



NUMBER OF COUNTIES:	120
NUMBER OF CASES:	347,731
INTERGOVERNMENTAL CASES:	34,335
INITIATING CASES:	15,131
RESPONDING CASES:	19,204

STRUCTURE OF STATE IV-D PROGRAM

KRS 205.712(2)(a), authorizes Kentucky CSE to serve as the state agency to administer Title IV-D of the Social Security Act. The Kentucky CSE Agency is in the Cabinet for Health and Family Services (CHFS), Department for Income Support. The services and responsibilities of the Kentucky CSE program include, but are not limited to:

- Accept and process public assistance and non-public assistance applications
- Accept applications from custodial and/or noncustodial parents, putative fathers and other state CSE Agencies
- Locate custodial and/or noncustodial parents
- Establish paternity
- Establish child and medical support orders
- Enforce child and medical support obligations
- Review and modify support orders
- Collect and disburse child support payments
- Provide helpful and supportive customer service
- Execute timely and efficient case management
- Communicate with other states, agencies, and local Courts and officials
- Collaborate with affiliated agencies
- Provide timely, correct and reliable federal reports to OCSE
- Respond to OCSE inquiries and federal auditors regarding federal reports

CSE Central Office, CSE Regional Offices and Contracting Official Offices work together to provide the services and meet the responsibilities listed above.

INTERSTATE CENTRAL REGISTRY

The duties of the staff in the Central Registry Section under the Program Services Branch in CSE Central Office include, but are not limited to:

- Process and oversee activities relating to intergovernmental requests received from other states.
- Process limited services requests received from other states.
- Assist other states with resolving issues in intergovernmental cases, and make contact with local CSE offices as necessary to address the matter.
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- Maintain Kentucky's information provided in the OCSE Intergovernmental Reference Guide (IRG).

Central Registry processes approximately 40 incoming UIFSA and 70 status request per week.

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PROGRAM SERVICES BRANCH

The duties of the staff in the Program Services Branch in CSE Central Office include, but are not limited to:

- Manage and coordinate work assignments for the State Parent Locator Service (SPLS) Section, Central Registry Section, and the Administrative Enforcement Section (AES).
- Provide guidance to CSE staff as it relates to services provided by the branch.
- Serve as the liaison for the Kentucky New Hires contract.
- Serve as point of contact for matters concerning the Federal Case Registry (FCR), Interstate Case Reconciliation (ICR) and the child support system's Employer/Agency File.
- Update employer information in the child support system.

ADMINISTRATIVE ENFORCEMENT SECTION (AES)

The duties of the staff in the Administrative Enforcement Section (AES) under the Program Services Branch in CSE Central Office include, but are not limited to:

- Serve as the contact for the Child Support Lien Network (CSLN) and manage the CSLN process statewide.
- Initiate the release of a noncustodial parent's passport.
- Seize assets held in a financial institution.
- Review and process requests for revocation and/or reinstatement of licenses meeting the criteria.
- Process income withholding orders not issued in batch processing for noncustodial parents applying for Title II Social Security benefits.
- Oversee the processing of unemployment withholdings for noncustodial parents that apply for unemployment benefits.
- Issue withholding orders upon receipt of lump sum payment notifications.
- Contact and/or provide guidance to CSE staff on administrative enforcement actions.
- Bypass child support cases, on a limited basis, from conceal and carry deadly weapon license suspension process.

JUDICIAL AND ADMINISTRATIVE PROCESSES

Contracting Officials must utilize enforcement methods that result in the most timely and efficient means to enforce the order. This may include the use of administrative or judicial enforcement remedies, or a combination of both, to enforce the child support order.

PATERNITY & SUPPORT ESTABLISHMENT REQUIREMENTS

CSE establishes paternity, child, and/or medical support administratively or judicially. Per KRS 205.712(2)(j), administratively established support orders have the same force and effect of law. The benefits of using one method over the other vary from county to county based on the length of time it takes to complete the

judicial process, the willingness of the parties to resolve the matter by agreement, and the individual circumstances of the case.

CSE finds establishing paternity administratively rather than judicially is advantageous only in **rare** circumstances. Most of the time the worker is pursuing child and medical support along with paternity establishment, and in that instance, it is best for the worker to proceed judicially. CSE recommends the worker use the administrative process to establish paternity only when the case meets **all** of the following conditions:

- The parents do not dispute paternity of the child.
- CSE is not providing child and medical support establishment services.
- Neither parent is a minor.

