

As Amended by House Committee

Session of 2025

HOUSE BILL No. 2027

By Committee on Welfare Reform

Requested by Representative Awerkamp

1-16

AN ACT concerning public assistance; reorganizing subsections of the public assistance statute; updating cross references; amending K.S.A. 39-757 and K.S.A. 2024 Supp. 39-709 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2024 Supp. 39-709 is hereby amended to read as follows: 39-709. (a) *General eligibility requirements for assistance for which federal moneys are expended.*

(1) Subject to the additional requirements below, assistance in accordance with plans under which federal moneys are expended may be granted to any needy person who:

(A) Has insufficient income or resources to provide a reasonable subsistence compatible with decency and health. ~~Where and when determining such income or resources, the secretary shall:~~

(i) ~~When a husband and wife or cohabiting partners are living together, consider the combined income or resources of both shall be considered in determining to determine the eligibility of either or both for such assistance unless otherwise prohibited by law. The secretary, in determining need of any applicant for or recipient of assistance shall;~~

(ii) not take into account the financial responsibility of any individual for any applicant or recipient of assistance unless such applicant or recipient is such individual's spouse, cohabiting partner or such individual's minor child or minor stepchild if the stepchild is living with such individual. ~~The secretary in determining need of an individual;~~

(iii) ~~review and~~ may provide such income and resource exemptions as may be permitted by federal law. ~~For purposes of eligibility for temporary assistance for needy families, for food assistance and for any other assistance provided through the Kansas department for children and families under which federal moneys are expended, the secretary for children and families shall; and~~

(iv) consider one motor vehicle owned by the applicant for assistance, regardless of the value of such vehicle, as exempt personal property and shall consider any equity in any boat, personal water craft, recreational vehicle, recreational off-highway vehicle or all-terrain vehicle, as defined

1 by K.S.A. 8-126, and amendments thereto, or any additional motor vehicle
2 owned by the applicant for assistance to be a nonexempt resource of the
3 applicant for assistance except that any additional motor vehicle used by
4 the applicant, the applicant's spouse or the applicant's cohabiting partner
5 for the primary purpose of earning income may be considered as exempt
6 personal property in the secretary's discretion; ~~or~~

7 (2)(B) is a citizen of the United States or is an alien lawfully admitted
8 to the United States ~~and who is residing~~; and

9 (C) resides in the state of Kansas.

10 (2) *No person who voluntarily quits employment or who is fired from*
11 *employment due to gross misconduct as defined by rules and regulations*
12 *of the secretary or who is a fugitive from justice by reason of a felony*
13 *conviction or charge or violation of a condition of probation or parole*
14 *imposed under federal or state law shall be eligible to receive public*
15 *assistance benefits in this state. Any recipient of public assistance who*
16 *fails to timely comply with monthly reporting requirements under criteria*
17 *and guidelines prescribed by rules and regulations of the secretary shall*
18 *be subject to a penalty established by the secretary by rules and*
19 *regulations.*

20 (3) *The department of administration shall provide monthly to the*
21 *Kansas department for children and families the social security numbers*
22 *or alternate taxpayer identification numbers of all persons who claim a*
23 *Kansas lottery prize in excess of \$5,000 during the reported month. The*
24 *Kansas department for children and families shall verify if individuals*
25 *with such winnings are receiving temporary assistance for needy families*
26 *or TANF* ~~*cash assistance*~~*, food assistance or assistance under the child*
27 *care subsidy program and take appropriate action. The Kansas*
28 *department for children and families shall use data received under this*
29 *subsection solely, and for no other purpose, to determine if any recipient's*
30 *eligibility for benefits has been affected by lottery prize winnings. The*
31 *Kansas department for children and families shall not publicly disclose*
32 *the identity of any lottery prize winner, including recipients who are*
33 *determined to have illegally received benefits.*

34 (b) *Temporary assistance for needy families program.*

35 (1) *As used in this section, "family group" or "household" means the*
36 *applicant or recipient for TANF, child care subsidy or employment*
37 *services and all individuals living together in which there is a relationship*
38 *of legal responsibility or a qualifying caretaker relationship. This will*
39 *include a cohabiting* ~~*boyfriend or girlfriend*~~ **partner** *living with the person*
40 *legally responsible for the child.*

41 (2) Assistance may be granted under this act to any dependent child,
42 or relative, subject to the general eligibility requirements as set out in
43 subsection (a), who resides in the state of Kansas or whose parent or other

1 relative with whom the child is living resides in the state of Kansas. ~~Such~~
2 ~~assistance shall be known as temporary assistance for needy families.~~
3 Where the husband and wife or cohabiting partners are living together,
4 both shall register for work under the program requirements for ~~temporary~~
5 ~~assistance for needy families~~ TANF in accordance with criteria and
6 guidelines prescribed by rules and regulations of the secretary.

7 (1) ~~As used in this subsection, "family group" or "household" means~~
8 ~~the applicant or recipient for TANF, child care subsidy or employment~~
9 ~~services and all individuals living together in which there is a relationship~~
10 ~~of legal responsibility or a qualifying caretaker relationship. This will~~
11 ~~include a cohabiting boyfriend or girlfriend living with the person legally~~
12 ~~responsible for the child.~~

13 (3) The family group shall not be eligible for TANF if the family
14 group contains at least one adult member who has received TANF,
15 including the federal TANF ~~assistance~~ received in any other state, for 24
16 calendar months beginning on and after October 1, 1996, unless the
17 secretary determines a hardship exists and grants an extension allowing
18 receipt of TANF until the 36-month limit is reached. No extension beyond
19 36 months shall be granted. Hardship provisions for a recipient include:

20 (A) Is a caretaker of a disabled family member living in the
21 household;

22 (B) has a disability that precludes employment on a long-term basis
23 or requires substantial rehabilitation;

24 (C) needs a time limit extension to overcome the effects of domestic
25 violence or sexual assault;

26 (D) is involved with prevention and protection services and has an
27 open social service plan; or

28 (E) is determined by the 24th month to have an extreme hardship other
29 than what is designated in criteria listed in subparagraphs (A) through (D).
30 This determination will be made by the executive review team.

31 ~~(2)(4) Eligibility for cash assistance~~ TANF shall be subject to
32 ~~subsections~~ **subsection (f)(1) through (3).**

33 (5) All adults applying for TANF shall be required to complete a
34 work program assessment as specified by the Kansas department for
35 children and families, including those who have been disqualified for or
36 denied TANF due to non-cooperation, drug testing requirements or fraud.
37 Adults who are not otherwise eligible for TANF, such as ineligible aliens,
38 relative/non-relative caretakers and adults receiving supplemental security
39 income are not required to complete the assessment process.

40 (6) During the application processing period, applicants must
41 complete at least one module or its equivalent of the work program
42 assessment to be considered eligible for TANF benefits, unless good cause
43 is found to be exempt from the requirements. Good cause exemptions shall

1 only include that the applicant:

2 (A) Can document an existing certification verifying completion of
3 the work program assessment;

4 (B) has a valid offer of employment or is employed a minimum of 20
5 hours a week;

6 (C) is a parenting teen without a GED or high school diploma;

7 (D) is enrolled in job corps;

8 (E) is working with a refugee social services agency; or

9 (F) has completed the work program assessment within the last 12
10 months.

11 ~~(3)~~(7) The Kansas department for children and families shall maintain
12 a sufficient level of dedicated work program staff to enable the agency to
13 conduct work program case management services to TANF recipients in a
14 timely manner and in full accordance with state law and agency policy.

15 ~~(4)~~(8) (A) TANF mandatory work program applicants and recipients
16 shall participate in work components that lead to competitive, integrated
17 employment. Components are defined by the federal government as being
18 either primary or secondary.

19 (B) (i) In order to meet federal work participation requirements,
20 households shall meet at least 30 hours of participation per week, at least
21 20 hours of which shall be primary and at least 10 hours may be secondary
22 components in one parent households where the youngest child is six years
23 of age or older.

24 (ii) Participation hours shall be 55 hours **per week** in two parent
25 households, 35 hours per week if child care is not used. The maximum
26 assignment is 40 hours per week per individual.

27 (iii) For two parent families to meet the federal work participation
28 rate, both parents shall participate in a combined total of 55 hours per
29 week, 50 hours of which shall be in primary components, or one or both
30 parents could be assigned a combined total of 35 hours per week, 30 hours
31 of which must be primary components, if the Kansas department for
32 children and families paid child care is not received by the family.

33 (iv) Single parent families with a child under ~~age~~ *six years of age*
34 meet the federal participation requirement if the parent is engaged in work
35 or work activities for at least 20 hours per week in a primary work
36 component.

