverage that is provided by a public entity, including the Kentucky Children's Health Insurance Program or the Kentucky Medicaid program, or another parent or person with whom the child resides through employment or otherwise, fixed payments for ongoing medical costs, extraordinary medical expenses, or any combination thereof; and
  3. A statement providing that if the designated parent's health care coverage provides for covered services for dependent children beyond the age of majority, then any unmarried children up to twenty-five (25) years of age who are full-time students enrolled in and attending an accredited educational institution and who are primarily dependent on the insured parent for maintenance and support shall be covered.
- (d) If private health care insurance coverage is not reasonable in cost and accessible at the time the request for the coverage is made, the court order shall provide for cash medical support until private health care insurance coverage becomes reasonable in cost and accessible.
- (8) (a) For purposes of this section, "reasonable in cost" means that the cost of coverage to the responsible parent does not exceed five percent (5%) of his or her gross income. The five percent (5%) standard shall apply to the cost of adding the child to an existing policy, the difference in the cost between a single and a family policy, or the cost of acquiring a separate policy to cover the child. If the parties agree or the court finds good cause exists, the court may order medical coverage in excess of five percent (5%) of the parent's

gross income.

- (b) For purposes of this section, "accessible" means that there are providers who meet the health care needs of the child and who are located no more than sixty (60) minutes or sixty (60) miles from the child's primary residence, except that nothing shall prohibit use of a provider located more than sixty (60) minutes or sixty (60) miles from the child's primary residence.
- (9) The cost of extraordinary medical expenses shall be allocated between the parties in proportion to their combined monthly adjusted parental gross incomes. "Extraordinary medical expenses" means uninsured expenses in excess of one hundred dollars (\$100) per child per calendar year. "Extraordinary medical expenses" includes but is not limited to the costs that are reasonably necessary for medical, surgical, dental, orthodontal, optometric, nursing, and hospital services; for professional counseling or psychiatric therapy for diagnosed medical disorders; and for drugs and medical supplies, appliances, laboratory, diagnostic, and therapeutic services.
- (10) The court order shall include the Social Security numbers, provided in accordance with KRS 403.135, of all parties subject to a support order.
- (11) In any case administered by the Cabinet for Health and Family Services, if the parent ordered to provide health care coverage is enrolled through an insurer but fails to enroll the child under family coverage, the other parent or the Cabinet for Health and Family Services may, upon application, enroll the child.
- (12) In any case administered by the cabinet, information received or transmitted shall not be published or be open for public inspection, including reasonable evidence of domestic violence or child abuse if the disclosure of the information could be harmful to the custodial parent or the child of the parent. Necessary information and records may be furnished as specified by KRS 205.175.
- (13) In the case in which a parent is obligated to provide health care insurance coverage, and changes employment, and the new employer provides health care insurance coverage, the Cabinet for Health and Family Services shall transfer notice of the provision for coverage for the child to the employer, which shall operate to enroll this child in the obligated parent's health plan, unless the obligated parent contests the notice as specified by KRS Chapter 13B.
- (14) Notwithstanding any other provision of this section, any wage or income shall not be exempt from attachment or assignment for the payment of current child support or owed or to-be-owed child support.
- (15) A payment of money received by a child as a result of a parental disability shall be credited against the child support obligation of the parent. A payment shall not be counted as income to either parent when calculating a child support obligation. An amount received in excess of the child support obligation shall be credited against a child support arrearage owed by the parent that accrued subsequent to the date of the parental disability, but shall not be applied to an arrearage that accrued prior to the date of disability. The date of disability shall be as determined by the paying agency.

**Effective:** June 25, 2009

**History:** Amended 2009 Ky. Acts ch. 82, sec. 1, effective June 25, 2009. -- Amended 2006 Ky. Acts ch. 126, sec. 4, effective July 12, 2006. -- Amended 2005 Ky. Acts ch. 99, sec. 624, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 430, sec. 18, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 255, sec. 19, effective July 15, 1998; and ch. 426, sec. 579, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 328, sec. 3, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 330, sec. 10, effective July 15, 1994. -- Created 1990 Ky. Acts ch. 418, sec. 2, effective July 13, 1990.

**403.212 Child support guidelines -- Terms to be applied in calculations -- Table.**

- (1) The following provisions and child support table shall be the child support guidelines established for the Commonwealth of Kentucky.
- (2) For the purposes of the child support guidelines:
  - (a) "Income" means actual gross income of the parent if employed to full capacity or potential income if unemployed or underemployed.
  - (b) "Gross income" includes income from any source, except as excluded in this subsection, and includes but is not limited to income from salaries, wages, retirement and pension funds, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, Supplemental Security Income (SSI), gifts, prizes, and alimony or maintenance received. Specifically excluded are benefits received from means-tested public assistance programs, including but not limited to public assistance as defined under Title IV-A of the Federal Social Security Act, and food stamps.
  - (c) For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, "gross income" means gross receipts minus ordinary and necessary expenses required for self-employment or business operation. Straight-line depreciation, using Internal Revenue Service (IRS) guidelines, shall be the only allowable method of calculating depreciation expense in determining gross income. Specifically excluded from ordinary and necessary expenses for purposes of this guideline shall be investment tax credits or any other business expenses inappropriate for determining gross income for purposes of calculating child support. Income and expenses from self-employment or operation of a business shall be carefully reviewed to determine an appropriate level of gross income available to the parent to satisfy a child support obligation. In most cases, this amount will differ from a determination of business income for tax purposes. Expense reimbursement or in-kind payments received by a parent in the course of employment, self-employment, or operation of a business or personal use of business property or payments of expenses by a business, shall be counted as income if they are significant and reduce personal living expenses such as a company or business car, free housing, reimbursed meals, or club dues.
  - (d) If a parent is voluntarily unemployed or underemployed, child support shall be calculated based on a determination of potential income, except that a determination of potential income shall not be made for a parent who is physically or mentally incapacitated or is caring for a very young child, age three (3) or younger, for whom the parents owe a joint legal responsibility. Potential income shall be determined based upon employment potential and probable earnings level based on the obligor's or obligee's recent work history, occupational qualifications, and prevailing job opportunities and earnings levels in the community. A court may find a parent to be voluntarily

unemployed or underemployed without finding that the parent intended to avoid or reduce the child support obligation.

