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

40 KAR 11:030. Department of Child Support Services[Enforcement Program] paternity establishment.

RELATES TO: KRS 186.570(2), 15.800[205.710], 15.802[205.712], 15.810[205.721], 15.814[205.730], 213.036(5), 213.046(3), (4), (5), (9), (10), 213.071, 237.110(4)(g), 405.430, 406.011, 406.021, 406.025, 406.180, 45 C.F.R. 302.31, 302.33, 303.5, 304, 42 U.S.C. 651, 652, 653, 654, 666, 668

STATUTORY AUTHORITY: KRS 15.802(2)[194A.050(1)], 15.866[205.795], 405.520

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.802(2)[194A.050(1)] requires the Office of the Attorney General (OAG), Department of Child Support Services (DCSS) within the Department of Law[secretary] to promulgate administrative regulations to administer the Child Support Enforcement (CSE) program in accordance with federal law and regulations.[necessary to implement programs mandated by federal law, 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 205.795 authorizes the secretary to promulgate administrative regulations consistent with the purpose and intent of KRS 205.710 through 205.800.] This administrative regulation establishes the requirements for the establishment of paternity for the CSE[Child Support Enforcement] program.

Section 1. Requirement for Paternity Establishment. DCSS[The cabinet] shall bring action, as established in KRS 406.021(1) and (3) if:

(1) The child is born out of wedlock; and

(2) An assignment of rights to the state[cabinet] is in effect or an individual not receiving public assistance applies for child support services including paternity establishment.

Section 2. DCSS [Cabinet] Action.

(1) A case requiring paternity action shall be opened upon receipt of:

(a) A public assistance case referral; or

(b) A nonpublic assistance application, in accordance with KRS 15.810[205.721].

(2) DCSS [The cabinet] shall open a case pending determination of good cause.

(a) If good cause for failure to cooperate is determined, the child support case shall be closed.

(b) Good cause shall be established in accordance with the requirements of 921 KAR 2:006, Section 13[18](4) and (5).

(3) In a case referred to DCSS[the cabinet] in which paternity has not yet been established, DCSS[the cabinet] shall, within ninety (90) days of locating the alleged father or custodial parent:

(a) Obtain a voluntary acknowledgment of paternity as established by KRS 213.036(5) and 213.046(3), (9);

(b) File for establishment of paternity;

(c) Complete service of process to establish paternity; or

(d) Document unsuccessful attempts to serve process.

(4) Paternity shall be established or the putative father excluded as a result of genetic tests or legal process within one (1) year of:

(a) Successful service of process; or

(b) The child reaching the age of six (6) months.

(5) The voluntary acknowledgment of paternity may be rescinded. Rescinded acknowledgement of paternity shall be accomplished in accordance with KRS 213.071.

(6) DCSS ~~[The cabinet]~~ shall request denial, suspension, or revocation of a license or certification for failure to comply with a subpoena or warrant relating to paternity pursuant to KRS 186.570(2) and 237.110(4)(g).

40 KAR 11:030
AMY C. BURKE, DCSS Chief
RUSSELL M. COLEMAN, Attorney General

APPROVED BY AGENCY: September 28, 2026

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

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 23, 2026, at 9:00 a.m. at the Office of Administrative Hearings, 105 Sea Hero Road, Suite 2, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation. Written comments shall be accepted through December 30, 2026. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

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

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

(1) Provide a brief summary of:

(a) What this administrative regulation does:
This administrative regulation transfers the requirements for paternity establishment and the actions taken by DCSS to establish paternity for the CSE program from the Cabinet for Health and Family Services (CHFS) to the Office of the Attorney General (OAG) pursuant to Senate Bill 48 of the 2023 RS.

(b) The necessity of this administrative regulation:
This administrative regulation is necessary to implement requirements for the establishment of paternity and the actions taken by DCSS to establish paternity for the CSE program in accordance with 45 C.F.R. 302.31, 302.33, 303.5, 304, and 42 U.S.C. 651, 652, 653, 654, 666, 668

(c) How this administrative regulation conforms to the content of the authorizing statutes:
DCSS is required to apply for federal funds per 42 U.S.C. 651, 652, 653, 654, and 668 to establish paternity.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
This administrative regulation will assist with outlining the requirement for paternity establishment and the actions taken by DCSS.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:
The amendment to this administrative regulation removes the Cabinet for Health and Family Support and the Department of Income Support as the entity required to promulgate administrative regulations for the Department of Child Support Services. It also updates regulatory and statutory citations to conform with Senate Bill 48 of the 2023 RS.

(b) The necessity of the amendment to this administrative regulation:
The amendment to this administrative regulation is necessary to conform with the transfer of the child support enforcement program to the Department of Child Support Services within the Department of Law.

(c) How the amendment conforms to the content of the authorizing statutes:
The amendment conforms to the content of the authorizing statutes by clarifying the requirement for paternity establishment and the actions taken by DCSS to do so.

(d) How the amendment will assist in the effective administration of the statutes:
The amendment will assist in the effective administration of the statutes by updating regulatory and statutory citations implemented by Senate Bill 48 of the 2023 RS.

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

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

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

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment:

Each regulated entity will be advised that the Office of the Attorney General is now the entity required to promulgate administrative regulations for the Department of Child Support Services. They will also be advised on the updated regulatory and statutory citations and given guidance on where this information can be obtained.

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

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

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

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

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

(a) Initially:

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

(b) On a continuing basis:

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

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

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

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

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

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

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

(10) TIERING: Is tiering applied?

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

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:

KRS 186.570(2), 15.800, 15.802, 15.810, 15.814, 213.036(5), 213.046(3), (4), (5), (9), (10), 213.071, 237.110(4)(g), 405.430, 406.011, 406.021, 406.025, 406.180, 45 C.F.R. 302.31, 302.33, 303.5, 304, 42 U.S.C. 651, 652, 653, 654, 666, 668

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

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

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

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

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

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A

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

Local entities will not be affected. (b) Estimate the following for the first year:

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

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A

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

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

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

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

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

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

(a) Fiscal impact of this administrative regulation:
There is no fiscal impact of this administrative regulation.

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

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

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

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

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate.
45 C.F.R. 302.31, 302.33, 303.5, 304

(2) State compliance standards.
KRS 186.570(2), 15.800, 15.802, 15.810, 15.814, 213.036(5), 213.046(3), (4), (5), (9), (10), 213.071, 237.110(4)(g), 405.430, 406.011, 406.021, 406.025, 406.180

(3) Minimum or uniform standards contained in the federal mandate.
42 U.S.C. 651, 652, 653, 654, 666, 668

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?
This administrative regulation will not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.
This administrative regulation will not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.