

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

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**MEMORANDUM**

To: House Committee on Child Welfare and Foster Care

From: Office of Revisor of Statutes

Date: February 7, 2024

Subject: HB 2552: Prohibiting the secretary for children and families from using federal benefits of a child in need of care for the care and custody of the child and requiring the secretary to create and maintain an account of such benefits received for such child.

House Bill 2552 amends K.S.A. 38-2216 which determines how expenses of the care and custody for a child in need of care are paid. The bill proposes a new subsection concerning the federal benefits of a child in need of care.

New subsection (d) would direct the secretary to determine whether a child is eligible for federal benefits and if such child is eligible, then the secretary shall apply for benefits on behalf of the child. If such child receives the benefits applied for and the court appoints the secretary as a payee for the receipt of such benefits, the secretary shall not use the funds to reimburse for the care of the child. Instead, the secretary may use funds for the child's unmet needs beyond care and custody and shall establish an account for the funds for the child and be used for the child's future needs. The secretary shall provide accounting of such account to parents if parental rights have not been terminated.

If benefits applied for by the secretary on behalf of the child are denied, the secretary shall consult with the child and the legal guardian on whether to appeal such denial.

“Unmet needs” is defined in the section to include needs of a child that the secretary is not required by law to provide financial support for, including, tuition, tutoring and training, transportation for work, training, education, help to maintain family connections, possible housing expenses and items related to a child's hobbies and interests such as technology, special clothing, instruments, books or other equipment.