- (e) "Imputed child support obligation" means the amount of child support the parent would be required to pay from application of the child support guidelines.
  - (f) Income statements of the parents shall be verified by documentation of both current and past income. Suitable documentation shall include, but shall not be limited to, income tax returns, paystubs, employer statements, or receipts and expenses if self-employed.
  - (g) "Combined monthly adjusted parental gross income" means the combined monthly gross incomes of both parents, less any of the following payments made by the parent:
    - 1. The amount of pre-existing orders for current maintenance for prior spouses to the extent payment is actually made and the amount of current maintenance, if any, ordered paid in the proceeding before the court;
    - 2. The amount of pre-existing orders of current child support for prior-born children to the extent payment is actually made under those orders; and
    - 3. A deduction for the support to the extent payment is made, if a parent is legally responsible for and is actually providing support for other prior-born children who are not the subject of a particular proceeding. If the prior-born children reside with that parent, an "imputed child support obligation" shall be allowed in the amount which would result from application of the guidelines for the support of the prior-born children.
  - (h) "Split custody arrangement" means a situation where each parent is the residential custodian for one (1) or more children for whom the parents share a joint legal responsibility.
- (3) The child support obligation set forth in the child support guidelines table shall be divided between the parents in proportion to their combined monthly adjusted parental gross income.
  - (4) The child support obligation shall be the appropriate amount for the number of children in the table for whom the parents share a joint legal responsibility. The minimum amount of child support shall be sixty dollars (\$60) per month.
  - (5) The court may use its judicial discretion in determining child support in circumstances where combined adjusted parental gross income exceeds the uppermost levels of the guideline table.
  - (6) The child support obligation in a split custody arrangement shall be calculated in the following manner:
    - (a) Two (2) separate child support obligation worksheets shall be prepared, one (1) for each household, using the number of children born of the relationship in each separate household, rather than the total number of children born of the relationship.
    - (b) The nonresidential custodian with the greater monthly obligation amount shall

pay the difference between the obligation amounts, as determined by the worksheets, to the other parent.

(7) The child support guidelines table is as follows:

COMBINED MONTHLY ADJUSTED PARENTAL GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE	FOUR	FIVE	SIX OR MORE
\$ 0	\$ 60	\$ 60	\$ 60	\$ 60	\$ 60	\$ 60
100	60	60	60	60	60	60
200	70	70	70	70	70	70
300	80	80	80	80	80	80
400	90	90	90	90	90	90
500	100	105	110	115	120	125
600	120	125	130	135	140	145
700	140	156	161	166	171	176
800	160	203	208	213	218	223
900	180	261	266	271	276	281
1,000	195	303	325	330	335	340
1,100	212	324	384	389	394	399
1,200	229	346	433	446	451	456
1,300	246	367	460	504	510	515
1,400	262	392	491	554	576	582
1,500	277	417	522	588	642	650
1,600	293	437	548	618	674	717
1,700	308	458	574	647	706	755
1,800	322	478	599	675	736	788
1,900	336	495	620	699	763	816
2,000	350	512	642	723	789	844
2,100	364	529	663	747	815	872
2,200	376	546	684	771	841	900
2,300	389	563	706	795	868	928
2,400	401	580	727	819	894	956
2,500	413	597	749	843	920	984
2,600	424	614	770	867	946	1,012
2,700	435	630	790	889	970	1,038
2,800	445	646	809	911	994	1,064
2,900	455	662	829	934	1,019	1,090
3,000	465	677	849	956	1,043	1,116
3,100	475	693	868	978	1,067	1,142
3,200	485	709	888	1,001	1,092	1,168
3,300	495	725	908	1,023	1,116	1,194
3,400	506	741	928	1,045	1,140	1,220



3,500	516	757	947	1,067	1,164	1,246
3,600	526	773	967	1,090	1,189	1,272
3,700	536	790	988	1,113	1,215	1,299
3,800	548	808	1,011	1,139	1,243	1,329
3,900	559	826	1,033	1,164	1,270	1,359
4,000	571	844	1,056	1,190	1,298	1,388
4,100	580	862	1,078	1,215	1,326	1,418
4,200	592	880	1,101	1,240	1,353	1,448
4,300	603	898	1,123	1,266	1,381	1,477
4,400	615	916	1,146	1,291	1,409	1,507
4,500	626	933	1,161	1,316	1,435	1,535
4,600	636	949	1,181	1,338	1,459	1,561
4,700	647	964	1,200	1,360	1,483	1,586
4,800	657	980	1,220	1,381	1,507	1,612
4,900	667	995	1,239	1,403	1,531	1,637
5,000	676	1,010	1,257	1,424	1,554	1,661
5,100	686	1,025	1,275	1,444	1,576	1,685
5,200	695	1,039	1,294	1,465	1,599	1,709
5,300	705	1,054	1,312	1,486	1,621	1,733
5,400	714	1,069	1,330	1,506	1,644	1,757
5,500	724	1,083	1,348	1,527	1,666	1,781
5,600	733	1,098	1,367	1,548	1,689	1,805
5,700	743	1,113	1,385	1,568	1,712	1,829
5,800	753	1,127	1,403	1,589	1,734	1,853
5,900	762	1,142	1,421	1,610	1,757	1,877
6,000	772	1,157	1,440	1,630	1,779	1,901
6,100	781	1,171	1,458	1,651	1,802	1,926
6,200	791	1,186	1,476	1,672	1,824	1,950
6,300	800	1,198	1,498	1,690	1,844	1,970
6,400	808	1,209	1,511	1,705	1,860	1,988
6,500	816	1,219	1,524	1,720	1,876	2,005
6,600	823	1,230	1,538	1,735	1,893	2,023
6,700	830	1,240	1,551	1,750	1,909	2,040
6,800	837	1,251	1,564	1,764	1,925	2,058
6,900	844	1,261	1,577	1,779	1,942	2,075
7,000	851	1,272	1,591	1,794	1,958	2,093
7,100	858	1,282	1,604	1,809	1,975	2,110
7,200	865	1,293	1,617	1,824	1,991	2,127
7,300	872	1,303	1,630	1,839	2,007	2,145
7,400	879	1,313	1,644	1,854	2,024	2,162
7,500	885	1,324	1,657	1,869	2,040	2,179
7,600	891	1,333	1,668	1,881	2,053	2,194
7,700	896	1,342	1,679	1,893	2,066	2,208
7,800	901	1,350	1,691	1,905	2,079	2,223
7,900	907	1,359	1,702	1,917	2,093	2,238