37 (C) (i) The following components meet federal definitions of primary
38 hours of participation:

39 (a) ~~Full~~Full-time or part-time employment;

40 (b) apprenticeship;

41 (c) work study;

42 (d) self-employment;

43 (e) job corps;

- 1 (f) subsidized employment;;
- 2 (g) work experience sites;;
- 3 (h) on-the-job training;;
- 4 (i) supervised community service;;
- 5 (j) vocational education;;
- 6 (k) job search; and
- 7 (l) job readiness.
- 8 (ii) Secondary components include:
- 9 (a) Job skills training;;
- 10 (b) education directly related to employment such as adult basic
- 11 education and English as a second language; and
- 12 (c) completion of a high school diploma or GED.
- 13 ~~(5)~~(D) A parent or other adult caretaker personally providing care for
- 14 a child under the age of three months in their TANF household shall be
- 15 exempt from work participation activities until the month the child attains
- 16 three months of age. Such three-month limitation shall not apply to a
- 17 parent or other adult caretaker who is personally providing care for a child
- 18 born significantly premature, with serious medical conditions or with a
- 19 disability as defined by the secretary, in consultation with the secretary of
- 20 health and environment and adopted in the rules and regulations. The
- 21 three-month period is defined as two consecutive months starting with the
- 22 month after childbirth. The exemption for caring for a child under three
- 23 months *of age* cannot be claimed by:
- 24 ~~(A)~~(i) Either parent when two parents are in the home and the
- 25 household meets the two-parent definition for federal reporting purposes;
- 26 ~~(B)~~(ii) one parent or caretaker when the other parent or caretaker is in
- 27 the home, and available, capable and suitable to provide care and the
- 28 household does not meet the two-parent definition for federal reporting
- 29 purposes;
- 30 ~~(C)~~(iii) a person ~~age~~ 19 *years of age* or younger when such person is
- 31 pregnant or a parent of a child in the home and the person does not possess
- 32 a high school diploma or its equivalent. Such person shall become exempt
- 33 the month such person attains 20 years of age; or
- 34 ~~(D)~~(iv) any person assigned to a work participation activity for
- 35 substance use disorders.
- 36 ~~(6)~~(E) TANF work experience placements shall be reviewed after 90
- 37 days and are limited to six months per 24-month lifetime limit. A client's
- 38 progress shall be reviewed prior to each new placement regardless of the
- 39 length of time they are at the work experience site.
- 40 ~~(7)~~(F) TANF participants with disabilities shall engage in required
- 41 employment activities to the maximum extent consistent with their
- 42 abilities. A TANF participant shall provide current documentation by a
- 43 qualified medical practitioner that details the ability to engage in

1 employment and any limitation in work activities along with the expected
2 duration of such limitations. **As used in this subparagraph, "disability"**
3 **means** ~~is defined as~~ a physical or mental impairment constituting or
4 resulting in a substantial impediment to employment for such individual.

5 ~~(8) Non-cooperation is the failure of the applicant or recipient to~~
6 ~~comply with all requirements provided in state and federal law, federal and~~
7 ~~state rules and regulations and agency policy. (G) The period of~~
8 ~~ineligibility for TANF benefits based on non-cooperation, as defined in~~
9 ~~K.S.A. 39-702, and amendments thereto, with work programs shall be as~~
10 ~~follows, for a:~~

11 ~~(A)(i) First penalty, three months and full cooperation with work~~
12 ~~program activities;~~

13 ~~(B)(ii) second penalty, six months and full cooperation with work~~
14 ~~program activities;~~

15 ~~(C)(iii) third penalty, one year and full cooperation with work~~
16 ~~program activities; and~~

17 ~~(D)(iv) fourth or subsequent penalty, 10 years.~~

18 ~~(9) Individuals who have not cooperated with TANF work programs~~
19 ~~shall be ineligible to participate in the food assistance program. The~~
20 ~~comparable penalty shall be applied to only the individual in the food~~
21 ~~assistance program who failed to comply with the TANF work~~
22 ~~requirement. The agency shall impose the same penalty to the member of~~
23 ~~the household who failed to comply with TANF requirements. The penalty~~
24 ~~periods are three months, six months, one year, or 10 years.~~

25 ~~(10) (A)(9) The period of ineligibility for TANF benefits based on~~
26 ~~parents' non-cooperation, as defined in K.S.A. 39-702, and amendments~~
27 ~~thereto, with child support services shall be as follows, for a:~~

28 ~~(i)(A) First penalty, three months and cooperation with child support~~
29 ~~services prior to regaining eligibility;~~

30 ~~(ii)(B) second penalty, six months and cooperation with child support~~
31 ~~services prior to regaining eligibility;~~

32 ~~(iii)(C) third penalty, one year and cooperation with child support~~
33 ~~services prior to regaining eligibility; and~~

34 ~~(iv)(D) fourth penalty, 10 years.~~

35 ~~(B) (i) The period of ineligibility for child care subsidy based on~~
36 ~~parents' non-cooperation, as defined in K.S.A. 39-702, and amendments~~
37 ~~thereto, with child support services shall be as follows, for a:~~

38 ~~(a) First penalty, three months and cooperation with child support~~
39 ~~services prior to regaining eligibility;~~

40 ~~(b) second penalty, six months and cooperation with child support~~
41 ~~services prior to regaining eligibility;~~

42 ~~(c) third penalty, one year and cooperation with child support services~~
43 ~~prior to regaining eligibility; and~~

1 ~~(d) fourth penalty, 10 years.~~

2 ~~(ii) The secretary, or the secretary's designee, shall review child~~
3 ~~support compliance of a parent:~~

4 ~~(a) Upon application for child care subsidy;~~

5 ~~(b) after 12 months of continuous eligibility for child care subsidy;~~
6 ~~and~~

7 ~~(c) following such 12 months of continuous eligibility when the~~
8 ~~secretary renews or redetermines a parent's eligibility for child care~~
9 ~~subsidy.~~

10 ~~(11) Individuals who have not cooperated without good cause with~~
11 ~~child support services shall be ineligible to participate in the food~~
12 ~~assistance program. The period of disqualification ends once it has been~~
13 ~~determined that such individual is cooperating with child support services.~~

14 ~~(12) (A) Any individual who is found to have committed fraud or is~~
15 ~~found guilty of the crime of theft pursuant to K.S.A. 39-720, and~~
16 ~~amendments thereto, and K.S.A. 21-5801, and amendments thereto, in~~
17 ~~either the TANF or child care program shall render all adults in the family~~
18 ~~unit ineligible for TANF assistance. Adults in the household who have been~~
19 ~~determined to have committed fraud or were convicted of the crime~~
20 ~~of theft pursuant to K.S.A. 39-720, and amendments thereto, and K.S.A.~~
21 ~~21-5801, and amendments thereto, shall render themselves and all adult~~
22 ~~household members ineligible for their lifetime for TANF, even if fraud~~
23 ~~was committed in only one program. Households who have been~~
24 ~~determined to have committed fraud or were convicted of the crime of~~
25 ~~theft pursuant to K.S.A. 39-720, and amendments thereto, and K.S.A. 21-~~
26 ~~5801, and amendments thereto, shall be required to name a protective~~
27 ~~payee as approved by the secretary or the secretary's designee to~~
28 ~~administer TANF benefits or food assistance on behalf of the children. No~~
29 ~~adult in a household may have access to the TANF cash assistance benefit.~~

30 ~~(B) Any individual who has failed to cooperate with a fraud~~
31 ~~investigation shall be ineligible to participate in the TANF cash assistance~~
32 ~~program and the child care subsidy program until the Kansas department~~
33 ~~for children and families determines that such individual is cooperating~~
34 ~~with the fraud investigation. The Kansas department for children and~~
35 ~~families shall maintain a sufficient level of fraud investigative staff to~~
36 ~~enable the department to conduct fraud investigations in a timely manner~~
37 ~~and in full accordance with state law and department rules and regulations~~
38 ~~or policies.~~

39 ~~(13) (A) Food assistance shall not be provided to any person~~
40 ~~convicted of a felony offense occurring on or after July 1, 2015, that~~
41 ~~includes as an element of such offense the manufacture, cultivation,~~
42 ~~distribution, possession or use of a controlled substance or controlled~~
43 ~~substance analog. For food assistance, the individual shall be permanently~~

1 ~~disqualified if such individual has been convicted of a state or federal~~
2 ~~felony offense occurring on or after July 1, 2015, involving possession or~~
3 ~~use of a controlled substance or controlled substance analog.~~

4 ~~(B) (i) Notwithstanding the provisions of subparagraph (A), an~~
5 ~~individual shall be eligible for food assistance if the individual enrolls in~~
6 ~~and participates in a drug treatment program approved by the secretary,~~
7 ~~submits to and passes a drug test and agrees to submit to drug testing if~~
8 ~~requested by the department pursuant to a drug testing plan.~~

9 ~~(ii) An individual's failure to submit to testing or failure to~~
10 ~~successfully pass a drug test shall result in ineligibility for food assistance~~
11 ~~until a drug test is successfully passed. Failure to successfully complete a~~
12 ~~drug treatment program shall result in ineligibility for food assistance until~~
13 ~~a drug treatment plan approved by the secretary is successfully completed,~~
14 ~~the individual passes a drug test and agrees to submit to drug testing if~~
15 ~~requested by the department pursuant to a drug testing plan.~~