Once paternity has been established, or in situations where paternity is not an issue, KRS 205.792, KRS 405.430(4), and 921 KAR 1:400 Section 2 (1) allow the use of an administrative process to establish child and/or medical support. CSE recommends workers explore the use of the administrative process for establishing child and/or medical support when the parties are agreeable and the worker can complete the process more quickly than filing the action judicially. The case must meet **all** four of the following conditions before the worker proceeds with administrative establishment of child and/or medical support:

- Paternity is not an issue or is established.
- There is no existing order for support for the child.
- The noncustodial parent resides or works in Kentucky.
- The noncustodial parent's address is known.

Kentucky Rules of Civil Procedure and, for those jurisdictions that utilize Family Court, the Family Court Rules of Procedure and Practice, govern the process for initiating a paternity action.

For those counties that do not have Family Court, paternity action is filed in District Court. Paternity may be determined when the mother and father of the child, either:

- Submit affidavits in which the mother gives the name and Social Security Number of the child's father and the father admits paternity of the child or
- Give testimony before the District Court in which the mother states the name and Social Security Number of the child's father and the father admits paternity of the child per KRS 406.021(2).

If paternity establishes through either agreement or testimony in Court, the Court has jurisdiction to make a written order of paternity, per KRS 406.035. However, even though the Court may take testimony during a hearing to establish paternity, no party is entitled to a trial by a jury in a paternity action, per KRS 406.061.

Documentation required for an incoming UIFSA request: See Attached

REVIEW AND MODIFICATION

After a judicial or administrative order establishes child and/or medical support, changes to the order may occur throughout the duration of the child support case.

When performing a review, 45 CFR 303.8(c) requires CSE to apply a reasonable standard by using either a fixed dollar amount and/or a percentage to determine whether the difference between the existing child support amount and the amount determined by the review is adequate grounds for seeking a modification of the order. KRS 403.213(2) defines Kentucky's standard and states that a change **equal to or greater than 15 percent** in the monthly support amount is presumed to be a material change in circumstance and warrants seeking a modification of the child support order. Any change less than 15 percent in the monthly

support amount is not presumed to be a material change in circumstances and does not warrant seeking a modification of the child support order.

A modification or adjustment of the child support order, per 45 CFR 303.8(b)(3)(ii) means:

- An upward or downward change in the amount of child support based upon application of the child support guidelines
- A provision for the child's health care needs through health insurance or other means

Per 45 CFR 303.8(d), the need to provide for the child(ren)'s health care needs in the order, through health insurance or other means, must be an adequate basis under State law to initiate an adjustment of an order, regardless of whether an adjustment in the amount of child support is necessary. Other means includes cash medical support. When the worker conducts a review for possible modification of a Court order, the review must also include an assessment of the medical support provisions.

Documentation required for an incoming UIFSA request: See Attached

MEDICAL SUPPORT

The worker determines whether to complete the action administratively or judicially. **KRS 205.792, KRS 405.430, and KAR 1:400 Section 2(1)** allow CSE to use an administrative process to establish medical support when paternity is not an issue.

KRS 403.211(1) allows an action to establish support, including medical support, to be brought in the county in which the child(ren) resides or where the defendant resides. The parent, custodian, or agency substantially contributing to the support of the child(ren) can bring the action.

Contracting Official Offices enforce medical support primarily through civil contempt action; however, arrearages that accumulate because of the noncustodial parent's failure to provide medical support are subject to administrative enforcement actions such as tax intercept, liens, etc.

TERMINATION OF SUPPORT – LAW AND PROCESS

There are other circumstances, which may arise and cause the local CSE office to seek a termination of the order such as:

- Adoption of the child or termination of parental rights
- Death of a child
- Death of the custodial or noncustodial parent
- Emancipation of a child
- Reconciliation or request of the parties – CSE requires local offices to file action to terminate support when the parties reconcile. In instances where the custodial parent requests CSE to terminate an order based on a reason other than reconciliation of the parties, CSE recommends terminating IV-D services and not the support order but does not prohibit the practice. Often times the custodial parent will change his/her mind and reapply for services. If the local CSE office terminated the support order, the local CSE office must file action to establish support again versus reopening the IV-D case and notifying all parties and the Court to resume payments through CSE.
- Genetic tests exclude the noncustodial parent
- The child begins living with the noncustodial parent
- CSE receives a referral or application for services from a new custodial parent and the Court will not allow the local CSE office to file action to change payee through the existing Court case and/or the existing Court. A case may involve multiple children all of whom are living with different custodial

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parents or in out of home care (OOHC) and it would be more time efficient to establish a new order. Before the local CSE office can file a new action to set support for the child(ren), the worker must file action to modify or terminate the prior obligation.