8,000	912	1,368	1,713	1,929	2,106	2,252
8,100	917	1,377	1,724	1,941	2,119	2,267
8,200	922	1,386	1,736	1,953	2,133	2,281
8,300	928	1,395	1,747	1,965	2,146	2,296
8,400	933	1,404	1,758	1,977	2,159	2,311
8,500	938	1,413	1,769	1,989	2,173	2,325
8,600	944	1,421	1,780	2,002	2,186	2,340
8,700	949	1,430	1,792	2,014	2,199	2,354
8,800	954	1,437	1,800	2,024	2,210	2,366
8,900	958	1,444	1,809	2,033	2,220	2,376
9,000	962	1,450	1,817	2,042	2,230	2,387
9,100	966	1,457	1,825	2,052	2,241	2,398
9,200	971	1,463	1,833	2,061	2,251	2,408
9,300	975	1,470	1,842	2,070	2,261	2,419
9,400	979	1,476	1,850	2,079	2,271	2,430
9,500	983	1,483	1,858	2,089	2,281	2,440
9,600	988	1,489	1,866	2,098	2,291	2,451
9,700	992	1,496	1,874	2,107	2,301	2,461
9,800	996	1,502	1,883	2,117	2,311	2,472
9,900	1,000	1,508	1,891	2,126	2,321	2,483
10,000	1,005	1,515	1,899	2,165	2,331	2,493
10,400	1,022	1,541	1,932	2,202	2,372	2,536
10,500	1,027	1,548	1,940	2,212	2,382	2,546
10,600	1,032	1,554	1,948	2,221	2,392	2,557
10,700	1,036	1,561	1,956	2,230	2,402	2,567
10,800	1,040	1,567	1,965	2,240	2,412	2,578
10,900	1,044	1,573	1,973	2,249	2,422	2,589
11,000	1,049	1,580	1,981	2,258	2,432	2,599
11,100	1,053	1,587	1,989	2,268	2,443	2,610
11,200	1,058	1,593	1,997	2,277	2,453	2,620
11,300	1,062	1,600	2,005	2,286	2,463	2,631
11,400	1,066	1,606	2,013	2,295	2,473	2,642
11,500	1,070	1,613	2,021	2,305	2,483	2,652
11,600	1,075	1,619	2,029	2,314	2,493	2,663
11,700	1,079	1,626	2,037	2,323	2,503	2,673
11,800	1,084	1,633	2,046	2,333	2,513	2,684
11,900	1,088	1,639	2,054	2,342	2,523	2,695
12,000	1,093	1,646	2,062	2,351	2,533	2,705
12,100	1,097	1,653	2,070	2,361	2,544	2,716
12,200	1,102	1,659	2,078	2,370	2,554	2,726
12,300	1,106	1,666	2,086	2,379	2,564	2,737
12,400	1,110	1,672	2,094	2,388	2,574	2,748
12,500	1,114	1,679	2,102	2,398	2,584	2,758
12,600	1,119	1,685	2,110	2,407	2,594	2,769
12,700	1,123	1,692	2,118	2,416	2,604	2,779

12,800	1,128	1,699	2,127	2,426	2,614	2,790
12,900	1,132	1,705	2,135	2,435	2,624	2,801
13,000	1,137	1,712	2,143	2,444	2,634	2,811
13,100	1,141	1,719	2,151	2,454	2,645	2,822
13,200	1,146	1,725	2,159	2,463	2,665	2,832
13,300	1,150	1,732	2,167	2,472	2,665	2,843
13,400	1,154	1,738	2,175	2,481	2,675	2,854
13,500	1,158	1,745	2,183	2,491	2,685	2,864
13,600	1,163	1,751	2,191	2,500	2,695	2,875
13,700	1,167	1,758	2,199	2,509	2,705	2,885
13,800	1,172	1,765	2,208	2,519	2,715	2,896
13,900	1,176	1,771	2,216	2,528	2,725	2,907
14,000	1,181	1,778	2,224	2,537	2,735	2,917
14,100	1,185	1,785	2,232	2,547	2,746	2,928
14,200	1,190	1,791	2,240	2,556	2,756	2,938
14,300	1,194	1,798	2,248	2,565	2,766	2,949
14,400	1,198	1,804	2,256	2,574	2,776	2,960
14,500	1,202	1,811	2,264	2,584	2,786	2,970
14,600	1,207	1,817	2,272	2,593	2,796	2,981
14,700	1,211	1,824	2,280	2,602	2,806	2,991
14,800	1,216	1,831	2,289	2,612	2,816	3,002
14,900	1,220	1,837	2,297	2,621	2,826	3,013
15,000	1,225	1,844	2,305	2,630	2,836	3,023

**Effective:** July 14, 2000

**History:** Amended 2000 Ky. Acts ch. 430, sec. 9, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 100, sec. 8, effective July 15, 1998; and ch. 255, sec. 20, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 365, sec. 6, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 330, sec. 11, effective July 15, 1994. -- Created 1990 Ky. Acts ch. 418, sec. 3, effective July 13, 1990.