16 ~~(C) The provisions of subparagraph (B) shall not apply to any~~
17 ~~individual who has been convicted for a second or subsequent felony~~
18 ~~offense as provided in subparagraph (A).~~

19 ~~(14)(10) No TANF-cash assistance shall be used to purchase alcohol,~~
20 ~~cigarettes, tobacco products, lottery tickets, concert tickets, professional or~~
21 ~~collegiate sporting event tickets or tickets for other entertainment events~~
22 ~~intended for the general public or sexually oriented adult materials. No~~
23 ~~TANF-cash assistance shall be used in any retail liquor store, casino,~~
24 ~~gaming establishment, jewelry store, tattoo parlor, massage parlor, body~~
25 ~~piercing parlor, spa, nail salon, lingerie shop, tobacco paraphernalia store,~~
26 ~~vapor cigarette store, psychic or fortune telling business, bail bond~~
27 ~~company, video arcade, movie theater, swimming pool, cruise ship, theme~~
28 ~~park, dog or horse racing facility, parimutuel facility, or sexually oriented~~
29 ~~business or any retail establishment that provides adult-oriented~~
30 ~~entertainment in which performers disrobe or perform in an unclothed~~
31 ~~state for entertainment, or in any business or retail establishment where~~
32 ~~minors under age-18 years of age are not permitted. No TANF-cash~~
33 ~~assistance shall be used for purchases at points of sale outside the state of~~
34 ~~Kansas.~~

35 ~~(15) (A) The secretary for children and families shall place a~~
36 ~~photograph of the recipient, if agreed to by such recipient of public~~
37 ~~assistance, on any Kansas benefits card issued by the Kansas department~~
38 ~~for children and families that the recipient uses in obtaining food, cash or~~
39 ~~any other services. When a recipient of public assistance is a minor or~~
40 ~~otherwise incapacitated individual, a parent or legal guardian of such~~
41 ~~recipient may have a photograph of such parent or legal guardian placed~~
42 ~~on the card.~~

43 ~~(B) Any Kansas benefits card with a photograph of a recipient shall~~

1 be valid for voting purposes as a public assistance identification card in
2 accordance with the provisions of K.S.A. 25-2908, and amendments
3 thereto.

4 (C) As used in this paragraph and its subparagraphs, "Kansas benefits
5 card" means any card issued to provide food assistance, cash assistance or
6 child care assistance, including, but not limited to, the vision card, EBT
7 card and Kansas benefits card.

8 (D) The Kansas department for children and families shall monitor all
9 recipient requests for a Kansas benefits card replacement and, upon the
10 fourth such request in a 12-month period, send a notice alerting the
11 recipient that the recipient's account is being monitored for potential
12 suspicious activity. If a recipient makes an additional request for
13 replacement subsequent to such notice, the department shall refer the
14 investigation to the department's fraud investigation unit.

15 (16) The secretary for children and families shall adopt rules and
16 regulations for:

17 (A) Determining eligibility for the child care subsidy program,
18 including an income of a cohabiting partner in a child care household; and

19 (B) determining and maintaining eligibility for non-TANF child care,
20 requiring that all included adults shall be employed a minimum of 20
21 hours per week or more as defined by the secretary or meet the following
22 specific qualifying exemptions:

23 (i) Adults who are not capable of meeting the requirement due to a
24 documented physical or mental condition;

25 (ii) adults who are former TANF recipients who need child care for
26 employment after their TANF case has closed and earned income is a
27 factor in the closure in the two months immediately following TANF
28 closure;

29 (iii) adult parents included in a case in which the only child receiving
30 benefits is the child of a minor parent who is working on completion of
31 high school or obtaining a GED;

32 (iv) adults who are participants in a food assistance employment and
33 training program;

34 (v) adults who are participants in an early head start child care
35 partnership program and are working or in school or training; or

36 (vi) adults who are caretakers of a child in custody of the secretary in
37 out-of-home placement needing child care.

38 The Kansas department for children and families shall provide child
39 care for the pursuit of any degree or certification if the occupation has at
40 least an average job outlook listed in the occupational outlook of the
41 United States department of labor, bureau of labor statistics. For
42 occupations with less than an average job outlook, educational plans shall
43 require approval of the secretary or secretary's designee. Child care may

1 also be approved if the student provides verification of a specific job offer
2 that will be available to such student upon completion of the program.
3 Child care for post-secondary education shall be allowed for a lifetime
4 maximum of 24 months per adult. The 24 months may not have to be
5 consecutive. Students shall be engaged in paid employment for a minimum
6 of 15 hours per week. In a two-parent adult household, child care would
7 not be allowed if both parents are adults and attending a formal education
8 or training program at the same time. The household may choose which
9 one of the parents is participating as a post-secondary student. The other
10 parent shall meet another approvable criteria for child care subsidy.

11 (17) (A) The secretary for children and families is prohibited from
12 requesting or implementing a waiver or program from the United States
13 department of agriculture for the time limited assistance provisions for
14 able-bodied adults aged 18 through 49 without dependents in a household
15 under the food assistance program. The time on food assistance for able-
16 bodied adults aged 18 through 49 without dependents in the household
17 shall be limited to three months in a 36-month period if such adults are not
18 meeting the requirements imposed by the U.S. department of agriculture
19 that they must work for at least 20 hours per week or participate in a
20 federally approved work program or its equivalent.

21 (B) Each food assistance household member who is not otherwise
22 exempt from the following work requirements shall: Register for work;
23 participate in an employment and training program, if assigned to such a
24 program by the department; accept a suitable employment offer; and not
25 voluntarily quit a job of at least 30 hours per week.

26 (C) Any recipient who has not complied with the work requirements
27 under subparagraph (B) shall be ineligible to participate in the food
28 assistance program for the following time period and until the recipient
29 complies with such work requirements for a:

- 30 (i) First penalty, three months;
- 31 (ii) second penalty, six months; and
- 32 (iii) third penalty and any subsequent penalty, one year.

33 (D) The Kansas department for children and families shall assign all
34 individuals subject to the requirements established under 7 U.S.C. §
35 2015(d)(1) to an employment and training program as defined in 7 U.S.C.
36 § 2015(d)(4). The provisions of this subparagraph shall only apply to:

- 37 (i) Able-bodied adults aged 18 through 49 without dependents;
- 38 (ii) work registrants aged 50 through 59 without dependents not
39 exempt from 7 U.S.C. § 2015(d)(2); and
- 40 (iii) individuals who are not employed at least 30 hours per week.

41 (18) Eligibility for the food assistance program shall be limited to
42 those individuals who are citizens or who meet qualified non-citizen status
43 as determined by United States department of agriculture. Non-citizen

~~1 individuals who are unable or unwilling to provide qualifying immigrant
2 documentation, as defined by the United States department of agriculture,
3 residing within a household shall not be included when determining the
4 household's size for the purposes of assigning a benefit level to the
5 household for food assistance or comparing the household's monthly
6 income with the income eligibility standards. The gross non-exempt
7 earned and unearned income and resources of disqualified individuals shall
8 be counted in its entirety as available to the remaining household
9 members.~~

~~10 (19) The secretary for children and families shall not enact the state
11 option from the United States department of agriculture for broad-based
12 categorical eligibility for households applying for food assistance
13 according to the provisions of 7 C.F.R. § 273.2(j)(2)(ii).~~

~~14 (20) No federal or state funds shall be used for television, radio or
15 billboard advertisements that are designed to promote food assistance
16 benefits and enrollment. No federal or state funding shall be used for any
17 agreements with foreign governments designed to promote food
18 assistance.~~

~~19 (21)(A)(c) Food assistance program.~~

~~20 (1) (A) The secretary for children and families shall not apply gross
21 income standards for food assistance higher than the standards specified in
22 7 U.S.C. § 2015(c) unless expressly required by federal law. Categorical
23 eligibility exempting households from such gross income standards
24 requirements shall not be granted for any non-cash, in-kind or other
25 benefit unless expressly required by federal law.~~

~~26 (B) The secretary for children and families shall not apply resource
27 limits standards for food assistance that are higher than the standards
28 specified in 7 U.S.C. § 2015(g)(1) unless expressly required by federal
29 law. Categorical eligibility exempting households from such resource
30 limits shall not be granted for any non-cash, in-kind or other benefit unless
31 expressly required by federal law.~~

~~32 (C) The secretary shall not enact the state option from the United
33 States department of agriculture for broad-based categorical eligibility for
34 households applying for food assistance according to the provisions of 7
35 C.F.R. § 273.2(j)(2)(ii).~~

~~36 (D) Eligibility for the food assistance program shall be limited to
37 those individuals who are citizens or who meet qualified non-citizen status
38 as determined by the United States department of agriculture. Non-citizen
39 individuals who are unable or unwilling to provide qualifying immigrant
40 documentation, as defined by the United States department of agriculture,
41 residing within a household shall not be included when determining the
42 household's size for the purposes of assigning a benefit level to the
43 household for food assistance or comparing the household's monthly~~

1 income with the income eligibility standards. The gross non-exempt
2 earned and unearned income and resources of disqualified individuals
3 shall be counted in its entirety as available to the remaining household
4 members.

