

KENTUCKY CHILD SUPPORT HANDBOOK

GLOSSARY

CSHTL No. 222

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ABSENT PARENT: Any individual who is absent from the home and is legally responsible for providing financial and/or medical support for a dependent child. The absent parent is referred to by Child Support staff as the “noncustodial parent.”

ACKNOWLEDGED FATHER: A man who has acknowledged or recognized the paternity of a child by completing, with the child’s mother, a Voluntary Acknowledgment of Paternity (VS-8B).

ADJUDICATED FATHER: The man who has been found, by entry of a legal judgment, to be the father of a child born out of wedlock.

ADJUDICATION: The formal giving, pronouncing, or recording of a judgment for one side, or a decree by a court or administrative officer.

ADMINISTRATIVE HEARING: The process whereby a noncustodial parent's objections to an administrative action taken by Child Support staff are heard by an impartial hearing officer upon a timely request.

ADMINISTRATIVE PROCESS: A method of establishing, modifying, enforcing, and collecting child support obligations. This method occurs outside the judicial system.

ADMINISTRATIVE REGULATION: A rule that is put out by a local government or by an administrative agency to regulate conduct. An administrative regulation has the same force as law.

AFFIDAVIT: A written statement made under oath before a notary public testifying that the information being provided is true and correct.

AGE OF MAJORITY: A child who has attained "legal age" or "adulthood." In Kentucky, the age of majority is 18, or age 19 for an unmarried child who is a full-time high school student, but not beyond completion of the school year during which the child reaches the age of 19 years. [Kentucky Revised Statute (KRS) 403.213 (3)] <http://www.lrc.state.ky.us/KRS/403-00/213.PDF>

AGREED JUDGMENT: A judgment reached by agreement between parties.

ALLEGED FATHER: A man named as the possible biological father of a child.

APPEAL: The request of a party to a higher court to review the ruling or decision of a lower court for possible errors that will justify overruling the lower court's judgment.

APPLICANT: A person who has completed an application for IV-D services.

ARREARAGE: The total unpaid support obligation owed by a noncustodial parent. This unpaid support may be owed to the Cabinet for Health and Family Services (CHFS) as a K-TAP, Kinship Care, or Foster Care arrearage or to the custodial parent as a non-K-TAP

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arrearage. Listed below are the following types of unpaid support obligations:

- **Accrued arrearage:** The amount of arrears that is not specified in a court or administrative order, but accrued due to nonpayment of support. Accrued arrearages are fully enforceable and automatically become a judgment on the date that the unpaid support is due.
- **Adjudicated arrearage:** The amount of arrears reduced to a judgment or specified in a court or administrative order.
- **Assigned arrearage:** Any unpaid child support owed to a custodial parent that he or she assigns to CHFS as a condition for receiving public assistance. In addition, an assigned arrearage is an arrearage that accrues during the time K-TAP or Kinship Care benefits are received.
- **Unreimbursed Assistance or URA (URG):** The terms “unreimbursed assistance” (URA) and “unreimbursed grant” (URG) mean the cumulative amount of assistance paid to a family for all months that have not been repaid by assigned support collections. The total amount of URG paid to the family that a state may recover through the IV-D program is limited by the total amount of the assigned support obligation.
- **Permanently Assigned Arrearages:** Arrearages that do not exceed the cumulative amount of URG paid to the family as of the date the family leaves the assistance rolls: (1) that are or were assigned under an assignment of support rights in effect on September 30, 1997; or (2) that accrued under an assignment entered into on or after October 1, 1997, while a family was receiving assistance. Permanently assigned arrearages are maintained on the Kentucky Automated Support and Enforcement System (KASES) with the TANFA and TAN2A extension/subaccounts.
- **Temporarily Assigned Arrearages:** Arrearages that do not exceed the cumulative amount of URG paid to the family as of the date the family left the assistance rolls, that accrued prior to the family receiving assistance, and that were assigned to the state after September 30, 1997. These arrearages are not permanently assigned and the temporary assignment will expire when the family either leaves the assistance program or on October 1, 2000, whichever date is later. These arrearages are maintained on KASES through the CAA1A/CAA2A extension/subaccounts.
- **Conditionally Assigned Arrearages:** Arrearages that do not exceed the cumulative amount of URG paid to the family as of the date the family left the assistance rolls and that are owed to the family unless they were collected through federal income tax refund offset. These are arrearages that were temporarily assigned to the state and became conditionally assigned to the state when the family left assistance. If a conditionally assigned arrearage was collected through a federal income tax refund offset, the collection is retained by the state to reimburse the state and the federal government up to the cumulative amount of URG paid to the family. For former assistance cases,

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collections of conditionally assigned arrearages by any other enforcement mechanism are paid to the family. These arrearages are maintained on KASES through the CAA1A/CAA2A extension/subaccounts. (Note: Temporarily assigned arrearages and conditionally assigned arrearages are combined into one subaccount, CAA1A/CAA2A.)