**403.213 Criteria for modification of orders for child support and for health care -- Effects of emancipation and death of obligated parent -- Commission to review guidelines.**

- (1) The Kentucky child support guidelines may be used by the parent, custodian, or agency substantially contributing to the support of the child as the basis for periodic updates of child support obligations and for modification of child support orders for health care. The provisions of any decree respecting child support may be modified only as to installments accruing subsequent to the filing of the motion for modification and only upon a showing of a material change in circumstances that is substantial and continuing.
- (2) Application of the Kentucky child support guidelines to the circumstances of the parties at the time of the filing of a motion or petition for modification of the child support order which results in equal to or greater than a fifteen percent (15%) change in the amount of support due per month shall be rebuttably presumed to be a material change in circumstances. Application which results in less than a fifteen percent (15%) change in the amount of support due per month shall be rebuttably presumed not to be a material change in circumstances. For the one (1) year period immediately following enactment of this statute, the presumption of material change shall be a twenty-five percent (25%) change in the amount of child support due rather than the fifteen percent (15%) stated above.
- (3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child shall be terminated by emancipation of the child unless the child is a high school student when he reaches the age of eighteen (18). In cases where the child becomes emancipated because of age, but not due to marriage, while still a high school student, the court-ordered support shall continue while the child is a high school student, but not beyond completion of the school year during which the child reaches the age of nineteen (19) years. Provisions for the support of the child shall not be terminated by the death of a parent obligated to support the child. If a parent obligated to pay support dies, the amount of support may be modified, revoked, or commuted to a lump-sum payment, to the extent just and appropriate in the circumstances. Emancipation of the child shall not terminate the obligation of child support arrearages that accrued while the child was an unemancipated minor.
- (4) The child support guidelines table shall be reviewed at least once every four (4) years by a commission consisting of the following persons:
  - (a) The secretary of the Cabinet for Health and Family Services or a supervisory staff person designated by him;
  - (b) Two (2) members of the Kentucky Bar Association who have at least six (6) consecutive years' experience and are presently practicing domestic relations cases, one (1) member from a metropolitan or large urban area and one (1) member from a less populated area;
  - (c) Two (2) Circuit Judges appointed by the Chief Justice of the Kentucky Supreme Court, one (1) from a metropolitan or large urban area, and one (1) from a less populated area;

- (d) One (1) District Judge appointed by the Chief Justice of the Kentucky Supreme Court;
- (e) Two (2) county attorneys appointed by the president of the County Attorneys Association, one (1) from a metropolitan or large urban area and one (1) from a less populated area;
- (f) The Attorney General or his designee, who shall be an attorney from his office;
- (g) One (1) person who is a custodial parent;
- (h) One (1) person who is a noncustodial parent;
- (i) One (1) person who is a parent with split custody; and
- (j) One (1) child advocate.

The members designated in paragraphs (g) to (j) of this subsection shall be appointed by the Governor from a list of three (3) names for each category submitted by the Cabinet for Health and Family Services. If the status of one (1) of these members changes, the member shall be replaced through appointment by the Governor from a list of three (3) names submitted by the cabinet.

- (5) The commission shall make a recommendation to the Kentucky General Assembly to ensure that the child support guidelines table results in a determination of appropriate child support amounts.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 99, sec. 625, effective June 20, 2005. -- Amended 2001 Ky. Acts ch. 161, sec. 1, effective March 21, 2001. -- Amended 2000 Ky. Acts ch. 430, sec. 10, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 426, sec. 580, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 330, sec. 12, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 434, sec. 3, effective July 14, 1992. -  
- Created 1990 Ky. Acts ch. 418, sec. 4, effective July 13, 1990.

**403.215 Assignment of wages for child support obligations.**

After July 15, 1990, any new or modified order or decree which contains provisions for the support of a minor child or minor children, shall provide for a wage assignment which shall begin immediately except for good cause shown, and which shall be paid based upon the payment schedule of wages of the employer to whom the wage assignment is directed, and at a minimum, on a monthly basis. If good cause is shown, the wage assignment shall take effect when an arrearage accrues that is equal to the amount of support payable for one (1) month, pursuant to KRS 405.465.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 255, sec. 50, effective July 15, 1998. -- Amended 1990 Ky. Acts ch. 418, sec. 14, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 411, sec. 3, effective July 15, 1988. -- Created 1986 Ky. Acts ch. 487, sec. 11, effective July 15, 1986.

**405.405 Application of definitions.**

The definitions provided in KRS 205.710 shall be applicable to KRS 405.430 to 405.530, unless the context requires otherwise.

**Effective:** July 15, 1988

**History:** Created 1988 Ky. Acts ch. 411, sec. 19, effective July 15, 1988.

**405.411 Newspaper publication of names of persons with child support arrearages or who fail to appear in child support cases.**

- (1) The Cabinet for Health and Family Services' designee under KRS 205.712(6) for the administration of child support may compile a list of the names of persons under its jurisdiction who have a child support arrearage that equals or exceeds six (6) months without payment, or fail, after receiving appropriate notice, to comply with subpoenas or warrants relating to paternity or child support proceedings as provided by 42 U.S.C. sec. 666(a)(16). The cabinet may furnish this list to the newspaper of general circulation in that county for publication.
- (2) The Department for Income Support, Child Support Enforcement, in the Cabinet for Health and Family Services shall determine uniform standards for publication. The cabinet is authorized to promulgate the necessary administrative regulations under KRS Chapter 13A to implement the provisions of this section.
- (3) For purposes of this section, "newspaper of general circulation" means a publication bearing a title or name, regularly issued at least as frequently as once a week for a definite price, having a second-class mailing privilege, being not less than four (4) pages, published continuously during the immediately preceding one (1) year period, which is published for the dissemination of news of general interest, and is circulated generally in the political subdivision in which it is published and in which notice is to be given. In any county where a publication fully complying with this definition does not exist, the Cabinet for Health and Family Services may publish this list in the publication utilized by the Circuit Court Clerk of the county for publication of other legal notices in the county. A newspaper that is not engaged in the distribution of news of general interest to the public, but that is primarily engaged in the distribution of news of interest to a particular group of citizens, is not a newspaper of general circulation.

**Effective:** July 12, 2012

**History:** Amended 2012 Ky. Acts ch. 158, sec. 70, effective July 12, 2012. -- Amended 2005 Ky. Acts ch. 99, sec. 630, effective June 20, 2005. -- Created 2000 Ky. Acts ch. 430, sec. 11, effective July 14, 2000.