5 (E) Individuals who have not cooperated with TANF work programs
6 shall be ineligible to participate in the food assistance program. The
7 comparable penalty shall be applied to only the individual in the food
8 assistance program who failed to comply with the TANF work
9 requirement. The agency shall impose the same penalty to the member of
10 the household who failed to comply with TANF requirements. The penalty
11 periods are three months, six months, one year or 10 years.

12 (F) Individuals who have not cooperated without good cause with
13 child support services shall be ineligible to participate in the food
14 assistance program. The period of disqualification ends once it has been
15 determined that such individual is cooperating with child support services.

16 (G) Eligibility for food assistance shall be subject to subsection (f)
17 (4).

18 (2) (A) Each food assistance household member who is not otherwise
19 exempt from the following work requirements shall:

20 (i) Register for work;

21 (ii) participate in an employment and training program, if assigned
22 to such a program by the department;

23 (iii) accept a suitable employment offer; and

24 (iv) not voluntarily quit a job of at least 30 hours per week.

25 (B) Any recipient who has not complied with the work requirements
26 under subparagraph (A) shall be ineligible to participate in the food
27 assistance program for the following time period and until the recipient
28 complies with such work requirements for a:

29 (i) First penalty, three months;

30 (ii) second penalty, six months; and

31 (iii) third penalty and any subsequent penalty, one year.

32 (C) The secretary is prohibited from requesting or implementing a
33 waiver or program from the United States department of agriculture for
34 the time limited assistance provisions for able-bodied adults aged 18
35 through 49 without dependents in a household under the food assistance
36 program. The time on food assistance for able-bodied adults aged 18
37 through 49 without dependents in the household shall be limited to three
38 months in a 36-month period if such adults are not meeting the
39 requirements imposed by the United States department of agriculture that
40 they must work for at least 20 hours per week or participate in a federally
41 approved work program or its equivalent.

42 (3) The Kansas department for children and families shall assign all
43 individuals subject to the requirements established under 7 U.S.C. §

1 2015(d)(1) to an employment and training program as defined in 7 U.S.C.
2 § 2015(d)(4). The provisions of this paragraph shall only apply to:

3 (A) Able-bodied adults aged 18 through 49 without dependents;

4 (B) work registrants aged 50 through 59 without dependents not
5 exempt from 7 U.S.C. § 2015(d)(2); and

6 (C) individuals who are not employed at least 30 hours per week.

7 (4) No federal or state funds shall be used for television, radio or
8 billboard advertisements that are designed to promote food assistance
9 benefits and enrollment. No federal or state funding shall be used for any
10 agreements with foreign governments designed to promote food
11 assistance.

12 (d) Child care subsidy program.

13 (1) The secretary shall adopt rules and regulations for:

14 (A) Determining eligibility for the child care subsidy program,
15 including an income of a cohabiting partner in a child care household;
16 and

17 (B) determining and maintaining eligibility for non-TANF child care,
18 requiring that all included adults shall be employed a minimum of 20
19 hours per week or more as defined by the secretary or meet the following
20 specific qualifying exemptions:

21 (i) Adults who are not capable of meeting the requirement due to a
22 documented physical or mental condition;

23 (ii) adults who are former TANF recipients who need child care for
24 employment after their TANF case has closed and earned income is a
25 factor in the closure in the two months immediately following TANF
26 closure;

27 (iii) adult parents included in a case in which the only child receiving
28 benefits is the child of a minor parent who is working on completion of
29 high school or obtaining a GED;

30 (iv) adults who are participants in a food assistance employment and
31 training program;

32 (v) adults who are participants in an early head start child care
33 partnership program and are working or in school or training; or

34 (vi) adults who are caretakers of a child in custody of the secretary in
35 out-of-home placement needing child care.

36 (2) (A) The Kansas department for children and families shall
37 provide child care for the pursuit of any degree or certification if the
38 occupation has at least an average job outlook listed in the occupational
39 outlook of the United States department of labor, bureau of labor statistics.

40 (B) For occupations with less than an average job outlook,
41 educational plans shall require approval of the secretary or secretary's
42 designee.

43 (C) Child care may also be approved if the student provides

1 verification of a specific job offer that will be available to such student
2 upon completion of the program.

3 (D) Child care for post-secondary education shall be allowed for a
4 lifetime maximum of 24 months per adult. The 24 months does not have to
5 be consecutive.

6 (E) Students shall be engaged in paid employment for a minimum of
7 15 hours per week.

8 (F) In a two-parent adult household, child care would not be allowed
9 if both parents are adults and attending a formal education or training
10 program at the same time. The household may choose which one of the
11 parents is participating as a post-secondary student. The other parent
12 shall meet another approvable criteria for child care subsidy.

13 (3) (A) The period of ineligibility for child care subsidy based on
14 parents' non-cooperation, as defined in K.S.A. 39-702, and amendments
15 thereto, with child support services shall be as follows, for a:

16 (i) First penalty, three months and cooperation with child support
17 services prior to regaining eligibility;

18 (ii) second penalty, six months and cooperation with child support
19 services prior to regaining eligibility;

20 (iii) third penalty, one year and cooperation with child support
21 services prior to regaining eligibility; and

22 (iv) fourth penalty, 10 years.

23 (B) The secretary, or the secretary's designee, shall review child
24 support compliance of a parent:

25 (i) Upon application for child care subsidy;

26 (ii) after 12 months of continuous eligibility for child care subsidy;
27 and

28 (iii) following such 12 months of continuous eligibility when the
29 secretary renews or redetermines a parent's eligibility for child care
30 subsidy.

31 ~~(e)~~(e) Fraud Investigations.

32 (1) The Kansas department for children and families shall conduct an
33 electronic check for any false information provided on an application for
34 TANF and other benefits programs administered by the department. For
35 TANF ~~cash assistance~~, food assistance and the child care subsidy program,
36 the department shall verify the identity of all adults in the assistance
37 household.

38 ~~(2) The department of administration shall provide monthly to the~~
39 ~~Kansas department for children and families the social security numbers or~~
40 ~~alternate taxpayer identification numbers of all persons who claim a~~
41 ~~Kansas lottery prize in excess of \$5,000 during the reported month. The~~
42 ~~Kansas department for children and families shall verify if individuals~~
43 ~~with such winnings are receiving TANF cash assistance, food assistance or~~

1 ~~assistance under the child care subsidy program and take appropriate~~
2 ~~action. The Kansas department for children and families shall use data~~
3 ~~received under this subsection solely, and for no other purpose, to~~
4 ~~determine if any recipient's eligibility for benefits has been affected by~~
5 ~~lottery prize winnings. The Kansas department for children and families~~
6 ~~shall not publicly disclose the identity of any lottery prize winner,~~
7 ~~including recipients who are determined to have illegally received~~
8 ~~benefits.~~

9 (2) (A) *Any individual who is found to have committed fraud or is*
10 *found guilty of the crime of theft pursuant to K.S.A. 21-5801 and 39-720,*
11 *and amendments thereto, in either the TANF or child care program shall*
12 *render all adults in the family unit ineligible for TANF*~~assistance.~~

13 (B) *Adults in the household who have been determined to have*
14 *committed fraud or were convicted of the crime of theft pursuant to K.S.A.*
15 *21-5801 and 39-720, and amendments thereto, shall render themselves*
16 *and all adult household members ineligible for their lifetime for TANF,*
17 *even if fraud was committed in only one program.*

18 (C) *Households who have been determined to have committed fraud*
19 *or were convicted of the crime of theft pursuant to K.S.A. 21-5801 and 39-*
20 *720, and amendments thereto, shall be required to name a protective*
21 *payee as approved by the secretary or the secretary's designee to*
22 *administer TANF benefits or food assistance on behalf of the children. No*
23 *adult in a household may have access to the TANF*~~cash assistance benefit.~~

24 (3) *Any individual who has failed to cooperate with a fraud*
25 *investigation shall be ineligible to participate in the TANF*~~cash assistance~~
26 *program and the child care subsidy program until the Kansas department*
27 *for children and families determines that such individual is cooperating*
28 *with the fraud investigation.*

29 (4) *The Kansas department for children and families shall maintain a*
30 *sufficient level of fraud investigative staff to enable the department to*
31 *conduct fraud investigations in a timely manner and in full accordance*
32 *with state law and department rules and regulations or policies.*

33 (f) *Drug screenings and convictions.*

34 (1) (A) *A program of drug screening for applicants for cash*
35 *assistance as a condition of eligibility for cash assistance and persons*
36 *receiving cash assistance as a condition of continued receipt of cash*
37 *assistance shall be established, subject to applicable federal law, by the*
38 *secretary on and before January 1, 2014. Under such program of drug*
39 *screening, the secretary shall order a drug screening of an applicant for or*
40 *a recipient of cash assistance at any time when reasonable suspicion exists*
41 *that such applicant for or recipient of cash assistance is unlawfully using*
42 *a controlled substance or controlled substance analog. The secretary may*
43 *use any information obtained by the secretary to determine whether such*

1 reasonable suspicion exists, including, but not limited to, an applicant's or
2 recipient's demeanor, missed appointments and arrest or other police
3 records, previous employment or application for employment in an
4 occupation or industry that regularly conducts drug screening,
5 termination from previous employment due to unlawful use of a controlled
6 substance or controlled substance analog or prior drug screening records
7 of the applicant or recipient indicating unlawful use of a controlled
8 substance or controlled substance analog.