- **Never Assigned Arrearages:** All arrearages in a case when the custodial parent never received assistance. In a former assistance case, it means those arrearages that accrued after the family's most recent period of assistance ends. These arrearages are maintained in the NAA1A/NAA2A extension/subaccounts.
- **Unassigned During Assistance Arrearages:** All previously assigned arrearages that exceeded the cumulative amount of the URG paid to the family when the family left the assistance rolls and that accrued during the receipt of assistance. These arrearages are maintained in the UDA1A/UDA2A extension/subaccounts within KASES.
- **Unassigned Pre-Assistance Arrearages:** All previously assigned arrearages that exceeded the cumulative amount of URG paid to the family when the family left the assistance rolls and that accrued **prior** to the receipt of assistance. These arrearages are maintained in the NAA1A/NAA2A extension/subaccounts.

ASSIGNMENT: The written transfer of a person's or agency's rights to certain property to another person or agency. For example, in order to receive K-TAP benefits, a custodial parent, by law, automatically "assigns" to CHFS his or her rights to any child support owed on behalf of a dependent child(ren).

ASSISTANCE PAYMENT: The grant or money payment made to a needy family by either the K-TAP, Kinship Care or Foster Care (FC) programs.

BIRTHING CENTER: A birthing facility not located in a hospital.

BIRTHING HOSPITAL: A hospital that has an obstetric care unit, or provides obstetric services, or has a birthing center located within the hospital.

BOND: A written obligation to pay specified sums.

BURDEN OF PROOF: The obligation to prove what is asserted and in dispute.

CABINET FOR HEALTH AND FAMILY SERVICES (CHFS): The state agency responsible for providing services to Kentuckians in need.

CASE NOTE: A code used on KASES that indicates if arrearage calculations are complete or partially complete. A case note with an effective date gives the initial month, day, and year the arrearage accumulated.

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CENTRAL REGISTRY: The state unit within the Kentucky Division of Child Support (DCS) responsible for receiving, distributing, and monitoring incoming interstate requests for IV-D services.

CENTRALIZED COLLECTION UNIT (CCU): The single, centralized site in Kentucky where noncustodial parents, employers, and other states can send child support payments.

CERTIFIED MAIL (RETURN RECEIPT REQUESTED): A service offered by the U.S. Postal Service that gives the sender a mailing receipt to verify delivery of the document being sent. Certified mail requires the signature of, or refusal of, any adult at the noncustodial parent's address. Certified mail also can be sent to employers, banks, etc.

CERTIFIED FAMILY CHILD CARE HOME: A private home that is certified which provides child care for six or fewer children.

CHILD CARE: The provision of child care for a portion of a day on a regular basis and is designed to supplement, but not substitute for, the family's responsibility for the child's protection, development and supervision.

- **Full Time Child Care**: Child care provided to minor children for five or more hours per day for three or more days per week.
- **Part Time Child Care**: Child care provided for three days or less per week and less than five hours per day.
- **Special Needs Child Care**: A type of care provided for children who have developmental delays and/or physical, mental, or emotional disabilities. The term "special needs" can refer to a type of care or to a type of child.

CHILD SUPPORT: An obligation amount to be paid by a noncustodial parent specifically to provide for the needs of a dependent child(ren).

CHILD SUPPORT ACTION: A judicial or administrative action taken to establish an obligation amount to be paid by a noncustodial parent to provide for the needs of a dependent child.

CHILD SUPPORT ENFORCEMENT NETWORK (CSENeT): The state to state telecommunications network that transfers detailed information among states' automated child support systems. States use standard transactions to electronically request or report absent parent location, child support establishment and enforcement, as well as transfer interstate case information between states.

CHILD SUPPORT GUIDELINES: A standard method for setting the amount of a child support obligation based on the income of both parents and other factors as determined by state law. This amount varies from state to state.

(KRS 403.212) <http://www.lrc.state.ky.us/KRS/403-00/212.PDF>

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COMMON-LAW MARRIAGE: An agreement between a man and a woman who are legally competent to contract a marriage. The term refers to a marriage that occurs without a religious or a civil ceremony. The man and woman must have lived together and indicated to the community that they were husband and wife. Kentucky does not recognize common-law marriage.

COMPLAINT: The first main paper filed in a civil law suit. It includes a statement of the wrong or harm done to the plaintiff by the defendant and a request for specific help from the court. A criminal complaint is a formal document that charges a person with a crime.

CONNECT:DIRECT (C:D): A computer network maintained by the Social Security Administration that moves large volumes of data from state agencies and the National Directory of New Hires (NDNH) to the Federal Case Registry (FCR).

CONSUMER CREDIT PROTECTION ACT (CCPA): A federal law that limits the amount that can be withheld from a noncustodial parent's wages to satisfy child support obligations. States are allowed to set their own limits provided they do not exceed the federal limits.

CONSUMER REPORTING AGENCY (CRA): A credit bureau or lending institution that evaluates credit information for the purpose of furnishing reports to third parties.

CONTINUATION OF SERVICES (COS) CASE: A case in which the children previously received public assistance, no longer receive public assistance, but still receive IV-D services.