**405.430 Genetic testing to establish paternity -- Cabinet may determine child support or child care obligation -- Adjustment of child support or child support obligation -- Order requiring parent to work or continue educational or training activities -- Disclosure of financial records -- Voluntary acknowledgment of paternity as basis -- Administrative subpoenas to enforce child support obligation -- Prohibition -- Employment assistance.**

- (1) When a parent presents himself to the cabinet for the voluntary establishment of paternity and clear evidence of parentage is not present, the cabinet shall pay when administratively ordered the cost of genetic testing to establish paternity, subject to recoupment from the alleged father when paternity is established.
- (2) The cabinet shall obtain additional testing in any case if an original test is contested, upon request and advance payment by the contestant.
- (3) In a contested paternity case, the child, the mother, and the putative father shall submit to genetic testing upon a request of any of the parties, unless the person or guardian of the person who is requested to submit to genetic testing shows good cause, taking into account the best interests of the child, why the genetic tests cannot be performed. The request shall be supported by a sworn statement of the party, requesting that the test be performed, which shall include the information required by 42 U.S.C. sec. 666(a)(5)(B)(i) or (ii).
- (4) When a parent who fails to support a child is not obligated to provide child support by court order, the cabinet may administratively establish a child support obligation based upon a voluntary acknowledgment of paternity as set forth in KRS Chapter 406, the parent's minimum monthly child support obligation and proportionate share of child care costs incurred due to employment or job search of either parent, or incurred while receiving elementary or secondary education, or higher education or vocational training which will lead to employment. The monthly child support obligation shall be determined pursuant to the Kentucky child support guidelines set forth in KRS 403.212. The actual cost of child care shall be reasonable and shall be allocated between the parents in the same proportion as each parent's gross income, as determined under the guidelines, bears to the total family gross income.
- (5) The cabinet shall recognize a voluntary acknowledgment of paternity as a basis for seeking a support order, irrespective of the alleged father's willingness to consent to a support order.
- (6) When in the best interest of the child, the cabinet may review and adjust a parent's child support obligation or child care obligation as established by the cabinet, upon a request of the cabinet when an assignment has been made, or upon either parent's petition if the amount of the child support awarded under the order differs from the amount that would be awarded in accordance with KRS 403.212. The cabinet shall notify parents at least once every three (3) years of the right to a review.
- (7) In establishing or modifying a parent's monthly child support obligation, the cabinet may use automated methods to identify orders eligible for review, conduct the review, identify orders eligible for adjustment, and apply the adjustment to eligible orders in accordance with KRS 403.212. The cabinet shall utilize information, including financial records, about the parent and child which it has good reason to

believe is reliable and may require the parents to provide income verification.

- (8) In cases in which past-due support is owed for a child receiving public assistance under Title IV-A of the Federal Social Security Act, the cabinet shall issue an administrative order, or seek a judicial order, requiring the obligated parent to participate in work activities, or educational or vocational training activities for at least twenty (20) hours per week, unless the parent is incapacitated as defined by 42 U.S.C. sec. 607.
- (9) The cabinet may disclose financial records only for the purpose of establishing, modifying, or enforcing a child support obligation of an individual. A financial institution shall not be liable to any individual for disclosing any financial record of the individual to the cabinet attempting to establish, modify, or enforce a child support obligation.
- (10) The cabinet may issue both intrastate and interstate administrative subpoenas to any individual or entity for financial or other information or documents which are needed to establish, modify, or enforce a child support obligation pursuant to Title IV-D of the Social Security Act, 42 U.S.C. secs. 651 et seq. An administrative subpoena lawfully issued in another state to an individual or entity residing in this state shall be honored and enforced in the Circuit Court of the county in which the individual or entity resides.
- (11) In any case where a person or entity fails to respond to a subpoena within the specified time frame, the cabinet shall impose a penalty.
- (12) No person shall knowingly make, present, or cause to be made or presented to an employee or officer of the cabinet any false, fictitious, or fraudulent statement, representation, or entry in any application, report, document, or financial record used in determining child support or child care obligations.
- (13) If a person knowingly or by reason of negligence discloses a financial record of an individual, that individual may pursue civil action for damages in a federal District Court or appropriate state court. No liability shall arise with respect to any disclosure which results from a good faith, but erroneous, interpretation. In any civil action brought for reason of negligence of disclosure of financial records, upon finding of liability on the part of the defendant, the defendant shall be liable to the plaintiff in an amount equal to:
  - (a) The sum of the greater of one thousand dollars (\$1,000) for each act of unauthorized disclosure of financial records; or
  - (b) The sum of the actual damages sustained by the plaintiff resulting from the unauthorized disclosure; plus
  - (c) If willful disclosure or disclosure was a result of gross negligence, punitive damages, plus the costs, including attorney fees, of the action.
- (14) The cabinet shall issue an administrative order or seek a judicial order requiring a parent with a delinquent child support obligation, as defined by administrative regulation promulgated under KRS 15.055, to participate in the program described in KRS 205.732 to help low-income, noncustodial parents find and keep employment unless the parent is incapacitated as defined by 42 U.S.C. sec. 607.

**Effective:** July 14, 2000

**History:** Amended 2000 Ky. Acts ch. 430, sec. 13, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 255, sec. 22, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 365, sec. 7, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 330, sec. 13, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 418, sec. 9, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 411, sec. 20, effective July 15, 1988. -- Created 1984 Ky. Acts ch. 144, sec. 5, effective July 13, 1984.

**405.435 Information from employers and labor organizations upon hiring of Kentucky residents -- Use of information by cabinet in matters of paternity and child support -- Fine for noncompliance -- Hearing.**

