GENERAL GOVERNMENT
Department of Military Affairs

(New Administrative Regulation)

106 KAR 2:031. National Guard Adoption Benefit Program.

RELATES TO: KRS 36.474, 36.477, 199.555(1)

STATUTORY AUTHORITY: KRS 36.477(8)

NECESSITY, FUNCTION AND CONFORMITY: KRS 36.477(8) requires the Department of Military Affairs to promulgate administrative regulations to implement the Kentucky National Guard Adoption Assistance Program. This administrative regulation establishes the requirements for the Kentucky National Guard employee adoption assistance program.

Section 1. Kentucky National Guard Adoption Benefit Program Application Procedures.

(1) An eligible member of the Kentucky National Guard applying for funds under KRS 36.477 shall submit a completed Kentucky National Guard Adoption Benefit Program Application.

(2) The application shall be submitted to the Department of Military Affairs, along with:

(a) The documentary evidence required by KRS 36.477(5);

(b) A copy of the Affidavit of Expenses related to the adoption filed with and approved by the court at the finalization of the adoption; and
Section 2. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Kentucky National Guard Adoption Benefit Program Application", May 2022;

(b) "Affidavit of Expenses", May 2022; and

(c) "Adoption Reimbursement Request Letter", May 2022.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Military Affairs, 100 Minutemen Parkway, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (38 Ky.R. 2108; 39 Ky.R. 199; 8-21-12.)
Judith A. Brown, Director, Administrative Services Division
Kentucky Department of Military Affairs
Administrator, Military Family Assistance Trust Fund

Dr. Dallas F. Kratzer II, Lt. Col. Retired (KYANG)
Chair of Board
Military Family Assistance Trust Fund

Haldane B. Lamberton, MG, KYNG
The Adjutant General
Kentucky Department of Military Affairs

APPROVED BY AGENCY: June 7, 2022
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Wednesday, August 24, 2022, at 12:30 p.m. Eastern Time at 100 Minuteman Parkway, Bldg. 100, Room 202 (EOC 2nd Floor Conference Room) Frankfort, Kentucky 40601. Individuals interested in being heard at 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 the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. 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 the proposed administrative regulation. Written comments shall be accepted through August 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact person: Corey Ann Howard Jackson, Legislative Liaison and Policy Specialist, Department of Military Affairs, 100 Minuteman Parkway, Frankfort, KY 40601, phone (502) 330-3323, fax (502) 607-1240, email corey.a.jackson23.ngf@army.mil.
REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

106 KAR 2:031. National Guard adoption benefit program.
Contact Person: Corey Ann Howard Jackson
Phone: (502) 330-3323
Email: corey.a.jackson23.nfg@army.mil

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for the Kentucky National Guard (KYNG) employee adoption assistance program, specifically application procedures and required documentation.

(b) The necessity of this administrative regulation: This regulation is critical to provide guidance in the execution of this program pursuant to the basic law.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation establishes the application procedure and application form, Affidavit of Expenses, and the Adoption Reimbursement Request Letter necessary to receive assistance under the KYNG Adoption Benefit Program.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the Military Family Assistance Trust (MFAST) Fund Board and the Adjutant General in the execution of this program for approving applications.

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

(a) How the amendment will change this existing administrative regulation: N/A

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the content of the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation involves the KYNG Adjutant General’s Office, and the Department of Military Affairs’ (DMA) Administrative Services Division.

(4) Provide an analysis of how the entities identified in question (3) 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 (3) will have to take to comply with this administrative regulation or amendment: This regulation is written to provide guidance in assisting actively serving members of the KYNG with request for reimbursement of adoption costs associated with the adoption process. DMA's Administrative Services Division processes all applications ensuring required documents are included. The KYNG Adjutant General approves the completed applications with all required documents.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no cost for any entity.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This regulation will allow for the establishment of guidance on how to execute this trust fund and assist the KYNG member in obtaining reimbursement of adoption fees to assist in the adoption process.

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

(a) Initially: The KYNG Adoption Assistance Program will utilize funding available in the MFAST Fund, operated under DMA, which was initially funded $500,000 per HB 380 2006RS (KyActs 252), and retains a current balance of approximately $275,000, to establish and provide grants to applicants.

(b) On a continuing basis: The Kentucky General Assembly has provided funding is anticipated to be allotted to the MFAST Fund on an as-needed basis by the Kentucky General Assembly. The Kentucky General Assembly 2022 regular session allotted $100,000 to the MFAST Fund for each fiscal year in the biennium FY 2022-2024.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of this trust fund is general fund dollars as well as any grants, contributions, appropriations, or other moneys made available for the purpose of the trust fund either public or private.

(7) 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: The current historic use of the adoption benefit program for KYNG members is approximately $11,000 annually. However, this program was updated by HB 206 on March 15, 2021 to match the adoption reimbursement of state employees. KYNG members are now able to receive $5000 for reimbursement of adoption of children without special needs and $7000 for children with special needs. Therefore, there is the anticipated increase in reimbursement for future applications.