CONTINUING EXCLUSIVE JURISDICTION (CEJ): Under the Uniform Interstate Family Support Act (UIFSA), CEJ refers to the authority to modify a child support order. A state issuing a support order has CEJ as long as it remains the resident state of the noncustodial parent, the custodial parent, or the child for whose benefit the support order is issued. A state loses CEJ if: (1) no individual party or child resides in the state; or (2) each individual party to a support order files written consent, notifying that state that they wish to have a tribunal in another state modify the order, thus assuming CEJ. However, even if a state loses CEJ, its order remains valid and may be registered in another state for enforcement.

CONTRACT: An agreement that affects or creates legal relationships between two or more persons or entities.

- **Personal Service Contract**: An agreement entered into between CHFS and a **nonelected** official whereby the official agrees to assist in IV-D services for a fee not to exceed a specified amount. This agreement or contract must be approved by the Legislative Research Commission.
- **Program Administration Contract**: The performance standards that contracting officials agree to meet when they contract with CHFS to administer Title IV-D of the Social Security Act or the child support program. By signing the contract, contracting officials agree to provide the services necessary to establish paternity; secure, enforce,

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and collect support; and modify orders for children receiving IV-D services from DCS.

CONTRACTING OFFICIAL: An attorney who signs a contract with CHFS to provide Title IV-D services.

CONTROLLING ORDER: The order that is prospectively enforced.

COOPERATIVE AGREEMENT: An agreement between a law enforcement official and DCS in which the official agrees to assist in DCS activities. Entering into a cooperative agreement allows a contracting official to be eligible for reimbursement of costs related to the child support or IV-D program. Contracting officials enter into a cooperative agreement with CHFS and DCS through the Contracts and Management Branch.

COST BENEFIT RATIO: A performance measure for the contracting officials' contract and for the state in receiving federal incentive payments. The cost benefit ratio measures the cost effectiveness of the program. This ratio is determined by a county's administrative "costs" (i.e., salaries and office equipment) as they relate to the county's total child support collections

COURT ORDER: Any judgment, decree, or order of a court of this state or any other state. A court order is a **judicial order** and may or may not order child support. A **support order** can be either judicial or administrative and does order child support.

CUSTODIAL PARENT: The parent who has physical custody of the child.

DECREE: A written ruling of a court that establishes certain obligations for the parties involved in the action.

DEFAULT: The failure of a respondent/defendant to file an answer, appear in person, or appear in a civil case within the prescribed time after having been properly served with a summons and complaint.

DEFAULT JUDGMENT: A method used both administratively and judicially to establish paternity or a support order when a noncustodial parent fails to return a financial statement, to keep an appointment that was scheduled, or does not respond to a civil summons to determine paternity or a support obligation.

DEFENDANT: In a civil case, the defendant, also known as the respondent, is the person against whom relief or recovery is sought in an action suit. In a criminal case the defendant is the accused.

DEFRA DISREGARD: The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) eliminated the state's obligation to "pass through" \$50 of support a month to the child without reducing the family's welfare payments. DEFRA Disregard was discontinued effective 10-1-96.

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DEPENDENT CHILD: A child who is under the care of someone else, such as a parent. Most children who are eligible to receive child support must be dependents. Children are no longer considered dependents when they reach the "age of majority" as defined by state law (age 18 in Kentucky), but they may still be eligible for child support.

DISMISSED WITH PREJUDICE: A legal term used when judicial action is completed for a child support or paternity case meaning that this particular case **cannot** be heard again.

DISMISSED WITHOUT PREJUDICE: A legal term used when judicial action is completed for a child support or paternity case meaning that this particular case **can** be redocketed and heard at a later date.

DISTRIBUTION: The manner in which DCS processes child support collections. This process involves either the payment of collections to the family or the allotment of various portions of the collections to the state and federal governments for reimbursement of their share of K-TAP payments made to the family or of monies expended for a child in Foster Care or Kinship Care.

DIVISION OF CHILD SUPPORT (DCS): The state government agency that administers the child support program in Kentucky.

DIVORCE: A judicial action that dissolves the legal bonds of marriage.

DUE PROCESS OF LAW: The legal process by which a person is advised of the nature of a complaint against him or her and is given the right to present his or her side of the story. This process, guaranteed by the Constitution of the United States, involves the right of notification in a timely manner and the right of a fair trial where judgment is rendered only after trial.

EARNINGS: See "gross income."

ELECTRONIC FUNDS TRANSFER (EFT): The process that allows CHFS to electronically transfer child support payments to a custodial parent's checking or savings account.

EMANCIPATION: The release of a minor child from the control and supervision of his or her parents. In Kentucky, a child reaches the age of majority or is emancipated at age 18 or age 19 if still in high school. A child also becomes emancipated by marrying, becoming self supporting, or joining the armed forces.

[\[KRS 205.710\(4\)\]](#)

[\[KRS 403.213\(3\)\]](#)

ESCROW: A term that means the holding of money. A case goes into "escrow" when the **support obligation and the collection** equal or exceed the public assistance payment for the month in which the collection was received.