- (1) An employer or labor organization in the Commonwealth of Kentucky shall provide information to the Cabinet for Health and Family Services when that employer or labor organization hires an employee who resides or works in the Commonwealth, or rehires or permits the return to work of an employee who has been laid-off, furloughed, separated, granted a leave without pay, or terminated from employment, unless the reporting could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission as determined by the secretary of health and family services.
- (2) The employer shall provide the information within twenty (20) days of the hiring or return to work of the employee. The information shall include:
  - (a) The employee's name, address, and Social Security number;
  - (b) The employer's name, address, and, if the employer has been assigned one, federal and state employer identification numbers; and
  - (c) The date services for remuneration were first performed by the employee.
- (3) An employer shall report the required information by submitting a copy of the employee's W-4 form or, at the option of the employer, an equivalent form provided by the Cabinet for Health and Family Services as prescribed by administrative regulation promulgated by the Cabinet for Health and Family Services in accordance with KRS Chapter 13A.
- (4) The Cabinet for Health and Family Services shall enter all new hire information into the database of the cabinet within five (5) business days.
- (5) The Cabinet for Health and Family Services may promulgate administrative regulations in accordance with KRS Chapter 13A if the Cabinet for Health and Family Services determines exceptions are needed to reduce unnecessary or burdensome reporting or are needed to facilitate cost-effective operation of the cabinet under this section.
- (6) The Cabinet for Health and Family Services shall use the information collected pursuant to this section for the location of noncustodial parents, establishment, modification, and enforcement of child support and any other matter related to paternity or child support.
- (7) If the employer fails to report as required by this section, the Cabinet for Health and Family Services shall give the employer written notice of the provisions of this section, including the penalty for failure to report.
- (8) If the employer has not filed a report within twenty (20) days from the date that the written notice is sent to him, the Cabinet for Health and Family Services shall send a second written notice.
- (9) If the employer fails to file a W-4 or equivalent form within twenty (20) days from the date that the second written notice is sent, or supplies a false or incomplete report, and the failure is a result of a conspiracy between the employee and the employer to prevent the proper information from being filed within twenty (20)

days from the date that the second written notice is sent, the Cabinet for Health and Family Services shall send the employer by certified mail, return receipt request, notice of an administrative fine. The fine shall be two hundred fifty dollars (\$250) per calendar month per person for any violation occurring after the second notice has been given, and continuing until a W-4 or equivalent form is received by the Cabinet for Health and Family Services. No fine shall be imposed for any period of less than one (1) full calendar month.

- (10) The employer shall have ten (10) days after receipt of the administrative fine notice to request a hearing before the Cabinet for Health and Family Services on whether the administrative fine was properly assessed. If a timely request for a hearing is received, the Cabinet for Health and Family Services shall schedule and conduct a hearing in accordance with administrative regulations promulgated by the cabinet in accordance with KRS Chapter 13A.

**Effective:** July 12, 2012

**History:** Amended 2012 Ky. Acts ch. 158, sec. 71, effective July 12, 2012. -- Amended 2005 Ky. Acts ch. 99, sec. 631, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 55, sec. 1, effective July 14, 2000. -- Created 1998 Ky. Acts ch. 255, sec. 41, effective July 15, 1998.

**405.440 Notice of, and hearing on, determination of obligation.**

The notice of a minimum monthly support obligation shall be served in person or by certified mail, return receipt requested, and shall include at least the following:

- (1) The name of the child for whom the support obligation is owed;
- (2) The amount of the support debt accrued or accruing;
- (3) A statement that the parent's earnings and property, both real and personal, are subject to judicial and administrative enforcement;
- (4) That he may dispute the obligation amount or any other matter contained in the notice by requesting a dispute hearing within twenty (20) days;
- (5) That, unless there is good cause as determined by the secretary for his failure to request a hearing, if he does not request a hearing, his agreement will be presumed and the first payment will be due twenty (20) days after receipt of the notice; and
- (6) That if he requests a hearing and fails to appear, the hearing officer shall affirm the determination of minimum monthly support obligation.

**Effective:** July 13, 1984

**History:** Created 1984 Ky. Acts ch. 144, sec. 6, effective July 13, 1984.

**405.450 Dispute hearings -- Appeal -- Payment during pendency of appeal -- Contested obligation amount during modification review.**

- (1) A hearing officer appointed by the secretary shall conduct dispute hearings in the county of the child or parent's residence or any other location acceptable to the parent, which shall be scheduled within sixty (60) days of the parent's request for a hearing. The dispute hearing proceedings shall be conducted in accordance with KRS Chapter 13B.
- (2) The parent's obligation to pay minimum monthly support shall be stayed until his receipt of the final order.
- (3) The parent or the cabinet may file an appeal in the Circuit Court in the county of the parent's or the child's residence in accordance with KRS Chapter 13B.
- (4) The parent shall, during the pendency of his appeal from the final order, absent a showing of indigency or need exceeding the child's need, pay the minimum monthly support obligation to the cabinet, which shall, if the parent's appeal is successful, return his money together with interest at the legal rate for judgments.
- (5) If the cabinet elects to conduct the modification review as specified in KRS 405.430 (6), either party may contest the adjustment to the obligation amount within thirty (30) days after the date of the notice of the adjustment by requesting a review under subsection (1) of this section and, if appropriate, a request for adjustment of the order as permitted by this chapter.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 255, sec. 24, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 318, sec. 354, effective July 15, 1996. -- Amended 1986 Ky. Acts ch. 487, sec. 12, effective July 15, 1986. -- Created 1984 Ky. Acts ch. 144, sec. 7, effective July 13, 1984.

**405.460 Enforcement of support obligation without action of hearing officer --  
Action to collect debt.**

- (1) When an arrearage has accrued that is equal to the amount of support payable for one (1) month on court-ordered or administratively-determined child support, which was set prior to July 15, 1988, the cabinet may use judicial or administrative remedies to enforce the support obligation without the necessity of any action by a hearing officer.
- (2) In cases where the obligor has not requested a dispute hearing, action to collect the debt may be taken twenty (20) days after the obligor's receipt of the notice of support obligation or his refusal to accept the notice.

**Effective:** July 15, 1988

**History:** Amended 1988 Ky. Acts ch. 411, sec. 21, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 487, sec. 13, effective July 15, 1986. -- Created 1984 Ky. Acts ch. 144, sec. 8, effective July 13, 1984.



**405.463 Withholding of state lottery winnings of delinquent child support obligors.**

The Kentucky Lottery Corporation and the Cabinet for Health and Family Services shall develop a system to allow the Kentucky Lottery Corporation to receive a list of delinquent child support obligors from the Cabinet for Health and Family Services on a monthly basis. The Kentucky Lottery Corporation shall withhold delinquent amounts from prizes of winners that appear on the list. This system shall be timely and shall not create an unavoidable delay in the payment of a lottery prize.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 99, sec. 632, effective June 20, 2005. -- Created 2000 Ky. Acts ch. 430, sec. 12, effective July 14, 2000.

