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

**40 KAR 11:040. Establishment, review, and modification of child support and medical support orders.**

RELATES TO: KRS 15.800-15.876[~~205.710-205.802~~], 205.990, 213.046(4)(9)[~~, (9)~~], 403.160(1), (2)(a), (b), 403.210-403.240, 405.430, 405.440, 405.450, 405.991, 406.021, 406.025, 454.220, 45 C.F.R. 302.50, 302.56, 302.80, 303.4, 303.8, 303.30-303.32, 42 U.S.C. 651-669b

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 of the cabinet~~] 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 to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS 205.795 and 405.520 authorize the secretary of the cabinet to promulgate administrative regulations to operate the Child Support Enforcement Program in accordance with federal law and regulations~~]. This administrative regulation establishes the requirements for the establishment, review, and modification of child support and medical support orders.

Section 1. Support Obligation Shall be Established.

(1) A child support and medical support obligation shall be established by:
  (a) A court of competent jurisdiction; or
  (b) An administrative order.

(2) The obligation shall be the amount as established administratively or judicially, as computed by the:
  (a) CS-71, Commonwealth of Kentucky Worksheet for Monthly Child Support Obligation;
  (b) CS-71.1, Commonwealth of Kentucky Worksheet for Monthly Child Support Obligation Exception; or
  (c) Any other child support obligation form incorporated by reference in an administrative regulation promulgated by DCSS[~~the agency~~].

(3) The amount determined shall be the amount to be collected. Any support payment collected shall reduce the amount of the obligation dollar for dollar.

(4) For a public assistance case and a nonpublic assistance case for which child support services are being provided, DCSS[~~the cabinet~~] shall use state statutes and legal process in establishing the amount of a child support and medical support obligation, including KRS 403.211, 403.212, 403.2122, 405.430, and 454.220.

(5) In addition to the deductions established in KRS 403.212(3), the deduction for a prior-born child residing with a parent for an administratively or judicially imputed child support obligation, as established in KRS 403.212(3)(i)(3), shall be calculated by using:
  (a) That parent's portion of the total support obligation as indicated on the worksheet, if:
    1. There is a support order; and
    2. A copy of the child support obligation worksheet is obtained; or

(b) 100 percent of the income of the parent with whom the prior born child resides, if:
1. There is no support order;
2. There is a support order, but no support obligation worksheet; or
3. A worksheet cannot be obtained.

(6) In accordance with 45 C.F.R. 303.4(d), within ninety (90) calendar days of locating a noncustodial parent~~[,]~~ or obligor, DCSS~~[the cabinet]~~ shall:
(a) Complete service of process; or
(b) Document an unsuccessful attempt to serve process.

(7) If service of process has been completed, DCSS~~[the cabinet]~~ shall, if necessary:
(a) Establish paternity;
(b) Establish a child support or medical support obligation; or
(c) Send a copy of any legal proceeding to the obligor and obligee within fourteen (14) calendar days of issuance.

(8) If a court or administrative authority dismisses a petition for support without prejudice, DCSS~~[the cabinet]~~ shall~~[,]~~promptly~~[at that time,]~~ determine when to appropriately seek an order in the future.

Section 2. Administrative Establishment.

(1) DCSS ~~[The cabinet]~~ may administratively establish a child support obligation or medical support obligation, or both, if:
(a) Paternity is not in question;
(b) There is no existing order of support for the child;
(c) The noncustodial parent~~[,]~~ or obligor~~[,]~~ resides or is employed in Kentucky; and
(d) The noncustodial parent's~~[,]~~ or obligor's~~[,]~~ address is known.

(2) To gather necessary information for administrative establishment, as appropriate DCSS~~[the cabinet]~~ shall:
(a) Send to the custodial parent or nonparent custodian forms:
1. CS-133, Custodial Parent Information Request;
2. CS-132, Child Care Expense Verification; and
3. CS-136, Health Insurance Information Request;
(b) Send to the custodial parent the CS-65, Statement of Income and Resources;
(c) Send to the noncustodial parent forms:
1. CS-64, Noncustodial Parent Appointment Letter;
2. CS-65, Statement of Income and Resources;
3. CS-132, Child Care Expense Verification; and
4. CS-136, Health Insurance Information Request;
(d) Send a CS-130, Income Information Request, to the employer of the:
1. Custodial parent; or
2. Noncustodial parent~~[,]~~ or obligor~~[,]~~ and
(e) Issue a CS-84 Administrative Subpoena in accordance with KRS 15.802(1) ~~[205.712(2)]~~(k) and (n), if appropriate.

(3) DCSS ~~[The cabinet]~~ shall determine the monthly support obligation in accordance with the child support guidelines as contained in KRS 403.212 and 403.2122 or subsection (4) of this section.

(4) If the noncustodial parent or obligor fails to return a financial statement or keep an appointment and the noncustodial parent's or obligor's income and assets cannot be obtained and verified from another source, DCSS ~~[In a default case, the cabinet]~~ shall establish the obligation based upon the needs of the child or the previous standard of living of the child, whichever is greater in accordance with KRS 403.211(5).

(5) After the monthly support obligation is determined, DCSS~~[the cabinet]~~ shall serve a CS-66, Administrative Order/Notice of Monthly Support Obligation, in accordance with the requirements of KRS 405.440 and 42 U.S.C. 654(12).

(6) DCSS ~~[The cabinet]~~ shall not administratively modify an obligation that is established by a court of competent jurisdiction, except as provided in subsection (7) of this section.