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EX REL: This term means “on relation” and describes when legal proceedings are instituted by a contracting official in the name of and on behalf of the Commonwealth of Kentucky or CHFS.

EXTRADITION: The surrendering by one state or country to another state or country a person who is charged with a crime, for example, flagrant nonsupport.

FAMILY SUPPORT ACT OF 1988: The Family Support Act of 1988, Public Law 100-485, provided various welfare reforms and also implemented changes in the child support program. This law addressed the injustice of the failure of some parents to provide support for their minor children. It established time limits governing the period within which a state must open a case; establish, modify, and/or enforce a support order; and distribute amounts collected as child support. This law established case closure criteria. This law also recognized that children should receive the amount of child support needed to attain at least a minimum standard of living.

FEDERAL INFORMATION PROCESSING STANDARD (FIPS) CODE: A code used to identify the state and county or territory in which a court order or support order has been filed and the state and county or territory which has jurisdiction over, or is responsible for, the enforcement of an order.

FEDERAL PARENT LOCATOR SERVICE (FPLS): The branch of federal government created for the purpose of searching federal government files to locate noncustodial parents.

FELONY: A crime that is more serious than a misdemeanor. It is an offense punishable by imprisonment for a period in excess of one year and is usually served in a penitentiary rather than a county or city jail, as is the case for a misdemeanor.

FINANCIAL INSTITUTION DATA MATCH (FIDM): FIDM is used to identify any accounts belonging to noncustodial parents who are delinquent in their child support obligations. Once identified, these accounts may be subject to levies issued by child support enforcement agencies.

FOSTER CARE PROGRAM: The FC or “Out of Home Care” program is administered under Title IV-E of the Social Security Act. It provides temporary care for a child who is separated from his or her parents or relatives because the parents or relatives are unable to give supervision and physical and/or emotional care; the child is in an abusive situation (physically, emotionally, or sexually); there are severe parent and child conflicts; the parent or child is unable to control behavior; or the family has a temporary crisis. A FC case is one in which the child meets the eligibility requirements for K-TAP but receives a FC maintenance payment and Medicaid instead of a K-TAP grant.

GARNISHMENT: A legal process whereby a person's property, money or credit, under the control of another person or entity, is withheld and applied to the payment of a debt. For

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example, child support staff might garnish a noncustodial parent's wages for payment of current child support and/or arrearages.

GENE: The portion of a chromosome that determines a particular hereditary trait such as blood type, eye color, etc.

GENETIC TESTS: Genetic tests refer to blood or tissue typing tests including, but not limited to, tests of red cell antigens, red cell isoenzymes, human leukocyte antigens, serum proteins, electrofresis, or deoxyribonucleic acid.

- **Buccal Swab:** A recognized form of genetic testing used to determine paternity, which involves a Q-tip type of instrument for collecting saliva from individuals submitting to testing.
- **Deoxyribonucleic Acid (DNA):** DNA is a chemical “blueprint” of life. A person’s DNA blueprint consists of two halves. A child inherits half of his or her DNA characteristics from the mother and the other half from the father.
- **Genetic Markers:** Genetic markers refer to separate identifiable genes or complexes of genes generally isolated as a result of blood typing. At least seven genetic markers are normally tested in a paternity proceeding.
- **Human Leukocyte Antigen (HLA):** The genetic markers found on the surface of leukocytes or white blood cells.
- **Human Leukocyte Antigen (HLA) Blood Test:** A scientific test that uses the reagents of the blood to determine the probability of paternity of an alleged father.

GOOD CAUSE: Good Cause is a term used to request the right to not cooperate with the Division of Child Support in the establishment of paternity, a support order, enforcement or modification of a support order; claiming this action is in the best interests of the child. For example, good cause exists if cooperation will result in physical or emotional harm to the child. [[KRS 205.730\(1\)](#)]

GROSS INCOME: Income from any source, 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, [KRS 403.212(2)(b)] <http://www.lrc.state.ky.us/KRS/403-00/212.PDF>

HOLDER OF AN ASSET: The person or institution **in control** of a noncustodial parent's financial resources. These resources may include property or money.

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HOME STATE: The state in which a child lived with a parent or a person acting as a parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support. If a child is less than six months old, the state in which the child lived from birth with the parent or person acting as the parent is considered the home state. A period of temporary absence is counted as part of the six month period.

HOSPITAL-BASED PATERNITY PROGRAM: A program that provides an unmarried mother and an alleged father with the opportunity to voluntarily acknowledge paternity in a hospital.

INITIATING STATE: The state that forwards a petition or comparable pleading to a responding state.

INITIATING TRIBUNAL: An authorized court or administrative agency, that initiates the action in an interstate case. Kentucky may serve as an initiating tribunal to forward proceedings to another state. (See "Tribunal.")