Note: Due to the time involved in modifying or terminating an existing order and establishing a new order, CSE prefers local CSE offices to file action to **change payee** of the support obligation using administrative or judicial processes

In order to terminate, either an agreed order is signed by both parties or a motion to terminate is filed with the court.

CASE CLOSURE AND NON IV-D CASES

KY CSE retains all records for closed cases for a minimum of three years, per **45 CFR 303.11(d)**.

Until another state has CEJ and requests closure of our case or the order terminates, KY will continue to enforce the order and maintain records.

The day after creating a Non IV-D case on the child support system, staff places a copy of the AOC-152 and any other documentation in the Electronic Case File (ECF) and destroys the original document(s).

INTEREST, FEES & COSTS

KRS 360.040 allows CSE to charge interest at the rate of 12 percent compounded annually from the date of a judgement; however, local CSE offices are not required to seek or collect interest on IV-D cases unless ordered by the Court.

Once current support is no longer due and arrearages are paid in full, CSE will not keep a case open for the sole purpose of collecting interest. This rule applies whether the remaining interest balance is due to the state or the custodial parent.

Please note: If Kentucky is the responding state, is providing enforcement services on an intergovernmental case and the order requires that interest charge, Kentucky must give full faith and credit to the order and enforce collection of the interest. The interest charges at the legal rate of the other state; however, because Kentucky's child support system is not capable of charging interest at another state's rate and does not have any out of the state interest subaccounts, the worker combines the interest with the most appropriate out of state arrearage subaccount. The worker must ask the other state to provide an updated arrearage and interest balance on a regular basis and update the child support system accordingly.

ENFORCEMENT

Automated administrative enforcement remedies include:

- Administrative Offset
- Auto Wage Withholding
- Consumer Reporting Agencies
- Fast Levy
- Liens initiated by the Child Support Lien Network (CSLN)
- Lottery Intercept
- Passport Denial
- State and Federal Tax Intercept
- Statement of Support Due
- Carry and Conceal with Deadly Weapon (CCDW) license suspension

- Unemployment Withholding

Worker initiated administrative enforcement remedies include:

- Administrative Subpoena
- Delinquency Letter
- Employer Lump Sum Withholding
- Financial Institution Data Match
- Income Withholding
- License Suspension
- Liens
- Newspaper Publication of Delinquent Noncustodial Parents
- Seizing Assets through the Withhold and Deliver Process
- Title II Pending Claim Withholding
- Unemployment Benefits Withholding
- Withholding Retirement Benefits

Judicial enforcement remedies include:

- Civil Enforcement
- Misdemeanor Nonsupport
- Flagrant Nonsupport
- Arrearage Compromise
- Project Save our Children (PSOC)

INCARCERATED PARENTS

ESTABLISHMENT OF PATERNITY AND/ OR SUPPORT

Upon determination of a noncustodial parent's incarceration, several factors determine whether the case is workable, unworkable or eligible for closure. Those factors dictate whether the worker goes forward with the establishment of paternity if applicable, child and/or medical support.

Workable cases- A case involving an incarcerated noncustodial parent is workable when paternity is not established. The worker prepares a paternity complaint.

Kentucky Rules of Civil Procedures **CR 17.04(1)** requires the Court to appoint a Guardian Ad Litem when a prisoner fails or is unable to defend an action. Upon successful service, if the noncustodial parent does not file a response or is not willing to enter into an agreed order for genetic testing or an agreed order of paternity, the worker files a Motion of Appoint A Guardian Ad Litem to represent the incarcerated noncustodial parent.

If the Guardian Ad Litem request genetic testing, the Court enters an agreed order for genetic testing and the worker arranges to have the noncustodial parent's sample collected from the prison. If the noncustodial parent is determined to be the father of the child, CSE recommends the worker proceed with an action to address child and/or medical support. CSE does not expect the noncustodial parent to make payments towards the child support obligation until he/she is released from incarceration; however, it is more time efficient for the worker to address all issues at the time of initial establishment rather than wait until the noncustodial parent is released.

Recommended Language for Order

When a noncustodial parent is incarcerated at the time of support establishment, CSE recommends the order:

- Establish a child support obligation based on the child support guidelines but **suspend payment** of the obligation until the noncustodial parent is released. This means that the noncustodial parent will not accumulate arrearages while he/she is incarcerated.
- Require payment of the obligation to begin 30 calendar days after release
- Require the noncustodial parent to make contact with the CSE office within 10 calendar days upon his/her release from incarceration to provide address and employment information and to make payment arrangements.