9 (B) Any applicant for or recipient of cash assistance whose drug
10 screening results in a positive test may request that the drug screening
11 specimen be sent to a different drug testing facility for an additional drug
12 screening. Any applicant for or recipient of cash assistance who requests
13 an additional drug screening at a different drug testing facility shall be
14 required to pay the cost of drug screening. Such applicant or recipient who
15 took the additional drug screening and who tested negative for unlawful
16 use of a controlled substance and controlled substance analog shall be
17 reimbursed for the cost of such additional drug screening.

18 (C) Any applicant for or recipient of cash assistance who tests
19 positive for unlawful use of a controlled substance or controlled substance
20 analog shall be required to complete a substance abuse treatment program
21 approved by the secretary, secretary of labor or secretary of commerce,
22 and a job skills program approved by the secretary, secretary of labor or
23 secretary of commerce.

24 (D) Subject to applicable federal laws, any applicant for or recipient
25 of cash assistance who fails to complete or refuses to participate in the
26 substance abuse treatment program or job skills program as required
27 under this subsection shall be ineligible to receive cash assistance until
28 completion of such substance abuse treatment and job skills programs.

29 (E) Upon completion of both substance abuse treatment and job skills
30 programs, such applicant for or recipient of cash assistance may be
31 subject to periodic drug screening, as determined by the secretary.

32 (F) Upon a second positive test for unlawful use of a controlled
33 substance or controlled substance analog, a recipient of cash assistance
34 shall be ordered to complete again a substance abuse treatment program
35 and job skills program, and shall be terminated from cash assistance for a
36 period of 12 months, or until such recipient of cash assistance completes
37 both substance abuse treatment and job skills programs, whichever is
38 later.

39 (G) Upon a third positive test for unlawful use of a controlled
40 substance or controlled substance analog, a recipient of cash assistance
41 shall be terminated from cash assistance, subject to applicable federal
42 law.

43 (H) Except for hearings before the Kansas department for children

1 *and families, the results of any drug screening administered as part of the*
2 *drug screening program authorized by this subsection shall be*
3 *confidential and shall not be disclosed publicly.*

4 *(2) (A) If an applicant for or recipient of cash assistance is ineligible*
5 *for or terminated from cash assistance as a result of a positive test for*
6 *unlawful use of a controlled substance or controlled substance analog,*
7 *and such applicant for or recipient of cash assistance is the parent or*
8 *legal guardian of a minor child, an appropriate protective payee shall be*
9 *designated to receive cash assistance on behalf of such child. Such parent*
10 *or legal guardian of the minor child may choose to designate an*
11 *individual to receive cash assistance for such parent's or legal guardian's*
12 *minor child, as approved by the secretary. Prior to the designated*
13 *individual receiving any cash assistance, the secretary shall review*
14 *whether reasonable suspicion exists that such designated individual is*
15 *unlawfully using a controlled substance or controlled substance analog.*

16 *(B) In addition, any individual designated to receive cash assistance*
17 *on behalf of an eligible minor child shall be subject to drug screening at*
18 *any time when reasonable suspicion exists that such designated individual*
19 *is unlawfully using a controlled substance or controlled substance analog.*
20 *The secretary may use any information obtained by the secretary to*
21 *determine whether such reasonable suspicion exists, including, but not*
22 *limited to, the designated individual's demeanor, missed appointments and*
23 *arrest or other police records, previous employment or application for*
24 *employment in an occupation or industry that regularly conducts drug*
25 *screening, termination from previous employment due to unlawful use of a*
26 *controlled substance or controlled substance analog or prior drug*
27 *screening records of the designated individual indicating unlawful use of a*
28 *controlled substance or controlled substance analog.*

29 *(C) Any designated individual whose drug screening results in a*
30 *positive test may request that the drug screening specimen be sent to a*
31 *different drug testing facility for an additional drug screening. Any*
32 *designated individual who requests an additional drug screening at a*
33 *different drug testing facility shall be required to pay the cost of drug*
34 *screening. Such designated individual who took the additional drug*
35 *screening and who tested negative for unlawful use of a controlled*
36 *substance and controlled substance analog shall be reimbursed for the*
37 *cost of such additional drug screening.*

38 *(D) Upon any positive test for unlawful use of a controlled substance*
39 *or controlled substance analog, the designated individual shall not receive*
40 *cash assistance on behalf of the parent's or legal guardian's minor child,*
41 *and another designated individual shall be selected by the secretary to*
42 *receive cash assistance on behalf of such parent's or legal guardian's*
43 *minor child.*

1 (3) *If a person has been convicted under federal or state law of any*
2 *offense that is classified as a felony by the law of the jurisdiction and has*
3 *as an element of such offense the manufacture, cultivation, distribution,*
4 *possession or use of a controlled substance or controlled substance*
5 *analog, and the date of conviction is on or after July 1, 2013, such person*
6 *shall thereby become forever ineligible to receive any cash assistance*
7 *under this subsection unless such conviction is the person's first*
8 *conviction. First-time offenders convicted under federal or state law of*
9 *any offense that is classified as a felony by the law of the jurisdiction and*
10 *has as an element of such offense the manufacture, cultivation,*
11 *distribution, possession or use of a controlled substance or controlled*
12 *substance analog, and the date of conviction is on or after July 1, 2013,*
13 *such person shall become ineligible to receive cash assistance for five*
14 *years from the date of conviction.*

15 (4) (A) *Food assistance shall not be provided to any person convicted*
16 *of a felony offense occurring on or after July 1, 2015, that includes as an*
17 *element of such offense the manufacture, cultivation, distribution,*
18 *possession or use of a controlled substance or controlled substance*
19 *analog. For food assistance, the individual shall be permanently*
20 *disqualified if such individual has been convicted of a state or federal*
21 *felony offense occurring on or after July 1, 2015, involving possession or*
22 *use of a controlled substance or controlled substance analog.*

23 (B) (i) *Notwithstanding the provisions of subparagraph (A), an*
24 *individual shall be eligible for food assistance if the individual enrolls in*
25 *and participates in a drug treatment program approved by the secretary,*
26 *submits to and passes a drug test and agrees to submit to drug testing if*
27 *requested by the department pursuant to a drug testing plan.*

28 (ii) *An individual's failure to submit to testing or failure to*
29 *successfully pass a drug test shall result in ineligibility for food assistance*
30 *until a drug test is successfully passed.*

31 (iii) *Failure to successfully complete a drug treatment program shall*
32 *result in ineligibility for food assistance until a drug treatment plan*
33 *approved by the secretary is successfully completed, the individual passes*
34 *a drug test and agrees to submit to drug testing if requested by the*
35 *department pursuant to a drug testing plan.*

36 (C) *The provisions of subparagraph (B) shall not apply to any*
37 *individual who has been convicted for a second or subsequent felony*
38 *offense as provided in subparagraph (A).*

39 (5) *The secretary may adopt such rules and regulations as are*
40 *necessary to carry out the provisions of this subsection.*

41 (6) *Any authority granted to the secretary under this subsection shall*
42 *be in addition to any other penalties prescribed by law.*

43 (7) *As used in this subsection:*

1 (A) *"Cash assistance" means cash assistance provided to individuals*
2 *under the provisions of article 7 of chapter 39 of the Kansas Statutes*
3 *Annotated, and amendments thereto, and any rules and regulations*
4 *adopted pursuant to such provisions.*

5 (B) *"Controlled substance" means the same as defined in K.S.A. 21-*
6 *5701, and amendments thereto, and 21 U.S.C. § 802.*

7 (C) *"Controlled substance analog" means the same as defined in*
8 *K.S.A. 21-5701, and amendments thereto.*

9 ~~(d) *Temporary assistance for needy families;*~~

10 (g) *Assignment of support rights and limited power of attorney.*

11 (1) ~~By applying for or receiving temporary assistance for needy~~
12 ~~families~~ TANF such applicant or recipient shall be deemed to have
13 assigned to the secretary on behalf of the state any accrued, present or
14 future rights to support from any other person such applicant may have in
15 such person's own behalf or in behalf of any other family member for
16 whom the applicant is applying for or receiving aid. In any case in which
17 an order for child support has been established and the legal custodian and
18 obligee under the order surrenders physical custody of the child to a
19 caretaker relative without obtaining a modification of legal custody and
20 support rights on behalf of the child are assigned pursuant to this section,
21 the surrender of physical custody and the assignment shall transfer, by
22 operation of law, the child's support rights under the order to the secretary
23 on behalf of the state. Such assignment shall be of all accrued, present or
24 future rights to support of the child surrendered to the caretaker relative.
25 The assignment of support rights shall automatically become effective
26 upon the date of approval for or receipt of such aid without the
27 requirement that any document be signed by the applicant, recipient or
28 obligee. By applying for or receiving temporary assistance for needy
29 families, or by surrendering physical custody of a child to a caretaker
30 relative who is an applicant or recipient of such assistance on the child's
31 behalf, the applicant, recipient or obligee is also deemed to have appointed
32 the secretary, or the secretary's designee, as an attorney-in-fact to perform
33 the specific act of negotiating and endorsing all drafts, checks, money
34 orders or other negotiable instruments representing support payments
35 received by the secretary in behalf of any person applying for, receiving or
36 having received such assistance. This limited power of attorney shall be
37 effective from the date the secretary approves the application for aid and
38 shall remain in effect until the assignment of support rights has been
39 terminated in full.