INTERCEPT PROJECTS SECTION (IPS): The unit within DSC that is responsible for state and federal income tax refund intercept cases and passport denial cases. IPS calculates arrearages and verifies account balances for federal/state income tax refund intercept and unemployment insurance cases. IPS handles bankruptcy cases, takes action on cases involving deceased or incarcerated noncustodial parents. IPS also determines the allocation, distribution, and disbursement of payments obtained through automated enforcement and collection processes and, if needed, requests adjustments to accounts affected by these processes.

ISSUING STATE: The state in which a tribunal issues a support order or renders a judgment determining parentage.

ISSUING TRIBUNAL: An authorized court, administrative agency, or quasi-judicial entity that issues a support order or renders a judgment determining parentage.

JUDGMENT: An official ruling of the court upon the respective rights of the parties to a certain action.

JUDICIAL PROCESS: The court's establishment, modification, enforcement and collection of child support orders. This process can also be referred to as **judicial remedy** and, more specifically, may refer to action related to the function of judges.

JURISDICTION: The geographic area over which a court or officer of the court has legal authority.

KENTUCKY AUTOMATED SUPPORT AND ENFORCEMENT SYSTEM (KASES): KASES is the automated child support computer system. It provides a record of child support cases and distributes and disburses child support collections.

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KENTUCKY TRANSITIONAL ASSISTANCE PROGRAM (K-TAP): Formerly known as AFDC, K-TAP is the program that issues payments made on behalf of children who are deprived of one or both of their parents. These monetary payments are guaranteed under Title IV-A of the Social Security Act. This program is also known as welfare or public assistance.

KINSHIP CARE PROGRAM: The Kinship Care Program facilitates permanency for children who have been or may be removed from their home. Kinship Care is an alternative to Foster Care placement and is provided to children who may otherwise be placed by CHFS in Foster Care due to: death of both parents or a substantiated finding of abuse or neglect by CHFS per KRS 600.020(1); or by another state that arranges for placement of a child per the Interstate Compact. A child is placed in Kinship Care when a determination has been made that placement with a relative versus a nonrelative is in the best interest of the child, and the child meets all the eligibility TANF requirements in 921 Kentucky Administration Regulation (KAR) 2:006.

LAW ENFORCEMENT OFFICIAL (LEO): An elected or appointed officer of the court who is responsible under state law for the initiation and enforcement of child support and paternity actions.

LEGITIMATE CHILD: A child born during lawful wedlock or within a common-law relationship in a state that recognizes common-law marriage. A legitimate child also is a child conceived before marriage but legitimized by the marriage of the parents prior to his or her birth.

LICENSED CHILD CARE FACILITY: A licensed child care facility refers to a child care service that is regulated by the Office of Inspector General, Division of Licensed Child Care. It regularly provides full or part time care, day or night.

- **A Type I Licensed Child Care Facility** is a free standing facility that provides care to 13 or more children.
- **A Type II Licensed Child Care Facility** is a private home that provides care for seven to 12 children.

LIEN: A legal method that enables CHFS to take and either sell or hold the property of a debtor, specifically, a noncustodial parent, as payment for a debt. A lien is used as an enforcement remedy to collect past-due support, as well as support accruing after the lien is filed.

LONG-ARM STATUTE: Long-arm statutes refer to various state legislative acts that provide for state jurisdiction over **nonresidents** of that state. These laws allow the local court where the child resides to obtain personal jurisdiction over a defendant who lives in another state when the child was conceived in Kentucky or when the marital residence was in Kentucky.
Paternity: ([KRS 454.210](#))
Child Support: ([KRS 454.220](#))

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MEDICAID: The Medicaid program is administered under Title XIX of the Social Security Act. It is the federally funded, state administered program that provides medical assistance. People receiving public assistance and Supplemental Security Income (SSI) benefits are eligible for Medicaid.

MINOR: A child who has not reached the age of majority or who is not emancipated.

MISDEMEANOR: A criminal offense lower than a felony. It is generally punishable by a fine or imprisonment (other than in a penitentiary) for less than one year.

MISTAKE OF FACT: This term means that either the obligation amount and/or the arrearage amount is incorrect or DCS has identified the wrong person.

MOTION: An application to a magistrate or judge for an order or ruling.

NATIONAL DIRECTORY OF NEW HIRES (NDNH): A national database containing New Hire (NH) and Quarterly Wage (QW) data from every state and federal agency and Unemployment Insurance (UI) data from State Employment Security Agencies (SESAs). Data contained is first reported to each state's State Directory of New Hires (SDNH) and then transmitted to the NDNH. OCSE maintains the NDNH as part of the expanded FPLS.

NATIONAL MEDICAL SUPPORT NOTICE (NMSN): The NMSN Form CS-72 is a standardized federal form that all state child support enforcement agencies are required to use. It is designed to assist employers, who in the past received many different types of documents from states, to enroll children of noncustodial parents in employers' health insurance plans. Use of the NMSN is intended to simplify processing for employers and plan administrators, to improve health care coverage for children, and to save tax dollars for medical assistance programs.

NET INCOME: That part of a person's earnings or wages that remain after all deductions from his or her pay that are required by law are withheld.