Unworkable case- A case involving an incarcerated noncustodial parent is unworkable when it meets all three of the following conditions:

- The noncustodial parent is eligible for parole
- Paternity is established or is not an issue
- An order for support does not exist

When paternity is not an issue, CSE recommends the worker take no action to establish an order for child and/or medical support until the noncustodial parent is released.

Closure Eligible- A case involving an incarcerated noncustodial parent is eligible for closure when it meets all four of the following conditions:

- The noncustodial parent will never be eligible for parole
- The noncustodial parent will be incarcerated through the child's minority
- Paternity is established or is not an issue
- The incarcerated noncustodial parent has no income or assets that CSE can attach or levy

NOTE: Even if an order for support exists for the child, the IV-D case is eligible for closure if it meets all of the criteria listed above

ENFORCEMENT

When a noncustodial parent is incarcerated at the time the order is established and the order contains the recommended language for order outlined above, enforcement action is not necessary until the noncustodial parent is released. If the order does not contain the provisions and language suggested in the above-mentioned paragraph, or the support obligation was established prior to the noncustodial parent becoming incarcerated, the worker must determine if and when enforcement action is appropriate.

PAYMENT PROCESSING

Payments received for both IVD and Non-IVD cases apply to the case(s) specified. If payment does not include a specific case(s) it will proportionately allocate to all the cases for the noncustodial parent.

When a payment exceeds the subaccount(s) balance(s) and reduces the balance to zero, the remaining portion of the payment goes into an advance collection status. Advance money will not be distributed until there is a subaccount with a balance. Most commonly, when there is a current child support obligation, advance money distributes to the following month's current support obligation after monthly charging occurs.

When the advance money or overpayment is a result of CSE improperly withholding the payments from the noncustodial parent's income, 45 CFR 303.100(a)(8) requires CSE to have procedures in place for promptly refunding the payment(s). Once there is no longer a current support obligation or arrearage balance, the worker takes action to refund payments in advance to the noncustodial parent.

CHANGE OF "PAYEE"

The worker must obtain proof of the payee change and take action to change payee as quickly as possible to avoid distributing support payments to an individual who is not caring for the child. Proof may include, but is not limited to, the following:

- A notarized statement from an individual(s) attesting to the living arrangements of the child
- Proof of school enrollment
- Acknowledgement of the child(ren)'s living arrangements by the former custodial parent
- A notarized affidavit signed by the nonpublic assistance applicant outlining the living arrangements of the child
- Documentation in HBE verifying the child's living arrangements
- A copy of a temporary or final custody or guardianship order awarding custody of the child to a different individual and/or agency
- A copy of removal order placing the child in out of home care

After receiving sufficient proof of the child's living arrangements, the worker changes payee administratively or judicially depending on factors such as the preference of the local Court, if any, whether the order covers multiple children and whether all of part of those children move to a different custodian.

KRS 205.720(1) specified that by either applying for IV-D services or accepting public assistance on behalf of a needy child, the recipient of those services automatically grants an assignment of rights by operation of law. Based on this provision, CSE has the right to redirect support payments administratively through the State Disbursement Unit (SDU). The form, Notice of Assignment or Authority to Collect is sent to inform all parties that CSE is now payee of the support.

RECENT CHANGES OF NOTE

- Snap Disqualifications for Non-Custodial Parents
- In process of developing new KASES system
- Consumer Credit Reporting, estimated date going live March 1, 2024.
- Auto Driver License suspension, currently in the works.

COMPUTER SYSTEM INFO AND STATUS AND USAGE OF PORTAL COMMUNICATION TOOLS

KY's statewide child support system is called KASES, Kentucky Automated Support Enforcement System
The following State Services Portal applications are used extensively:

- CSENET
- Debt Inquiry
- DOD Entitlement
- EDE
- EEmployer
- ETermination
- FCR Query
- Federal Collection and Enforcement
- IRG
- Locate
- Quick

KY Portal web access for case information is only available to parties to a case.

<https://csws.chfs.ky.gov/csws/>

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INTERGOVERNMENTAL PROBLEM-SOLVING

To obtain pay histories and orders please contact the county CSE Contracting Officials Office handling the case. If you are not sure, please contact Central Registry for assistance.

If assistance is needed by another state, please call Danielle Noe at (502) 564-2488 or by email at:
Danielle.Noel@ky.gov