**405.465 Income withholding or wage assignments for child support, medical support, maintenance, and medical support insurance orders.**

- (1) This section shall apply only to those child support, medical support, maintenance, and medical support insurance orders that are established, modified, or enforced by the Cabinet for Health and Family Services or those court orders obtained in administering Part D, Title IV of the Federal Social Security Act.
- (2) All child support orders and medical support insurance orders being established, modified, or enforced by the Cabinet for Health and Family Services, or those orders obtained pursuant to the administration of Part D, Title IV of the Federal Social Security Act, shall provide for income withholding which shall begin immediately.
- (3) The court shall order either or both parents who are obligated to pay child support, medical support, or maintenance under this section to assign to the Cabinet for Health and Family Services that portion of salary or wages of the parent due and to be due in the future as will be sufficient to pay the child support amount ordered by the court.
- (4) The order shall be binding upon the employer or any subsequent employer upon the service by certified mail of a copy of the order upon the employer and until further order of the court. The employer may deduct the sum of one dollar (\$1) for each payment made pursuant to the order.
- (5) The employer shall notify the cabinet when an employee, for whom a wage withholding is in effect, terminates employment and provide the terminated employee's last known address and the name and address of the terminated employee's new employer, if known.
- (6)
  - (a) An employer with twenty (20) or more employees shall notify in writing the cabinet, or its designee administering the support order, of any lump-sum payment of any kind of one hundred fifty dollars (\$150) or more to be made to an employee under a wage withholding order. An employer with twenty (20) or more employees shall notify in writing the cabinet or its designee no later than forty-five (45) days before the lump-sum payment is to be made or, if the employee's right to the lump-sum payment is determined less than forty-five (45) days before it is to be made, the date on which that determination is made. After notification, the employer shall hold each lump-sum payment of one hundred fifty dollars (\$150) or more for thirty (30) days after the date on which it would otherwise be paid to the employee and, on order of the court, pay all or a specified amount of the lump-sum payment to the Department for Income Support, Child Support Enforcement. The employer may deduct the sum of one dollar (\$1) for each payment.
  - (b) As used in this subsection, "lump-sum payment of any kind" means a lump-sum payment of earnings as defined in KRS 427.005.
- (7) Any assignment made pursuant to court order shall have priority as against any attachment, execution, or other assignment, unless otherwise ordered by the court.
- (8) No assignment under this section by an employee shall constitute grounds for

dismissal of the obligor, refusal to employ, or taking disciplinary action against any obligor subject to withholding required by this section.

**Effective:** July 12, 2012

**History:** Amended 2012 Ky. Acts ch. 158, sec. 72, effective July 12, 2012. -- Amended 2005 Ky. Acts ch. 99, sec. 633, effective June 20, 2005; and ch. 149, sec. 1, effective January 1, 2006. -- Amended 1998 Ky. Acts ch. 255, sec. 21, effective July 15, 1998; and ch. 426, sec. 584, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 365, sec. 8, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 330, sec. 14, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 418, sec. 10, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 411, sec. 22, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 487, sec. 14, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 144, sec. 9, effective July 13, 1984. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 409, effective January 2, 1978. -- Created 1972 Ky. Acts ch. 109, sec. 1.

**Formerly codified as KRS 405.035.**

**405.467 Withholding order issued by cabinet -- Notice -- Hearing -- Combining orders and allocating amounts -- Duty and liability of employer -- Priority -- Interstate requests.**

- (1) All support orders issued by the Cabinet for Health and Family Services, including those issued pursuant to Part D, Title IV of the Federal Social Security Act, shall provide for immediate withholding of earnings of the parent or parents obligated to pay child support and medical support as is necessary to pay the child support obligation, except where one (1) of the parties demonstrates, and the court or administrative order finds that there is good cause not to require immediate income withholding, or a written agreement is reached by both parties which provides for an alternative arrangement.
- (2) In any case in which a support order was issued in the state and in which a parent is required to pay court-ordered or administratively determined child support, medical support, maintenance, and medical support insurance, and wage withholding is not in effect, and an arrearage accrues that is equal to the amount of support payment for one (1) month, upon request of the absent parent, request of the custodial parent, or upon administrative determination, the secretary shall issue an order for withholding of earnings of the parent as is necessary to comply with the order plus interest at the legal rate on the arrearage, if any, without the need for a judicial or administrative hearing.
- (3) In any case in which a parent is required either by court order or administrative order to provide medical insurance coverage for the child and the parent has failed to make application to obtain coverage for the child, the secretary shall issue an order for withholding of the employee's share, if any, of premiums for health coverage and to pay the share of premiums to the insurer, without the need for a judicial or administrative hearing.
- (4) The cabinet shall advise the obligated parent that a wage withholding has commenced by sending a copy of the order to withhold at the same time that the order is sent to the employer. The only basis for contesting the withholding shall be a mistake of fact or law. If the parent contests the withholding, the cabinet shall give the obligor an opportunity to present his or her case at an administrative hearing conducted in accordance with KRS Chapter 13B and decide if the withholding will continue.
- (5) The cabinet shall combine any administrative or judicial wage withholding order, or multiple administrative or judicial orders for child support and medical support into a single wage withholding order when payable through the cabinet to a single family or to multiple family units.
- (6) The cabinet shall serve the order to withhold earnings or notice of multiple wage withholding orders specifying wage withholding requirements on the employer of an obligor by certified mail, return receipt requested. The order shall state the amount to be withheld, or the requirement to enroll the child under the health insurance coverage, including amounts to be applied to arrearages, plus interest at the legal rate on the arrearage, if any, and the date the withholding is to begin. The total amount to be withheld, including current support and payment on arrearages

plus interest, and medical insurance coverage may not exceed the limit permitted under the federal Consumer Credit Protection Act at 15 U.S.C. sec. 1673(b).