NONCUSTODIAL PARENT: The parent who does not have physical custody of the child. When used by DCS, this term may also be used to describe the alleged father in a paternity case.

NONDISCLOSURE FINDING: A finding that the health, and safety of a party or child will be unreasonably put at risk by revealing identifying information (e.g., residential address). UIFSA requires that interstate petitions must include certain identifying information regarding the parties and child(ren) unless a tribunal makes a nondisclosure finding by ordering that the address or identifying information not be disclosed.

NON-IV-D: A private case that is not being enforced by the state or local child support agency. The child support agency acts as a fiscal agent for disbursing a noncustodial parent's child support payments.

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NON-K-TAP: A case in which a child receives IV-D services, but does not receive public assistance. This is a case in which the custodial parent has completed an application to receive IV-D services.

NONPARENTAL CUSTODIAN: A custodian who is not a mother or father, but is a relative, such as a grandmother, aunt, uncle, cousin, etc. A nonparental custodian also may be a guardian.

NONSUPPORT: The failure of a noncustodial parent to provide support that he or she can reasonably provide and that he or she knows there is a duty to provide to a minor child or to a child adjudged to be disabled. Nonsupport is a misdemeanor.

[\[KRS 530.050\(1\)\]](#)

- **Flagrant NonSupport:** A person who persistently fails to provide support that he or she can reasonably provide and that he or she knows he or she has a duty to provide by virtue of a court or administrative order to a minor or to a child adjudged mentally disabled. Flagrant nonsupport results in an arrearage of not less than one thousand dollars (\$1,000), or six (6) consecutive months without payment of support. Flagrant nonsupport is a felony.

[\[KRS 530.050 \(2\)\]](#)

NOTARY PUBLIC: A person authorized by law to attest by his or her signature and seal on a document that the person who signed the document was, in fact, the person whose name appears on the document.

OBLIGATION AMOUNT (OA): The amount of child support that a noncustodial parent has been ordered to pay through an administrative or judicial action.

OFFICE OF CHILD SUPPORT ENFORCEMENT (OCSE): The federal branch of the Department of Health and Human Services that is responsible for administering the IV-D program.

PATERNITY: The process by which the father of a child is definitely and legally identified.

- **Paternity Action:** Judicial action taken under state law (KRS Chapter 406) to determine the father of a child born out of wedlock.
- **Contested Paternity:** A method in which a man, the alleged father, can deny or dispute the fact that he is the father of a child.
- **Paternity Index:** The commonly accepted indicator used for denoting the existence of paternity. It represents the mathematically computed probability that the putative or alleged father is the true father of the child, as opposed to any other man of similar racial background. The paternity index, computed using results of various genetic tests following accepted statistical principles for the computation of probability, is in

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accordance with the method of expression accepted by the American Association of Blood Banks.

- **Combined Paternity Index (CPI):** CPI is calculated as the product of the paternity indexes for each individual tested. CPI is the likelihood of the alleged father (or a man genetically identical to the alleged father) contributing the paternal genes to the child divided by the likelihood of another unrelated man of the same race contributing the paternal genes.
- **Probability of Paternity:** The probability of paternity is expressed as a frequency or percentage and incorporates the paternity index and a prior probability. It compares the likelihood that the tested man may pass the required genes to the likelihood that an untested random man of the same race may pass these genes.
- **Voluntary Acknowledgment of Paternity:** This term applies to Office of Vital Statistics forms VS-8 (Declaration of Paternity); VS-8B (Voluntary Acknowledgment of Paternity); and the VS-8C (Three-Way Paternity Affidavit). Completion of any of these forms administratively establishes paternity and creates a duty of support. Each form carries the same weight and authority as a paternity judgment.

PAYEE: The person or organization to whom child support is paid.

PAYEE CONVERSION: The action taken by CHFS to transfer the payment of support from one party to another, either from the custodial parent/nonparental custodian to CHFS or from CHFS to the custodial parent/nonparental custodian.

PAYMENT AGREEMENT: An agreement to formalize a payment schedule with a noncustodial parent who owes past-due child support.

PAYOR: The noncustodial parent who is responsible for paying child support on behalf of a dependent child.

PERSONAL JURISDICTION: A state tribunal that has the legal authority to make decisions which directly affect an individual.

PERSONAL PROPERTY: Any belongings of a noncustodial parent that are **moveable**, such as boats, vehicles or trailers.

PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996 (PRWORA or WELFARE REFORM): Welfare Reform was passed by Congress on August 1, 1996, and signed into law by President Clinton on August 22, 1996. Welfare Reform provided for a number of child support provisions designed to augment the current federal-state child support enforcement program contained in Title IV-D of the Social Security Act. Welfare Reform seeks to ensure that more children receive the support to which they are entitled.

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PERSONAL SERVICE: The "in person" notification of legal action. Personal service is considered to have been completed when a caseworker or sheriff actually hands the document indicating legal (administrative or judicial) action to the noncustodial parent. Personal service is used when mail cannot be delivered to a noncustodial parent, or when personal service is required by law.