40 (2) *If the applicant or recipient of TANF is a mother of the dependent*
41 *child, as a condition of the mother's eligibility for TANF, the mother shall*
42 *identify by name and, if known, by current address the father of the*
43 *dependent child except that the secretary may adopt by rules and*

1 regulations exceptions to this requirement in cases of undue hardship. Any
2 recipient of TANF who fails to cooperate with requirements relating to
3 child support services under criteria and guidelines prescribed by rules
4 and regulations of the secretary shall be subject to a penalty established
5 by the secretary.

6 (3) In any case in which the secretary pays for the expenses of care
7 and custody of a child pursuant to K.S.A. 38-2201 et seq. or 38-2301 et
8 seq., and amendments thereto, including the expenses of any foster care
9 placement, an assignment of all past, present and future support rights of
10 the child in custody possessed by either parent or other person entitled to
11 receive support payments for the child is, by operation of law, conveyed to
12 the secretary. Such assignment shall become effective upon placement of a
13 child in the custody of the secretary or upon payment of the expenses of
14 care and custody of a child by the secretary without the requirement that
15 any document be signed by the parent or other person entitled to receive
16 support payments for the child. When the secretary pays for the expenses
17 of care and custody of a child or a child is placed in the custody of the
18 secretary, the parent or other person entitled to receive support payments
19 for the child is also deemed to have appointed the secretary, or the
20 secretary's designee, as attorney in fact to perform the specific act of
21 negotiating and endorsing all drafts, checks, money orders or other
22 negotiable instruments representing support payments received by the
23 secretary on behalf of the child. This limited power of attorney shall be
24 effective from the date the assignment to support rights becomes effective
25 and shall remain in effect until the assignment of support rights has been
26 terminated in full.

27 (4) By applying for or receiving child care subsidy or food
28 assistance, the applicant or recipient shall be deemed to have assigned,
29 pursuant to K.S.A. 39-756, and amendments thereto, to the secretary on
30 behalf of the state only accrued, present or future rights to support from
31 any other person such applicant may have in such person's own behalf or
32 in behalf of any other family member for whom the applicant is applying
33 for or receiving aid. The assignment of support rights shall automatically
34 become effective upon the date of approval for or receipt of such aid
35 without the requirement that any document be signed by the applicant or
36 recipient. By applying for or receiving child care subsidy or food
37 assistance, the applicant or recipient is also deemed to have appointed the
38 secretary, or the secretary's designee, as an attorney in fact to perform the
39 specific act of negotiating and endorsing all drafts, checks, money orders
40 or other negotiable instruments representing support payments received by
41 the secretary in behalf of any person applying for, receiving or having
42 received such assistance. This limited power of attorney shall be effective
43 from the date the secretary approves the application for aid and shall

1 *remain in effect until the assignment of support rights has been terminated*
2 *in full. An applicant or recipient who has assigned support rights to the*
3 *secretary pursuant to this subsection shall cooperate in establishing and*
4 *enforcing support obligations to the same extent required of applicants for*
5 *or recipients of TANF.*

6 *(h) Electronic benefits card.*

7 *(1) The secretary shall place a photograph of the recipient, if agreed*
8 *to by such recipient of public assistance, on any Kansas benefits card*
9 *issued by the Kansas department for children and families that the*
10 *recipient uses in obtaining food, cash or any other services. When a*
11 *recipient of public assistance is a minor or otherwise incapacitated*
12 *individual, a parent or legal guardian of such recipient may have a*
13 *photograph of such parent or legal guardian placed on the card.*

14 *(2) Any Kansas benefits card with a photograph of a recipient shall*
15 *be valid for voting purposes as a public assistance identification card in*
16 *accordance with the provisions of K.S.A. 25-2908, and amendments*
17 *thereto.*

18 *(3) The Kansas department for children and families shall monitor*
19 *all recipient requests for a Kansas benefits card replacement and, upon*
20 *the fourth such request in a 12-month period, send a notice alerting the*
21 *recipient that the recipient's account is being monitored for potential*
22 *suspicious activity. If a recipient makes an additional request for*
23 *replacement subsequent to such notice, the department shall refer the*
24 *investigation to the department's fraud investigation unit.*

25 *(4) As used in this subsection, "Kansas benefits card" means any card*
26 *issued to provide food assistance, ~~cash assistance~~ TANF or child care*
27 *assistance, including, but not limited to, the vision card, EBT card and*
28 *Kansas benefits card.*

29 ~~(e)~~*(i) Requirements for medical assistance for which federal moneys*
30 *or state moneys or both are expended.*

31 *(1) When the secretary has adopted a medical care plan under which*
32 *federal moneys or state moneys or both are expended, medical assistance*
33 *in accordance with such plan shall be granted to any person who is a*
34 *citizen of the United States or who is an alien lawfully admitted to the*
35 *United States and who is residing in the state of Kansas, whose resources*
36 *and income do not exceed the levels prescribed by the secretary. In*
37 *determining the need of an individual, the secretary may provide for*
38 *income and resource exemptions and protected income and resource*
39 *levels. Resources from inheritance shall be counted. A disclaimer of an*
40 *inheritance pursuant to K.S.A. 59-2291, and amendments thereto, shall*
41 *constitute a transfer of resources. The secretary shall exempt principal and*
42 *interest held in irrevocable trust pursuant to K.S.A. 16-303(c), and*
43 *amendments thereto, from the eligibility requirements of applicants for*

1 and recipients of medical assistance. Such assistance shall be known as
2 medical assistance.

3 (2) For the purposes of medical assistance eligibility determinations
4 on or after July 1, 2004, if an applicant or recipient owns property in joint
5 tenancy with some other party and the applicant or recipient of medical
6 assistance has restricted or conditioned their interest in such property to a
7 specific and discrete property interest less than 100%, then such
8 designation will cause the full value of the property to be considered an
9 available resource to the applicant or recipient. Medical assistance
10 eligibility for receipt of benefits under the title XIX of the social security
11 act, commonly known as medicaid, shall not be expanded, as provided for
12 in the patient protection and affordable care act, public law 111-148, 124
13 stat. 119, and the health care and education reconciliation act of 2010,
14 public law 111-152, 124 stat. 1029, unless the legislature expressly
15 consents to, and approves of, the expansion of medicaid services by an act
16 of the legislature.

17 (3) (A) Resources from trusts shall be considered when determining
18 eligibility of a trust beneficiary for medical assistance. Medical assistance
19 is to be secondary to all resources, including trusts, that may be available
20 to an applicant or recipient of medical assistance.

21 (B) If a trust has discretionary language, the trust shall be considered
22 to be an available resource to the extent, using the full extent of discretion,
23 the trustee may make any of the income or principal available to the
24 applicant or recipient of medical assistance. Any such discretionary trust
25 shall be considered an available resource unless:

26 (i) At the time of creation or amendment of the trust, the trust states a
27 clear intent that the trust is supplemental to public assistance; and

28 (ii) the trust is funded:

29 (a) From resources of a person who, at the time of such funding,
30 owed no duty of support to the applicant or recipient of medical assistance;
31 or

32 (b) not more than nominally from resources of a person while that
33 person owed a duty of support to the applicant or recipient of medical
34 assistance.

35 (C) For the purposes of this paragraph, "public assistance" includes,
36 but is not limited to, medicaid, medical assistance or title XIX of the social
37 security act.