- (7) If there is more than one (1) notice for child support withholding against a single absent parent, the cabinet shall allocate amounts available for withholding, giving priority to current child support, up to the limits imposed under Section 303(b) of the Consumer Credit Protection Act at 15 U.S.C. sec. 1673(b). The allocation by the cabinet shall not result in a withholding for one (1) of the support obligations not being implemented. Amounts resulting from wage withholding shall be allocated on a proportionate basis between multiple family units. Any custodial parent adversely affected by the provisions of this subsection shall have standing to challenge any proportionate allocations and, for good cause shown, a District Court, Circuit Court, or family court of competent jurisdiction may set aside the cabinet's proportional allocations as to the custodial parent.
- (8) If the amounts to be withheld preclude collection of the total amount of combined child support and medical support due to the limits of the federal Consumer Credit Protection Act at 15 U.S.C. sec. 1673(b), the actual amount received shall be applied first to the current monthly child support obligation amount. Any payment exceeding the current monthly child support obligation shall then be applied by the cabinet to the administratively ordered or judicially ordered medical support obligation.
- (9) The employer shall forward to the Cabinet for Health and Family Services that portion of salary or wages of the parent due and to be due in the future as will be sufficient to pay the child support amount ordered.
- (10) The employer shall be held liable to the cabinet for any amount which the employer fails to withhold from earnings due an obligor following receipt of an order to withhold earnings.
- (11) Any order to withhold earnings under this section shall have priority as against any attachment, execution, or other assignment, notwithstanding any state statute or administrative regulation to the contrary.
- (12) No withholding under this section shall be grounds for discharging from employment, refusing to employ, or taking disciplinary action against any obligor subject to withholding required by this section.
- (13) The remedies provided for in this section shall also be available for applicable support orders issued in other states.
- (14) Interstate requests for withholding of earnings shall be processed by the cabinet.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 99, sec. 634, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 44, sec. 1, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 255, sec. 25, effective July 15, 1998; and ch. 426, sec. 585, effective July 15, 1998. - - Amended 1996 Ky. Acts ch. 318, sec. 355, effective July 15, 1996; and ch. 365, sec. 9, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 330, sec. 15, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 418, sec. 11, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 411, sec. 23, effective July 15, 1988. -- Created 1986 Ky. Acts ch. 487, sec. 16, effective July 15, 1986.

**405.470 Order to withhold and deliver property.**

- (1) The secretary may collect delinquent child support by issuing an order to withhold and deliver earnings or property of any kind, real and personal, including booting of vehicle in accordance with administrative regulations promulgated under KRS 205.745, which the secretary has reason to believe are due, owing or belonging to the parent.
- (2) Fifty percent (50%) of the disposable earnings against which a support debt is asserted shall be exempt and may be delivered to the obligor. The only other exemptions allowed shall be those provided in KRS 427.060.
- (3) The order shall continue to operate until the child support debt is paid in full and shall take priority over all other debts and creditors of such debtor.

**Effective:** July 14, 2000

**History:** Amended 2000 Ky. Acts ch. 430, sec. 14, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 365, sec. 10, effective July 15, 1996. -- Amended 1988 Ky. Acts ch. 411, sec. 24, effective July 15, 1988. -- Created 1984 Ky. Acts ch. 144, sec. 10, effective July 13, 1984.

**405.480 Order to withhold -- Service -- Contents.**

- (1) An order to withhold and deliver shall be personally served or mailed by certified mail, return receipt requested, on the person in possession or control of the property and the obligor.
- (2) The order shall state the basis for and the amount of the support debt and that the obligor may offer a bond satisfactory to the cabinet to avoid losing possession of the property.

**Effective:** July 15, 1988

**History:** Amended 1988 Ky. Acts ch. 411, sec. 25, effective July 15, 1988. -- Created 1984 Ky. Acts ch. 144, sec. 11, effective July 13, 1984.

**405.490 Answer to order to withhold -- Procedure for obligor to contest amount of delinquent support withheld.**

- (1) Any person, including the obligor, who has been served with an order to withhold and deliver the obligor's property shall answer the order within twenty (20) days.
- (2) The person in possession of any obligor's property shall withhold it and deliver it to the cabinet in accordance with the secretary's directions; or the obligor may offer a bond which is satisfactory to the cabinet.
- (3) The person in possession of obligor's property shall have no liability or further responsibility after fulfilling the duties under this section.
- (4) The obligor may dispute the amount of delinquent support by requesting a dispute hearing with twenty (20) days.
- (5) If the obligor does not request a hearing, acknowledgment of the obligation is presumed and the secretary may apply the withheld property to the delinquent child support obligation.
- (6) If a hearing is requested, when property or a bond is released to the secretary pursuant to an order to withhold and deliver property, the secretary shall hold the property or bond, pending determination of the obligor's liability by a hearing officer, pursuant to KRS 405.450.
- (7) Upon a decision adverse to the Cabinet for Health and Family Services by a hearing officer, of the Circuit Court on appeal, the cabinet shall return the property together with interest at the legal rate for judgments.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 99, sec. 635, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 586, effective July 15, 1998. -- Amended 1990 Ky. Acts ch. 418, sec. 8, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 411, sec. 26, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 487, sec. 15, effective July 15, 1986. -- Created 1984 Ky. Acts ch. 144, sec. 12, effective July 13, 1984.



**405.500 Rebuttable presumption of receipt of notice.**

- (1) Whenever KRS 205.715 to 205.800, 403.215, 405.405 to 405.520, 405.991(2), and 530.050 require delivery of a notice or other communication in person or by certified mail, return receipt requested, receipt shall be rebuttably presumed if the obligor or any other adult with apparent authority at the obligor's address signs a receipt or if the obligor or other adult refuses to accept the notice or communication.
- (2) In the case of a notice to withhold and deliver property served on a person in possession or control of property, receipt shall be rebuttably presumed if the person to whom the order is directed signs or refuses to sign a receipt or if his employee, agent or other adult with apparent authority signs or refuses to sign a receipt.

**Effective:** July 15, 1988

**History:** Amended 1988 Ky. Acts ch. 411, sec. 27, effective July 15, 1988. -- Created 1984 Ky. Acts ch. 144, sec. 13, effective July 13, 1984.

**405.520 Administrative regulations.**

The cabinet may promulgate administrative regulations to implement the provisions of KRS 205.715 to 205.800, 403.215, 405.405 to 405.520, 405.991(2), and 530.050. The cabinet may adopt regulations necessary to prevent conflict with federal laws and regulations or the loss of federal funds and to establish procedures necessary to guarantee due process of law.

**Effective:** July 15, 1988

**History:** Amended 1988 Ky. Acts ch. 411, sec. 29, effective July 15, 1988. -- Created 1984 Ky. Acts ch. 144, sec. 15, effective July 13, 1984.