- **Diligent Effort:** An attempt to obtain personal service through the sheriff's office or other law enforcement official **twice** and an attempt to serve by certified mail **once** within 60 calendar days. If these efforts fail, "diligent effort" includes referral to the SPLS.

PETITION: A request from someone to a court asking that the court use its authority to resolve a question or grant a favor. A petition may also refer to a formal written request submitted to the court that asks for a certain action to be taken.

PETITIONER: The party who is filing the petition and bringing the action. Some states list the individual who is the moving party (i.e., the custodial parent seeking support or the noncustodial parent seeking modification of an existing order) as the petitioner. Other states list the initiating state child support agency as the petitioner, particularly for cases in which the obligee has assigned support rights to the state, since the agency is bringing action on behalf of a party.

PLAINTIFF: The person or petitioner who brings an action to court or the party who complains or sues in a civil case.

PRESUMED FATHER: A man who is considered to be the father of a child by reasonable assumption. A man can be presumed to be the father of a child when: 1) he signs the child's birth certificate, or 2) he is married to a woman and a child is born during the marriage or within ten months thereafter. [[KRS 406.011](#)]

PRIORITIZATION: A method of categorizing or ranking cases according to the likelihood of successfully initiating paternity or child support action and enforcing and collecting child support payments. Cases are prioritized as workable, unworkable, and closed. Prioritization, may also be called Case Assessment.

PUTATIVE FATHER: A man who believes he is the father of a child.

REAL PROPERTY: A noncustodial parent's belongings that are fixed, permanent, or **immovable**. Real property includes buildings and land.

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REBUTTABLY PRESUMED: An assumption that holds good until evidence to the contrary is presented in a court of law. For example, either the mother or father may petition the court to declare within 60 days that the father is not the biological father of the child. If the alleged father is excluded as the father, the court must order that the alleged father's name be removed from the birth certificate.

[\[KRS 406.025\(2\)\]](#)

REGISTERED: This term refers to the process of filing a support order or judgment determining paternity with CHFS.

REGISTERING TRIBUNAL: A tribunal that registers a support order. (See "Tribunal.")

REGISTRATION OF A FOREIGN JUDGMENT OR SUPPORT ORDER: A procedure under Kentucky statute whereby a support order from another state or country is registered in a Kentucky county. A foreign judgment or support order that is registered in Kentucky is worked in the same manner as a judgment or support order issued by a Kentucky court.

RESPONDENT: The party who must respond to the action that is being filed. For example, if the custodial parent is the petitioner who is seeking support from the noncustodial parent, then the noncustodial parent is the respondent. However, if the noncustodial parent is the petitioner seeking to establish his paternity of the child(ren) or to modify an existing support order, then the custodial parent is the respondent.

RESPONDING STATE: The state to which a petition or comparable pleading is forwarded.

RESPONDING TRIBUNAL: The authorized tribunal in a responding state. (See "Tribunal.")

RESTRICTED MAIL, RETURN RECEIPT REQUESTED: It is used to send correspondence to a noncustodial parent's work address. Restricted mail is addressed to the noncustodial parent in care of the employer.

RETIREMENT, SURVIVORS, AND DISABILITY INSURANCE (RSDI) BENEFITS: Social Security benefits payable under Title II of the Social Security Act to retirees, survivors, or disabled individuals. The amount of these benefits is based on the amount of money an individual has paid into the Social Security system. A child can receive these benefits, up to the age of 18, based on the parent's retirement, death, or disability. Social Security Disability may also be referred to as SSD.

SEPARATION AGREEMENT OR SEPARATE MAINTENANCE ORDER: A document that provides for the distribution of property for child support. This agreement may be incorporated into the divorce decree by reference.

SPECIFIED RELATIVE (SR): A relative specified by the IV-A agency as one with whom a child may live and be eligible for public assistance or medicaid. The relative provides care, supervision and a home for the child.

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- **Responsible specified relative** refers to the natural or adoptive parents of a minor child.
- **Nonresponsible specified relative** refers to any blood relative (to a certain degree) such as a grandmother, grandfather, sister or brother.

SPOUSAL SUPPORT ORDER: A support order for a spouse or former spouse of the noncustodial parent. [Also referenced to as maintenance]

STATE: A state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. It also includes an Indian tribe and any foreign jurisdiction that has established procedures for issuance and enforcement of support orders similar to the procedures of UIFSA, URESA, or RURESA.

STATE DISBURSEMENT UNIT (SDU): PRWORA requires all state child support programs to establish a State Disbursement Unit (SDU) for the collection and disbursement of child support payments. SDUs must be able to receive payments in cases receiving services from the Child Support Program and in other child support cases with income withholding orders issued after January 1, 1994. SDUs must be able to furnish information to parents regarding the status of the payments. Once payments are received, SDUs must disburse child support collections within two business days. SDUs ensure that there is no delay in getting child support to children.

