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

40 KAR 11:070. Child support administrative hearings.

RELATES TO: KRS Chapter 13B, 15.055, 154A.060(2)(g), 15.800~~[205.710]~~, 15.802(9), (10), (11), (12), (13)~~[205.712]~~, 15.820(7), (9)~~[205.745]~~, 15.836~~[205.7685]~~, 15.838~~[205.769]~~, 15.850~~[205.778]~~, 237.110(4)(f)(g), 341.392, 341.420, 405.411, 405.440(4), 405.450(1), (2), (5), 405.463, 405.465, 405.467, 405.470, 405.490(4)

STATUTORY AUTHORITY: KRS 13B.170, 15.802(2)~~[194A.050(1), 205.712]~~, 45 C.F.R. 303.35, 42 U.S.C. 666

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 for Health and Family Services]~~ to promulgate administrative regulations to operate the Child Support Enforcement (CSE) program in accordance with federal law and regulations.~~[necessary to implement programs mandated by federal law, qualify for the receipt of federal funds, or to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs.]~~ 42 U.S.C. 666 requires each state to have procedures in effect ~~[procedures]~~to increase the effectiveness of the CSE~~[Child Support Enforcement]~~ program. 45 C.F.R. 303.35 requires the agency administering the CSE~~[Child Support Enforcement]~~ program to develop a procedure for administrative reviews of child support cases for individuals with complaints. KRS 13B.170 authorizes an agency to promulgate administrative regulations that are necessary to carry out the provisions of KRS Chapter 13B. This administrative regulation establishes the administrative hearing procedures used by DCSS~~[the cabinet]~~ in the administration of the CSE~~[Child Support Enforcement]~~ program.

Section 1. Availability of a Hearing.

~~[(1)]~~ ~~[An opportunity for an administrative hearing shall be provided to an individual aggrieved by an action or inaction:]~~

~~[(a)]~~ ~~[On the part of the Child Support Enforcement Program; and]~~

~~[(b)]~~ ~~[That affects the child support case of the individual.]~~

(1) ~~[(2)]~~ Pursuant to KRS 15.802, an aggrieved individual may request~~[requesting]~~ an administrative hearing based on a mistake of fact which will be conducted by the Office of the Attorney General.~~[shall have the option to designate a representative to act on behalf of the aggrieved party for the hearing process, such as:]~~

~~[(a)]~~ ~~[Legal counsel;]~~

~~[(b)]~~ ~~[A relative; or]~~

~~[(c)]~~ ~~[Any other person.]~~

~~[(3)]~~ ~~[An administrative hearing shall be conducted by an administrative hearing officer assigned by the Division of Administrative Hearings, Families and Children Administrative Hearings Branch:]~~

~~[(a)]~~ ~~[In the county of residence for the appellant or child; or]~~

~~[(b)]~~ ~~[By telephone or at an alternate location, if the appellant:]~~

~~[1.]~~ ~~[Is unable to travel; and]~~

~~[2.]~~ ~~[Requests alternate hearing arrangements at least five (5) calendar days in advance of the scheduled hearing.]~~

[(4)] [If the appellant or authorized representative speaks a language other than English, the cabinet shall ensure that interpreter services are provided for the administrative hearing.]

[(5)] [Child support enforcement staff shall schedule and hold an informal interview or conference with an aggrieved individual:]

[(a)] [Within ten (10) calendar days of receiving the individual's hearing request;]

[(b)] [Prior to an administrative hearing being scheduled; and]

[(c)] [To attempt resolution of the dispute.]

[(6)] [If the informal conference does not resolve the issue, the hearing request shall be sent to the Families and Children Administrative Hearings Branch as specified in Section 2 of this administrative regulation for scheduling.]

[Section 2.] [Request for a Hearing.]

(2) [(1)] An aggrieved individual shall submit a request for an administrative hearing to DCSS or its designee by either[:]

[(a)] completing and submitting a CS-180, Request for Administrative Hearing or[,]

[(b)] submitting a written request[; or]

[(c)] [Making an oral request, which is then transferred into a written request] within the following timeframes:[specified in subsection (4) of this section.]