38 (4) (A) When an applicant or recipient of medical assistance is a party
39 to a contract, agreement or accord for personal services being provided by
40 a nonlicensed individual or provider and such contract, agreement or
41 accord involves health and welfare monitoring, pharmacy assistance, case
42 management, communication with medical, health or other professionals,
43 or other activities related to home health care, long term care, medical

1 assistance benefits, or other related issues, any moneys paid under such
2 contract, agreement or accord shall be considered to be an available
3 resource unless the following restrictions are met:

4 (i) The contract, agreement or accord must be in writing and executed
5 prior to any services being provided;

6 (ii) the moneys paid are in direct relationship with the fair market
7 value of such services being provided by similarly situated and trained
8 nonlicensed individuals;

9 (iii) if no similarly situated nonlicensed individuals or situations can
10 be found, the value of services will be based on federal hourly minimum
11 wage standards;

12 (iv) such individual providing the services shall report all receipts of
13 moneys as income to the appropriate state and federal governmental
14 revenue agencies;

15 (v) any amounts due under such contract, agreement or accord shall
16 be paid after the services are rendered;

17 (vi) the applicant or recipient shall have the power to revoke the
18 contract, agreement or accord; and

19 (vii) upon the death of the applicant or recipient, the contract,
20 agreement or accord ceases.

21 (B) When an applicant or recipient of medical assistance is a party to
22 a written contract for personal services being provided by a licensed health
23 professional or facility and such contract involves health and welfare
24 monitoring, pharmacy assistance, case management, communication with
25 medical, health or other professionals, or other activities related to home
26 health care, long term care, medical assistance benefits or other related
27 issues, any moneys paid in advance of receipt of services for such
28 contracts shall be considered to be an available resource.

29 (5) Any trust may be amended if such amendment is permitted by the
30 Kansas uniform trust code.

31 ~~(f)~~(j) *Eligibility for medical assistance of resident receiving medical*
32 *care outside state.* A person who is receiving medical care including long-
33 term care outside of Kansas whose health would be endangered by the
34 postponement of medical care until return to the state or by travel to return
35 to Kansas, may be determined eligible for medical assistance if such
36 individual is a resident of Kansas and all other eligibility factors are met.
37 Persons who are receiving medical care on an ongoing basis in a long-term
38 medical care facility in a state other than Kansas and who do not return to
39 a care facility in Kansas when they are able to do so, shall no longer be
40 eligible to receive assistance in Kansas unless such medical care is not
41 available in a comparable facility or program providing such medical care
42 in Kansas. For persons who are minors or who are under guardianship, the
43 actions of the parent or guardian shall be deemed to be the actions of the

1 child or ward in determining whether or not the person is remaining
2 outside the state voluntarily.

3 ~~(g)~~(k) *Medical assistance; assignment of rights to medical support*
4 *and limited power of attorney; recovery from estates of deceased*
5 *recipients.* (1) (A) Except as otherwise provided in K.S.A. 39-786 and 39-
6 787, and amendments thereto, or as otherwise authorized on and after
7 September 30, 1989, under section 303 of the federal medicare
8 catastrophic coverage act of 1988, whichever is applicable, by applying for
9 or receiving medical assistance under a medical care plan in which federal
10 funds are expended, any accrued, present or future rights to support and
11 any rights to payment for medical care from a third party of an applicant or
12 recipient and any other family member for whom the applicant is applying
13 shall be deemed to have been assigned to the secretary on behalf of the
14 state. The assignment shall automatically become effective upon the date
15 of approval for such assistance without the requirement that any document
16 be signed by the applicant or recipient. By applying for or receiving
17 medical assistance the applicant or recipient is also deemed to have
18 appointed the secretary, or the secretary's designee, as an attorney-in-fact
19 to perform the specific act of negotiating and endorsing all drafts, checks,
20 money orders or other negotiable instruments, representing payments
21 received by the secretary in on behalf of any person applying for, receiving
22 or having received such assistance. This limited power of attorney shall be
23 effective from the date the secretary approves the application for assistance
24 and shall remain in effect until the assignment has been terminated in full.
25 The assignment of any rights to payment for medical care from a third
26 party under this subsection shall not prohibit a health care provider from
27 directly billing an insurance carrier for services rendered if the provider
28 has not submitted a claim covering such services to the secretary for
29 payment. Support amounts collected on behalf of persons whose rights to
30 support are assigned to the secretary only under this subsection and no
31 other shall be distributed pursuant to K.S.A. 39-756(d), and amendments
32 thereto, except that any amounts designated as medical support shall be
33 retained by the secretary for repayment of the unreimbursed portion of
34 assistance. Amounts collected pursuant to the assignment of rights to
35 payment for medical care from a third party shall also be retained by the
36 secretary for repayment of the unreimbursed portion of assistance.

37 (B) Notwithstanding the provisions of subparagraph (A), the
38 secretary of health and environment, or the secretary's designee, is hereby
39 authorized to and shall exercise any of the powers specified in
40 subparagraph (A) in relation to performance of such secretary's duties
41 pertaining to medical subrogation, estate recovery or any other duties
42 assigned to such secretary in article 74 of chapter 75 of the Kansas Statutes
43 Annotated, and amendments thereto.

1 (2) The amount of any medical assistance paid after June 30, 1992,
2 under the provisions of subsection~~(e)~~ (i) is a claim against the property or
3 any interest therein belonging to and a part of the estate of any deceased
4 recipient or, if there is no estate, the estate of the surviving spouse, if any,
5 shall be charged for such medical assistance paid to either or both and a
6 claim against any funds of such recipient or spouse in any account under
7 K.S.A. 9-1215, 17-2263 or 17-2264, and amendments thereto. There shall
8 be no recovery of medical assistance correctly paid to or on behalf of an
9 individual under subsection~~(e)~~ (i) except after the death of the surviving
10 spouse of the individual, if any, and only at a time when the individual has
11 no surviving child who is under 21 years of age or is blind or permanently
12 and totally disabled. Transfers of real or personal property by recipients of
13 medical assistance without adequate consideration are voidable and may
14 be set aside. Except where there is a surviving spouse, or a surviving child
15 who is under 21 years of age or is blind or permanently and totally
16 disabled, the amount of any medical assistance paid under subsection~~(e)~~
17 (i) is a claim against the estate in any guardianship or conservatorship
18 proceeding. The monetary value of any benefits received by the recipient
19 of such medical assistance under long-term care insurance, as defined by
20 K.S.A. 40-2227, and amendments thereto, shall be a credit against the
21 amount of the claim provided for such medical assistance under this
22 subsection. The secretary of health and environment is authorized to
23 enforce each claim provided for under this subsection. The secretary of
24 health and environment shall not be required to pursue every claim, but is
25 granted discretion to determine which claims to pursue. All moneys
26 received by the secretary of health and environment from claims under this
27 subsection shall be deposited in the social welfare fund. The secretary of
28 health and environment may adopt rules and regulations for the
29 implementation and administration of the medical assistance recovery
30 program under this subsection.

31 (3) By applying for or receiving medical assistance under the
32 provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and
33 amendments thereto, such individual or such individual's agent, fiduciary,
34 guardian, conservator, representative payee or other person acting on
35 behalf of the individual consents to the following definitions of estate and
36 the results therefrom:

37 (A) If an individual receives any medical assistance before July 1,
38 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,
39 and amendments thereto, which forms the basis for a claim under
40 paragraph (2), such claim is limited to the individual's probatable estate as
41 defined by applicable law; and

42 (B) if an individual receives any medical assistance on or after July 1,
43 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,

1 and amendments thereto, which forms the basis for a claim under
2 paragraph (2), such claim shall apply to the individual's medical assistance
3 estate. The medical assistance estate is defined as including all real and
4 personal property and other assets in which the deceased individual had
5 any legal title or interest immediately before or at the time of death to the
6 extent of that interest or title. The medical assistance estate includes
7 without limitation, assets conveyed to a survivor, heir or assign of the
8 deceased recipient through joint tenancy, tenancy in common,
9 survivorship, transfer-on-death deed, payable-on-death contract, life estate,
10 trust, annuities or similar arrangement.

11 (4) The secretary of health and environment or the secretary's
12 designee is authorized to file and enforce a lien against the real property of
13 a recipient of medical assistance in certain situations, subject to all prior
14 liens of record and transfers for value to a bona fide purchaser of record.
15 The lien must be filed in the office of the register of deeds of the county
16 where the real property is located within one year from the date of death of
17 the recipient and must contain the legal description of all real property in
18 the county subject to the lien.

19 (A) After the death of a recipient of medical assistance, the secretary
20 of health and environment or the secretary's designee may place a lien on
21 any interest in real property owned by such recipient.

