

205.710 Definitions for KRS 205.712 to 205.800.

As used in KRS 205.712 to 205.800, unless the context clearly dictates otherwise:

- (1) "Cabinet" shall mean the Cabinet for Health and Family Services;
- (2) "Secretary" shall mean the secretary of the Cabinet for Health and Family Services;
- (3) "Court order" shall mean any judgment, decree, or order of the courts of this state or any other state. For the purposes of KRS 205.715 to 205.800, 403.215, 405.405 to 405.520, and 530.050, it shall also include an order of an authorized administrative body;
- (4) "Dependent child" or "needy dependent child" shall mean any person under the age of eighteen (18), or under the age of nineteen (19) if in high school, who is not otherwise emancipated, self-supporting, married, or a member of the Armed Forces of the United States and is a recipient of or applicant for services under Part D of Title IV of the Social Security Act;
- (5) "Duty of support" shall mean any duty of support imposed or imposable by law or by court order, decree, or judgment, whether interlocutory or final, and includes the duty to pay spousal support that applies to spouses with a child even if child support is not part of the order or when spousal support is assigned to the cabinet and arrearages of support past due and unpaid in addition to medical support whenever health-care coverage is available at a reasonable cost;
- (6) "Recipient" shall mean a relative or payee within the meaning of the Social Security Act and federal and state regulations who is receiving public assistance on behalf of a needy dependent child;
- (7) "Consumer reporting agency" means any person or organization which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports;
- (8) "Obligor" means a parent who has an obligation to provide support;
- (9) "Employer" means any individual, sole proprietorship, partnership, association, or private or public corporation, the United States or any federal agency, this state or any political subdivision of this state, any other state or a political subdivision of another state, or any other legal entity which hires and pays an individual for his services;
- (10) "Income" means but is not limited to any of the following:
 - (a) Commissions, bonuses, workers' compensation awards attributable to lost wages, retirement and pensions, interest and disability, earnings, salaries, wages, and other income due or to be due in the future from a person's employer and successor employers;
 - (b) Any payment due or to be due in the future from a profit-sharing plan, pension plan, insurance contract, annuity, Social Security, proceeds derived from state

lottery winnings, unemployment compensation, supplemental unemployment benefits, and workers' compensation; and

- (c) Any amount of money which is due to the obligor under a support order as a debt of any other individual, partnership, association, or private or public corporation, the United States or any federal agency, this state or any political subdivision of this state, any other state or a political subdivision of another state, or any other legal entity which is indebted to the obligor;
- (11) "Earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and notwithstanding any other provision of law exempting such payments from garnishment, attachment, or other process to satisfy support obligations and specifically includes periodic payments from pension and retirement programs and insurance policies of any kind. Earnings shall include all gain derived from capital, from labor, or both, including profit gained through sale or conversion of capital assets and unemployment compensation benefits, or any other form of monetary gain. The term "disposable earnings" means that part of earnings remaining after deductions of any amounts required by law to be withheld;
- (12) "Enforce" means to employ any judicial or administrative remedy under KRS 405.405 to 405.420 and KRS 405.991(2) or under any other Kentucky law;
- (13) "Need" includes, but is not limited to, the necessary cost of food, clothing, shelter, and medical care. The amount determined under the suggested minimum support obligation scale shall be rebuttably presumed to correspond to the parent's ability to pay and the need of the child. A parent shall be presumed to be unable to pay child support from any income received from public assistance under Title IV-A of the Social Security Act, or other continuing public assistance;
- (14) "Parent" means a biological or adoptive mother or father of a child born in wedlock or a father of a child born out of wedlock if paternity has been established in a judicial proceeding or in any manner consistent with the laws of this or any other state, whose child is entitled to support, pursuant to court order, statute, or administrative determination; and
- (15) "Real and personal property" includes all property of all kinds, including but not limited to, all gain derived from capital, labor, or both; compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise; periodic payments from pension and retirement programs; and unemployment compensation and insurance policies.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 99, sec. 265, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 100, sec. 6, effective July 15, 1998; ch. 255, sec. 4, effective July 15, 1998; and ch. 426, sec. 219, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 365, sec. 1, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 330, sec. 1, effective July 15, 1994. -- Amended 1988 Ky. Acts ch. 411, sec. 1, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 487, sec. 1, effective July 15, 1986. -- Created 1974 Ky. Acts ch. 343, sec. 2.

Legislative Research Commission Note (7/15/98). This section was amended by 1998 Ky. Acts chs. 100, 255, and 426. Where these Acts are not in conflict, they have been

codified together. Where a conflict exists between ch. 100 and ch. 255, Acts ch. 255, which was last enacted by the General Assembly, prevails under KRS 446.250.