(8) State whether this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish or relate to fees.
(9) TIERING: Is tiering applied? Tiering was not used. The regulation will not reduce or modify substantive regulatory requirements, eliminate some requirements entirely, simplify and reduce reporting and recordkeeping requirements, reduce the frequency of inspections, provide exemptions from inspections and other compliance activities, or delay compliance timetables.
FISCAL NOTE

106 KAR 2.031 National Guard Adoption Benefit Fiscal Note
Contact Person: Corey Ann Howard Jackson
Phone: (502) 330-3323
Email: corey.a.jackson23.nfg@army.mil

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? DMA Administrative Services Division, KYNG.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 35.477

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. N/A

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? N/A

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? N/A

(c) How much will it cost to administer this program for the first year? N/A

(d) How much will it cost to administer this program for subsequent years? N/A

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.
Revenues (+/-): 
Expenditures (+/-): 
Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect. N/A

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? N/A

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? N/A

(c) How much will it cost the regulated entities for the first year? N/A

(d) How much will it cost the regulated entities for subsequent years? N/A

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):
Expenditures (+/-):
Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars ($500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] N/A
SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

The Kentucky National Guard Adoption Benefit Program Application is the form that Kentucky National Guard members must submit to apply for reimbursement for Adoption Fees from the Military Family Assistance Trust (MFAST) Fund. The Adoption Reimbursement Request Letter is the form that identifies the total amount of reimbursement requested. The Affidavit of Expenses form is the notarized record of actual expenses incurred for the adoption. KRS 36.474 allows the MFAST board to promulgate administrative regulations to carry out the provisions of KRS Chapter 36. This administrative regulation instructs on the procedure to comply with that statute. 106 KAR 2.031 establishes the forms and the process to apply for reimbursement of adoption fees.
Judith A. Brown, Director, Administrative Services Division
Kentucky Department of Military Affairs
Administrator, Military Family Assistance Trust Fund

Dr. Dallas F. Kratzer II, Lt. Col. Retired (KYANG)
Chair of Board
Military Family Assistance Trust Fund

Haldane B. Lamberton, MG, KYNG
The Adjutant General
Kentucky Department of Military Affairs

APPROVED BY AGENCY: June 7, 2022
DATE:

TO: The Adjutant General of Kentucky  
  (c/o Director, DMA Division of Administrative Services)

FROM:

SUBJECT: KYNG Adoption Benefit Program Reimbursement Request

Please be advised that in accordance with 106 KAR 2:031, I am submitting an application to the Kentucky Department of Military Affairs seeking reimbursement for expenses associated with the recent adoption of my child. The requested amount of reimbursement will be $ ____________.

Kentucky National Guard Member Rank/Name

Date

Unit of Assignment
AFFIDAVIT OF EXPENSES

Comes the Affiant, and being duly cautioned and sworn, for his/her Affidavit in support of this National Guard Adoption Benefit Program Application, deposes and states as follows:

1. That my name is ______________________, and I am an active member of the Kentucky National Guard;
2. That on ___________(date) I traveled to ________________(location) for adoption purposes;
3. That I have adopted (name of adopted child(ren)):

4. That I have incurred expenses of $____________ during the adoption process;
5. That I incurred travel expenses of $____________;
6. That I incurred court costs and attorney fees of $____________; and
7. That I am submitting a National Guard Adoption Benefit Program Application to the Kentucky Department of Military Affairs and that every document and record that I have submitted or will submit to the Department of Military Affairs is a complete and accurate representation of the expenses that I incurred during the adoption process.

Further, Affiant sayeth naught.

________________________________________
Name of Affiant

COMMONWEALTH OF KENTUCKY )
) SS:
COUNTY OF __________ )

Sworn to and subscribed before me, a Notary Public, Commonwealth of Kentucky by ____________________________ this ______ day of __________, ______.
(Name of Affiant) (day) (month) (year)

________________________________________
Notary Public

My Commission Expires: ____________________________
Kentucky National Guard
Adoption Benefit Program Application
(May 31, 2022 Version)

Date of Application: ____________________________________________

National Guard Member Rank/Name: __________________________________
(Rank, Last, First, MI)

Unit of Assignment: ____________________________________________

Unit Address: __________________________________________________

Unit Phone Number: ____________________________________________

Spouse Name: __________________________________________________
(Last, First, MI – Rank, if an active military member)

Address: ______________________________________________________
(Street, City, State, Zip)

Personal Phone Numbers: ________________________________________
(Home/Work/Cell)

Member Email Address: _________________________________________

Name of Adopted Child: _________________________________________

Date of Birth of Adopted Child: ________________________________

Date of Legalized Adoption (attach Adoption Decree): ____________

Special Needs Eligibility (Circle One) - YES / NO
(attach verification from the Cabinet for Health and Family Services if applying for more than $5,000 in assistance)

SIGNATURES:

Applicant: _____________________________________________________

Spouse: _______________________________________________________