

1 AN ACT relating to the Kentucky National Guard and declaring an emergency.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 36.474 is amended to read as follows:

4 (1) During active duty of a regular member of the United States Armed Forces  
5 deployed outside the United States who names Kentucky as home of record for  
6 military purposes~~[,]~~ or any member of a state National Guard or a Reserve  
7 component who names Kentucky as home of record for military purposes~~[, and for~~  
8 ~~one hundred eighty (180) days following the end of deployment under Title 10 or~~  
9 ~~32 of the United States Code or KRS 38.030]~~, as appropriate, trust fund moneys  
10 shall be used to support:

11 (a) The person who names Kentucky as home of record for military purposes;

12 (b) The person's Kentucky resident spouse;

13 (c) The person's dependent or dependents; or

14 (d) A group of several members of the military or their families as described in  
15 paragraphs (a) to (c) of this subsection.

16 (2) An application for a trust fund grant may be filed by the member who names  
17 Kentucky as home of record for military purposes or his or her Kentucky resident  
18 spouse. The application shall be accompanied by an appropriate authorization to  
19 access personnel information contained in the military database Defense Enrollment  
20 Reporting System (DEERS) for verification purposes.

21 (3) Subject to the availability of trust fund moneys, the adjutant general shall award a  
22 grant to an applicant described in paragraphs (a) to (c) of subsection (1) of this  
23 section if that person's application is need-based, and the amount of the grant does  
24 not exceed the dollar cap established by the board through the promulgation of  
25 administrative regulations under KRS Chapter 13A. An application shall be need-  
26 based if:

27 (a) Funds are requested for necessary expenses incurred, or to be incurred.

1 Necessary expenses shall include but not be limited to:

2 1. Housing;

3 2. Utilities;

4 3. Groceries;

5 4. Health insurance copay; and

6 5. Child care;

7 (b) The necessary expenses created, or will create, an undue hardship on a person  
8 referred to in subsection (1) of this section;

9 (c) The applicant does not have reasonable access to any other funding source,  
10 whether public or private; and

11 (d) The military family assistance trust fund is the last resort.

12 (4) Subject to the availability of trust fund moneys, the adjutant general may expend  
13 trust fund money, in amounts not to exceed the dollar cap established by the board  
14 through the promulgation of administrative regulations under KRS Chapter 13A, to  
15 benefit individuals described in subsection (1)(d) of this section if:

16 (a) The individuals have a demonstrated need that affects their health, safety, or  
17 well-being; and

18 (b) A majority of the members of the military family assistance trust fund board  
19 has approved the expenditure, verbally or in writing.

20 (5) Subject to the availability of trust fund moneys, the director of the Kentucky  
21 National Guard Family Services Program ~~within the Kentucky Department of~~  
22 ~~Military Affairs~~ may expend trust fund money, in amounts not to exceed the dollar  
23 cap established by the board through the promulgation of administrative regulations  
24 under KRS Chapter 13A, to benefit individuals described in subsection (1) of this  
25 section if:

26 (a) The individuals have a demonstrated need that affects their health, safety, or  
27 well-being; and

1 (b) A majority of the members of the military family assistance trust fund board  
2 has approved the expenditure, verbally or in writing.

3 (6) Subject to the availability of military family assistance trust fund moneys, the  
4 adjutant general shall expend trust fund money to eligible applicants to the  
5 Kentucky National Guard Adoption Assistance Program as provided in KRS  
6 36.477. Eligible applicants to the Kentucky National Guard Adoption Assistance  
7 Program shall not be subject to the requirements of subsection (1) of this section.

8 (7) (a) The adjutant general shall award or decline to award a grant within sixty (60)  
9 days of receiving an application.

10 (b) If the adjutant general awards or declines to award a grant, he or she shall  
11 state in writing the reason for the decision and keep the writing on file.

12 (c) If the adjutant general declines to award a grant, he or she shall provide the  
13 applicant with a copy of the writing referred to in paragraph (b) of this  
14 subsection. In addition, if the adjutant general declines to award a grant due to  
15 the availability of public or private funds, the adjutant general shall identify  
16 the source of available funds for the applicant and provide assistance with  
17 regard to seeking funds from that source.

18 (8) The military family assistance trust fund board shall promulgate administrative  
19 regulations under KRS Chapter 13A to carry out the provisions of this section.  
20 These regulations shall, at a minimum, enhance administrative efficiency and limit  
21 the dollar amount that a person may receive in grants per twelve (12) month period.

22 ➔Section 2. KRS 36.477 is amended to read as follows:

23 (1) There is hereby established the Kentucky National Guard Adoption Assistance  
24 Program to be administered by the Kentucky Department of Military Affairs.

25 (2) Any ***current or former*** member of the Kentucky National Guard who finalizes a  
26 legal adoption procedure for the adoption of a child~~[, other than the child of a~~  
27 ~~spouse, on or after July 12, 2012,]~~ shall be eligible to receive reimbursement from

1 the military family assistance trust fund as provided in KRS 36.474 for actual costs  
2 associated with the adoption of the child, including a child with special needs. For  
3 the purposes of this section, a child with special needs means the same as defined in  
4 KRS 199.555(1).

5 (3) The eligible current or former member of the Kentucky National Guard shall  
6 receive:

7 (a) Up to seven thousand dollars (\$7,000) in unreimbursed direct costs related to  
8 the adoption of a child with special needs; or

9 (b) Up to five thousand dollars (\$5,000) in unreimbursed direct costs related to  
10 the adoption of any other child.

11 (4) Unreimbursed direct costs related to the adoption of a child with special needs or  
12 other child shall include:

13 (a) Licensed adoption agency fees;

14 (b) Legal fees;

15 (c) Medical costs;

16 (d) Court costs; and

17 (e) Other fees or costs associated with the child adoption in accordance with state  
18 and federal law and after review and approval by the court at the finalization  
19 of the adoption.

20 (5) Application for financial assistance shall be made by submitting a completed  
21 Kentucky National Guard adoption assistance application to the adjutant general  
22 along with documentary evidence of:

23 (a) Finalization of the adoption; and

24 (b) Certification by the secretary of the Cabinet for Health and Family Services  
25 that the adopted child is a child with special needs, if reimbursement for  
26 special needs adoption is sought.

27 (6) If both adoptive parents are current or former members of the Kentucky National

1           Guard, the application for financial assistance shall be made jointly and the amount  
2           of reimbursement shall be limited to that specified in~~[-subsection (2)-of]~~ this  
3           section.

4       (7) Upon approval of the application for financial assistance, the adjutant general shall  
5           dispense funds from the military family assistance trust fund to the eligible  
6           applicant.

7       (8) The Department of Military Affairs shall promulgate administrative regulations in  
8           accordance with KRS Chapter 13A to carry out the provisions of this section.

9           ➔Section 3. Whereas time is of the essence when a United States military service  
10          member and their family are in need of assistance, an emergency is declared to exist, and  
11          this Act takes effect upon its passage and approval by the Governor or upon its otherwise  
12          becoming a law.