[(2)] [An administrative hearing request shall be submitted to the:]

[(a)] [Child support contracting official's office in the appellant's county of residence; or]

[(b)] [Child Support Enforcement's central office.]

[(3)] [The count of days specified in subsection (4) of this section shall begin from the date of:]

[(a)] [Issuance, if the notice is sent by first class mail; or]

[(b)] [Receipt, if the notice is personally served or sent by certified mail.]

[(4)] [A written request for an administrative hearing shall be considered timely if received by the cabinet within:]

(a) Ten (10) calendar days of:

1. An income withholding notice, issued in accordance with KRS 405.465 and KRS 405.467; or

2. A notice of intent to boot a vehicle, issued in accordance with KRS 15.820[205.745](9);

3. An advance notice of intent to request full credit report, issued in accordance with KRS 15.836;

(b) Fifteen (15) calendar days of a notice of withholding from unemployment insurance, issued in accordance with[pursuant to] KRS 341.392 and KRS 341.420;

(c) Twenty (20) calendar days of:

1. An initial notice of monthly support obligation, issued in accordance with KRS 405.440[(4)];

2. An order to withhold assets, issued in accordance with KRS 405.470 and KRS 405.490(4);

3. A request for denial or suspension of a license or certificate;

4. A lien notice[,]issued in accordance with KRS 15.820[205.745](7); or

5. A notice to place the obligor's name on the delinquent listing issued in accordance with KRS 15.055; or

(d) Thirty (30) calendar days of a:

1. Modified notice of monthly support obligation, in accordance with KRS 405.450(5);

2. Notice that an obligation amount was reviewed without change, in accordance with KRS 405.450(5); or

3. Notice regarding the collection of past-due support issued in accordance with KRS 154A.060(2)(g), [205.712(17), and]KRS 15.838,[205.769.] and KRS 405.463.

4. The count of days outlined in this subsection shall begin from the date of:

(a) Issuance, if the notice is sent by first class mail; or

(b) Receipt, if the notice is personally served or sent by certified mail.

(3) An administrative hearing request shall be submitted to the:

(a) Child support contracting official's office in the appellant's county of residence; or

(b) DCSS Administrative Enforcement Section.

(4) Prior to an administrative hearing being scheduled, DCSS staff shall schedule and hold an informal interview or conference with an aggrieved individual within ten (10) calendar days of receiving the individual's hearing request to attempt to resolve the dispute. If the informal conference does not resolve the issue, the hearing request shall be sent to the Office of the Administrative Hearings within the Department of Law.

(5) Pursuant to KRS 405.450, an administrative hearing shall be scheduled within sixty (60) days of the hearing request by an administrative hearing officer assigned by the Office of Administrative Hearings within the Department of Law:

(a) In the county of residence for the parent or child or any other location acceptable to the parent;

(b) At an alternate location, if agreed by the parties; or

(c) By telephone, television, or other electronic means as outlined in KRS 13B.080(7).

(6) A notice of an administrative hearing shall comply with the requirements of KRS 13B050. The administrative hearing shall be conducted in accordance with KRS Chapter 13B.

(7) If the aggrieved individual speaks a language other than English, DCSS shall ensure that interpreter services are provided for the administrative hearing.

[(5)] [In accordance with KRS 205.712(13), an individual shall be granted an administrative hearing based upon a mistake in fact, such as an incorrect:]

[(a)] [Person identified as an obligor; or]

[(b)] [Current or past due support obligation.]

(8) [(6)] An appellant or authorized representative may withdraw an administrative hearing request by submitting a [written] request to the:

(a) Office of Administrative Hearings within the Department of Law [Families and Children Administrative Hearings Branch, as specified in Section 3 of this administrative regulation]; or

(b) The child support enforcement office that accepted the original request for an administrative hearing.

[Section 3.] [Hearing Notification.]