(7) If support rights are assigned to the state~~[cabinet]~~, DCSS~~[the cabinet]~~ shall direct the obligor to pay to the appropriate entity by modifying the order:

(a) Administratively upon notice to the obligor or obligee; or

(b) Judicially through a court of competent jurisdiction.

Section 3. Review and Adjustment of Child Support and Medical Support Orders.

(1) In accordance with KRS 405.430(6), DCSS~~[the cabinet]~~ may modify the monthly support established. Every thirty-six (36) months DCSS~~[the cabinet]~~ shall notify each party subject to a child support order of the right to request a review of the order.

(2) Pursuant to 45 C.F.R. 303.8, DCSS~~[the cabinet]~~ shall conduct a review upon the request of:

(a) Either parent;

(b) The state agency with assignment; or

(c) Another party with standing to request a modification.

(3) In accordance with 45 C.F.R. 303.8(e), within one hundred eighty(180) days of receiving a request for review or of locating the non-requesting parent, whichever occurs later, DCSS~~[the cabinet]~~ shall:

(a) Conduct the review;

(b) Modify the order; or

(c) Determine that circumstances do not meet criteria for modification.

(4) DCSS ~~[The cabinet]~~ shall provide notification within fourteen (14) calendar days of modification or determination to each parent or custodian, if appropriate, and legal representatives by issuing a CS-79, Notification of Review Determination, in accordance with KRS 15.802(1)~~[205.712(2)]~~(m).

(5) In accordance with subsections (2) and (3) of this section, DCSS~~[the cabinet]~~ or DCSS's~~[the cabinet's]~~ designee shall seek modification of an administrative or judicial support order to include medical support on behalf of the child as established in KRS 403.211(7)(a) through (d).

(6) Retroactive modification of a child support order shall occur in accordance with KRS 403.211(5) and 403.213(1).

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "CS-64, Noncustodial Parent Appointment Letter", 04/2026~~[3/10]~~;

(b) "CS-65, Statement of Income and Resources", 04/2026~~[6/2021]~~;

(c) "CS-66, Administrative Order/Notice of Monthly Support Obligation", 04/2026~~[3/10]~~;

(d) "CS-71, Commonwealth of Kentucky Worksheet for Monthly Child Support Obligation", 10/2024;

(e) "CS-71.1, Commonwealth of Kentucky Worksheet for Monthly Child Support Obligation Exception", 10/2024;

(f) "CS-79, Notification of Review Determination", 04/2026~~[3/10]~~;

(g) "CS-84, Administrative Subpoena", 04/2026~~[8/2024]~~;

(h) "CS-130, Income Information Request", 04/2026~~[7/2022]~~;

(i) "CS-132, Child Care Expense Verification", 04/2026~~[3/10]~~;

(j) "CS-133, Custodial Parent Information Request", 04/2026~~[3/10]~~; and

(k) "CS-136, Health Insurance Information Request", 04/2026~~[12/15]~~.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at DCSS~~[the Department for Income Support, Child Support Enforcement]~~, 730 Schenkel Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be viewed on the department's Web site at

https://ag.ky.gov/Resources/Child-Support/Pages/default.aspx~~[https://chfs.ky.gov/agencies/dis/Pages/cse.aspx]~~.

*40 KAR 11:040*
*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 responsibility that establishes the requirements for the establishment, review, and modification of child and medical support orders 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, review and modification of child and medical support orders in accordance with 45 C.F.R. 302.50, 302.56, 302.80, 303.4, 303.8, 303.30-303.32, and 42 U.S.C. 651-669b

**(c) How this administrative regulation conforms to the content of the authorizing statutes:**

DCSS is responsible under KRS 403.211-403.213 DCSS is responsible for clarifying the criteria to determine child support obligations. This administrative regulation establishes such procedures and processes.

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:**

This administrative regulation will assist with establishing procedures to ensure effective administration and conforming to KRS 403.211 through 403.213.

**(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 Services and the Department for Income Support as the entities responsible for promulgating administrative regulations for the Department of Child Support Services. It also updates regulatory and statutory citations to conform with SB 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 and outline the establishment, review, and modification of child support and medical support orders.

**(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 criteria used by the cabinet in establishing, reviewing, and modifying child support and medical support orders. This amendment identifies each party that has a right to request a review or modification of the child or medical support order, conforming to 45 C.F.R. 303.8.

**(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 SB 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 informed that the Office of the Attorney General (OAG) is now the entity responsible for promulgating administrative regulations for the Department of Child Support Services. They will also be advised of the updated statutory and regulatory citations and provided with guidance on where to access this information. No action is required from child support participants.

**(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. 601-609, 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 15.800-15.876, 205.990, 213.046(4)(9), 403.160(1), (2)(a), (b), 403.210-403.240, 405.430, 405.440, 405.450, 405.991, 406.021, 406.025, 454.220, 45 C.F.R. 302.50, 302.56, 302.80, 303.4, 303.8, 303.30-303.32, 42 U.S.C. 651-669b

**(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. 302.50, 302.56, 302.80, 303.4, 303.8, 303.30-303.32

**(2) State compliance standards.**
KRS 15.800-15.876, 205.990, 213.046(4)(9), 403.160(1), (2)(a), (b), 403.210-403.240, 405.430, 405.440, 405.450, 405.991, 406.021, 406.025, 454.220

**(3) Minimum or uniform standards contained in the federal mandate.**
42 U.S.C. 651-669b

**(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.