STATE PARENT LOCATOR SECTION (SPLS): The state unit within DCS that is responsible for locating noncustodial parents. This includes addresses, employers, and social security number verification. SPLS provides services to child support staff, and out of state agencies.

STATUTE: A law enacted by the state legislature. A statute prohibits an action or demands or declares that some action be taken.

STATUTE OF LIMITATIONS: A legislative enactment that prescribes the period of time within which a civil suit must be brought upon a certain claim. In criminal law, the statute of limitations determines the time within which a state must initiate a prosecution for an offense.

STATUTORY BENEFIT: A money payment someone receives from a governmental agency or program as the result of a law or statute. Examples of such benefits are Social Security and Veteran's benefits.

SUBPOENA: A court's or an administrative agency's process or a form, either of which can be used to bring a witness or evidence before the court or administrative agency and require the witness to give testimony.

SUMMARY JUDGMENT: A decision of a court concerning the merits of a lawsuit that is

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rendered on the motion of a party when the pleadings, depositions, answers to interrogatories, and admissions on file, together with affidavits, show that there is no genuine issue as to any material fact. A summary judgment is a court decision that shows that the party who made the motion is entitled to a judgment as a matter of law.

SUMMONS: A written document directed to a sheriff or other proper official that requires the sheriff/official to notify the person named on the summons that an action has been taken against him or her. The summons notifies the person to appear in court at a specified day and time.

SUPPLEMENTAL SECURITY INCOME (SSI) BENEFITS: Money payments made to the aged, blind, or disabled. These payments are made possible under Title XVI of the Social Security Act. SSI payments are paid to those who have not paid (or have not paid enough) into the Social Security system and therefore do not qualify for full Social Security benefits. SSI benefits are based solely on age or disability. Unlike RSDI benefits, children are not automatically eligible for SSI because their parents receive SSI. They can, however, receive SSI based on their **own** blindness or disability up to the age of 18.

SUPPORT ORDER: An order issued by an administrative agency or a court of law that directs a noncustodial parent to pay an amount of money to the custodial parent for the benefit and support of a child.

SUSPENSE COLLECTIONS: Payments received by DCS that cannot be identified and matched to a specific IV-D account. These payments are placed in a "suspense" account until the appropriate information is obtained, which will identify the payments.

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF): The TANF program replaced the former Aid to Families with Dependent Children (AFDC) program. Under TANF, states, territories, and tribes each receive a block grant allocation to cover benefits, administrative expenses and services. States, territories, and tribes determine eligibility and benefit levels and services provided to needy families.

TERMINATION OF PARENTAL RIGHTS (TPR): A judicial proceeding which ends the legal relationship between a parent and a child. Termination may be voluntary or involuntary.

TITLE IV, PART A (OR IV-A): Provides state funding for K-TAP, Kinship Care, etc. benefits to encourage the care of dependent children in their own homes or in the homes of relatives by enabling each state to provide financial assistance to dependent children and their relatives.

TITLE IV, PART D (OR IV-D): Provides state funding for the establishment, modification, enforcement, and collection of support obligations owed to children by their noncustodial parents. This money provides funding for locating noncustodial parents, establishing paternity, and assuring that assistance in obtaining support will be available to all children, regardless of whether they are eligible for Title IV-A benefits.

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TITLE IV, PART E (OR IV-E): Provides funding to enable each state to provide Foster Care and transitional living programs for children who otherwise would be eligible for assistance under Title IV-A.

TITLE XIX: Title XIX of the Social Security Act provides for the administration of the Medicaid program.

TRIBUNAL: A court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

UNREIMBURSED GRANT (URG): URG is the portion of the K-TAP grant that is left unpaid after all money retained by CHFS has been distributed.

UNIFORM INTERSTATE FAMILY SUPPORT ACT (UIFSA): A 1992 law developed for states to replace URESA as the new interstate statute to govern the establishment, enforcement, and modification of child support orders and the establishment of paternity for cases when the noncustodial parent lives in a different state than his or her child(ren). PRWORA required all states and jurisdictions to adopt the revised version of UIFSA into their state law no later than January 1, 1998.

UNWORKABLE CASE: A case in which the potential for successfully completing action is presently low due to the noncustodial parent's current circumstance or the lack of a current address for the noncustodial parent. (See "Prioritization".)

VENUE: Venue is the county or other geographical area in which a court has jurisdiction and can try a case.

VERDICT: The formal decision made by a trial jury as to the matters of fact which were submitted to it.

VOLUNTARY PAYMENT: A payment made by a noncustodial parent to his or her child when there is not a support order.

WAGE ASSIGNMENT: The process whereby an employer sends a portion of the noncustodial parent's wages or income to CCU as payment for child support. A wage assignment also may be called income withholding.

WARRANT: An order authorizing an officer to make an arrest, seizure, or search or perform some other designated act.

WITHHOLDING OF INCOME OR INCOME WITHHOLDING: See "Wage Assignment"

WORKABLE CASE: A case that does not meet unworkable criteria or case closure criteria. A workable case has the potential for action to be successfully completed for the case. (See "Prioritization".)