[(1)] [The Division of Administrative Hearings, Families and Children Administrative Hearings Branch shall acknowledge an administrative hearing request.]

[(2)] [A notice of an administrative hearing shall:]

[(a)] [Comply with the requirements of KRS 13B.050(3);]

[(b)] [Specify the name, address, and phone number of the person to notify if an appellant is unable to attend the scheduled hearing; and]

[(c)] [Specify that the hearing request shall be dismissed if an appellant or the authorized representative fails to appear for an administrative hearing without good cause as specified in Section 4(3) of this administrative regulation.]

[(3)] [Pursuant to KRS 405.450(1), the cabinet shall schedule an administrative hearing within sixty (60) calendar days of an individual's hearing request.]

[(4)] [An administrative hearing shall be conducted in accordance with KRS Chapter 13B.]

[(5)] [An individual that fails to appear for a scheduled hearing shall receive notification to provide good cause within ten (10) calendar days.]

Section 2. [Section 4.] Denial or Dismissal of an Administrative Hearing Request.

(1) A hearing request shall be denied or dismissed if the:

(a) Request is not based on a mistake of fact as specified in Section 1(1)[2(5)] of this administrative regulation and KRS 15.802;

(b) Request is to modify or contest a support obligation established in an existing court order;

(c) [(b)] Request is untimely and good cause[, as defined in subsection (3) of this section,] is:

1. Not claimed; or

2. Found not to exist;

(d) [(c)] Appellant submits a [written] request to withdraw the administrative hearing request; or

(e) [(d)] Appellant or an authorized representative fails to appear for the scheduled hearing without:

1. Notifying DCSS or DCSS's designee[the cabinet] prior to the hearing; or

2. Establishing good cause for failure to appear[, as defined in subsection (3) of this section].

(2) The burden of proof under this subsection shall rest solely with the party seeking relief to advance a claim of good cause.

[(2)] [A claim of good cause for an untimely hearing request or failure to appear at an administrative hearing shall be established within ten (10) calendar days of receipt of a notice to provide good cause.]

(3) Upon receipt of a good cause claim, a hearing officer shall determine if the appellant has shown good cause or summarily deny the request without a hearing if the submission does not establish a prima facie showing of good cause.[:]

[(a)] [Was away from home during the entire filing period;]

[(b)] [Is unable to read or comprehend the right to request an administrative hearing on the notice received;]

[(c)] [Moved, resulting in a delay in receiving or failure to receive the notice in the required time period;]

[(d)] [Was suffering from a serious illness;]

[(e)] [Was caring for an immediate household member who had a serious illness; or]

[(f)] [Was not at fault for the delay of the request, as determined by the hearing officer.]

(4) DCSS [The cabinet] shall notify an appellant of the dismissal of an administrative hearing request by sending a recommended order of dismissal.

Section 3. [Section 5.] Appellant's Rights.

(1) An appellant or an appellant's [legal] representative shall have the right to examine and copy case material pertinent to the dispute before or during the hearing process in accordance with KRS 13B.090(3) and 13B.140.

(2) DCSS [The cabinet] shall release case information as specified in subsection (1) of this section to the appellant's authorized representative if the appellant provides written authorization that is:

(a) Signed in the presence of child support enforcement staff who shall also sign as a witness; or

(b) Notarized.

[(3)] [An appellant or representatives shall have the right to:]

[(a)] [Examine, prior to the hearing:]

[1.] [The list of witnesses to be called during the hearing;]

[2.] [Evidence to be presented at the hearing; and]

[3.] [Other information in the cabinet's possession that pertains to the hearing;]

[(b)] [Present witnesses or documents to support the appellant's claim; and]

[(c)] [Appeal the decision of the final order of the hearing to Circuit Court in accordance with KRS 13B.140.]

Section 4. [Section 6.] Obligation Pending a Hearing or Appeal.

(1) If a hearing request is based on the dispute of:

(a) An initial notice of monthly support obligation, the obligation shall be stayed until a final order of the Attorney General[secretary] is issued, in accordance with KRS 405.450(2); or

(b) The findings of a modification review of an administratively established obligation, the amount of the existing obligation shall be:

1. Enforceable; and

2. Paid by the obligor pending receipt of the final order.

(2) If the action taken on behalf of DCSS[the Child Support Enforcement Program] is:

(a) Upheld, the obligation amount shall be retroactive to the effective date on the notice of monthly support obligation; or

(b) Found to be incorrect, DCSS[the cabinet] shall return to the obligor any overpayment made since the date the administrative hearing was requested.

(3) If an appellant files an appeal of the final order with the Circuit Court, the appellant shall be obligated to pay the amount listed on the notice of monthly support obligation while the appeal is pending.

Section 5. [Section 7.] Recommended Order.

[(1)] After the hearing has concluded, the hearing officer shall submit a recommended order to the Attorney General and each party in the hearing[to the secretary of the Cabinet for Health and Family Services a recommended order] in accordance with KRS 13B.110.[that:]

[(a)] [Summarizes the facts of the case;]

[(b)] [Specifies the address where a party to the hearing may send an exception to the recommended order; and]

[(c)] [Identifies the:]

[1.] [Findings of fact;]

[2.] [Conclusions of law;]

[3.] [Supporting evidence; and]

[4.] [Applicable state and federal laws and administrative regulations.]

[(2)] [A copy of the recommended order shall be sent to the:]

[(a)] [Appellant or representative;]

[(b)] [The secretary; and]

[(c)] [Designated staff of the Child Support Enforcement's central office.]

Section 6. [Section 8.] Written Exceptions. Any[If a] party may file written exceptions to the [hearing disagrees with the] recommended order[,] within fifteen (15) days from the date of the [recommended] order pursuant to[is mailed, the party may file with the secretary written exceptions in accordance with] KRS 13B.110(4).

Section 7. [Section 9.] Final Order. A final order shall be issued in accordance with KRS 13B.120.

[(1)] [Within ninety (90) days from the date the recommended order is mailed, A final order shall be issued by the secretary in accordance with KRS 13B.120.]

[(2)] [If the final order differs from the recommended order, the final order shall comply with KRS 13B.120(3).]

Section 8. [Section 10.] Incorporation by Reference.

(1) "CS-180, Request for Administrative Hearing", 09/2026[~~7/14~~], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at DCSS[~~the Cabinet for Health and Family Services, 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.

40 KAR 11:070
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 administrative hearing procedures for an individual that is aggrieved by an action or inaction of 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 administrative hearing procedures in accordance with 45 C.F.R. 303.35 and 42 U.S.C. 666.

(c) How this administrative regulation conforms to the content of the authorizing statutes:
This administrative regulation conforms to the content of the authorizing statutes by complying with the administrative hearing process as outline in KRS Chapter 13B.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
This administrative regulation will assist in the effective administration of administrative hearing procedures within 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 complying with federal law requirements.

(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 statutory and regulatory 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 statutory and regulatory 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 Chapter 13B, 154A.060(2)(g), 15.800, 15.802(9) (10), (11), (12), (13), 15.80 (7) (9), 15.836, 15.838, 237.110(4)(f)(g), 341.392, 341.420, 405.411, 405.440(4), 405.450(1), (2), (5), 405.463, 405.465, 405.467, 405.470, 405.490(4), 45 C.F.R. 303.35, 42 U.S.C. 666

(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. 302.35

(2) State compliance standards.
KRS Chapter 13B, 154A.060(2)(g), 15.800, 15.802(9) (10), (11), (12), (13), 15.80 (7) (9), 15.836, 15.838, 237.110(4)(f)(g), 341.392, 341.420, 405.411, 405.440(4), 405.450(1), (2), (5), 405.463, 405.465, 405.467, 405.470, 405.490(4)

(3) Minimum or uniform standards contained in the federal mandate.
42 U.S.C. 666

(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.