22 (B) The secretary of health and environment or the secretary's
23 designee may place a lien on any interest in real property owned by a
24 recipient of medical assistance during the lifetime of such recipient. Such
25 lien may be filed only after notice and an opportunity for a hearing has
26 been given. Such lien may be enforced only upon competent medical
27 testimony that the recipient cannot reasonably be expected to be
28 discharged and returned home. A six-month period of compensated
29 inpatient care at a nursing home or other medical institution shall
30 constitute a determination by the department of health and environment
31 that the recipient cannot reasonably be expected to be discharged and
32 returned home. To return home means the recipient leaves the nursing or
33 medical facility and resides in the home on which the lien has been placed
34 for a continuous period of at least 90 days without being readmitted as an
35 inpatient to a nursing or medical facility. The amount of the lien shall be
36 for the amount of assistance paid by the department of health and
37 environment until the time of the filing of the lien and for any amount paid
38 thereafter for such medical assistance to the recipient. After the lien is filed
39 against any real property owned by the recipient, such lien will be
40 dissolved if the recipient is discharged, returns home and resides upon the
41 real property to which the lien is attached for a continuous period of at
42 least 90 days without being readmitted as an inpatient to a nursing or
43 medical facility. If the recipient is readmitted as an inpatient to a nursing or

1 medical facility for a continuous period of less than 90 days, another
2 continuous period of at least 90 days shall be completed prior to
3 dissolution of the lien.

4 (5) The lien filed by the secretary of health and environment or the
5 secretary's designee for medical assistance correctly received may be
6 enforced before or after the death of the recipient by the filing of an action
7 to foreclose such lien in the Kansas district court or through an estate
8 probate court action in the county where the real property of the recipient
9 is located. However, it may be enforced only:

10 (A) After the death of the surviving spouse of the recipient;

11 (B) when there is no child of the recipient, natural or adopted, who is
12 20 years of age or less residing in the home;

13 (C) when there is no adult child of the recipient, natural or adopted,
14 who is blind or disabled residing in the home; or

15 (D) when no brother or sister of the recipient is lawfully residing in
16 the home, who has resided there for at least one year immediately before
17 the date of the recipient's admission to the nursing or medical facility, and
18 has resided there on a continuous basis since that time.

19 (6) The lien remains on the property even after a transfer of the title
20 by conveyance, sale, succession, inheritance or will unless one of the
21 following events occur:

22 (A) The lien is satisfied. The recipient, the heirs, personal
23 representative or assigns of the recipient may discharge such lien at any
24 time by paying the amount of the lien to the secretary of health and
25 environment or the secretary's designee;

26 (B) the lien is terminated by foreclosure of prior lien of record or
27 settlement action taken in lieu of foreclosure; or

28 (C) the value of the real property is consumed by the lien, at which
29 time the secretary of health and environment or the secretary's designee
30 may force the sale for the real property to satisfy the lien.

31 (7) If the secretary for aging and disability services or the secretary of
32 health and environment, or both, or such secretary's designee has not filed
33 an action to foreclose the lien in the Kansas district court in the county
34 where the real property is located within 10 years from the date of the
35 filing of the lien, then the lien shall become dormant, and shall cease to
36 operate as a lien on the real estate of the recipient. Such dormant lien may
37 be revived in the same manner as a dormant judgment lien is revived under
38 K.S.A. 60-2403 et seq., and amendments thereto.

39 (8) Within seven days of receipt of notice by the secretary ~~for~~
40 ~~children and families~~ or the secretary's designee of the death of a recipient
41 of medical assistance under this subsection, the secretary ~~for children and~~
42 ~~families~~ or the secretary's designee shall give notice of such recipient's
43 death to the secretary of health and environment or the secretary's

1 designee.

2 (9) All rules and regulations adopted on and after July 1, 2013, and
3 prior to July 1, 2014, to implement this subsection shall continue to be
4 effective and shall be deemed to be duly adopted rules and regulations of
5 the secretary of health and environment until revised, amended, revoked or
6 nullified pursuant to law.

7 ~~(h) Placement under the revised Kansas code for care of children or~~
8 ~~revised Kansas juvenile justice code; assignment of support rights and~~
9 ~~limited power of attorney.~~ In any case in which the secretary for children
10 and families pays for the expenses of care and custody of a child pursuant
11 to K.S.A. 38-2201 et seq. or 38-2301 et seq., and amendments thereto,
12 including the expenses of any foster care placement, an assignment of all
13 past, present and future support rights of the child in custody possessed by
14 either parent or other person entitled to receive support payments for the
15 child is, by operation of law, conveyed to the secretary. Such assignment
16 shall become effective upon placement of a child in the custody of the
17 secretary or upon payment of the expenses of care and custody of a child
18 by the secretary without the requirement that any document be signed by
19 the parent or other person entitled to receive support payments for the
20 child. When the secretary pays for the expenses of care and custody of a
21 child or a child is placed in the custody of the secretary, the parent or other
22 person entitled to receive support payments for the child is also deemed to
23 have appointed the secretary, or the secretary's designee, as attorney in fact
24 to perform the specific act of negotiating and endorsing all drafts, checks,
25 money orders or other negotiable instruments representing support
26 payments received by the secretary on behalf of the child. This limited
27 power of attorney shall be effective from the date the assignment to
28 support rights becomes effective and shall remain in effect until the
29 assignment of support rights has been terminated in full.

30 (i) No person who voluntarily quits employment or who is fired from
31 employment due to gross misconduct as defined by rules and regulations
32 of the secretary or who is a fugitive from justice by reason of a felony
33 conviction or charge or violation of a condition of probation or parole
34 imposed under federal or state law shall be eligible to receive public
35 assistance benefits in this state. Any recipient of public assistance who
36 fails to timely comply with monthly reporting requirements under criteria
37 and guidelines prescribed by rules and regulations of the secretary shall be
38 subject to a penalty established by the secretary by rules and regulations.

39 (j) ~~If the applicant or recipient of temporary assistance for needy~~
40 ~~families is a mother of the dependent child, as a condition of the mother's~~
41 ~~eligibility for temporary assistance for needy families the mother shall~~
42 ~~identify by name and, if known, by current address the father of the~~
43 ~~dependent child except that the secretary may adopt by rules and~~

1 regulations exceptions to this requirement in cases of undue hardship. Any
2 recipient of temporary assistance for needy families who fails to cooperate
3 with requirements relating to child support services under criteria and
4 guidelines prescribed by rules and regulations of the secretary shall be
5 subject to a penalty established by the secretary.

6 (k) By applying for or receiving child care subsidy or food assistance,
7 the applicant or recipient shall be deemed to have assigned, pursuant to
8 K.S.A. 39-756, and amendments thereto, to the secretary on behalf of the
9 state only accrued, present or future rights to support from any other
10 person such applicant may have in such person's own behalf or in behalf of
11 any other family member for whom the applicant is applying for or
12 receiving aid. The assignment of support rights shall automatically become
13 effective upon the date of approval for or receipt of such aid without the
14 requirement that any document be signed by the applicant or recipient. By
15 applying for or receiving child care subsidy or food assistance, the
16 applicant or recipient is also deemed to have appointed the secretary, or the
17 secretary's designee, as an attorney in fact to perform the specific act of
18 negotiating and endorsing all drafts, checks, money orders or other
19 negotiable instruments representing support payments received by the
20 secretary in behalf of any person applying for, receiving or having
21 received such assistance. This limited power of attorney shall be effective
22 from the date the secretary approves the application for aid and shall
23 remain in effect until the assignment of support rights has been terminated
24 in full. An applicant or recipient who has assigned support rights to the
25 secretary pursuant to this subsection shall cooperate in establishing and
26 enforcing support obligations to the same extent required of applicants for
27 or recipients of temporary assistance for needy families.

28 (l) (1) A program of drug screening for applicants for cash assistance
29 as a condition of eligibility for cash assistance and persons receiving cash
30 assistance as a condition of continued receipt of cash assistance shall be
31 established, subject to applicable federal law, by the secretary for children
32 and families on and before January 1, 2014. Under such program of drug
33 screening, the secretary for children and families shall order a drug
34 screening of an applicant for or a recipient of cash assistance at any time
35 when reasonable suspicion exists that such applicant for or recipient of
36 cash assistance is unlawfully using a controlled substance or controlled
37 substance analog. The secretary for children and families may use any
38 information obtained by the secretary for children and families to
39 determine whether such reasonable suspicion exists, including, but not
40 limited to, an applicant's or recipient's demeanor, missed appointments and
41 arrest or other police records, previous employment or application for
42 employment in an occupation or industry that regularly conducts drug
43 screening, termination from previous employment due to unlawful use of a

1 controlled substance or controlled substance analog or prior drug screening
2 records of the applicant or recipient indicating unlawful use of a controlled
3 substance or controlled substance analog.

4 (2) ~~Any applicant for or recipient of cash assistance whose drug~~
5 ~~screening results in a positive test may request that the drug screening~~
6 ~~specimen be sent to a different drug testing facility for an additional drug~~
7 ~~screening. Any applicant for or recipient of cash assistance who requests~~
8 ~~an additional drug screening at a different drug testing facility shall be~~
9 ~~required to pay the cost of drug screening. Such applicant or recipient who~~
10 ~~took the additional drug screening and who tested negative for unlawful~~
11 ~~use of a controlled substance and controlled substance analog shall be~~
12 ~~reimbursed for the cost of such additional drug screening.~~

13 (3) ~~Any applicant for or recipient of cash assistance who tests~~
14 ~~positive for unlawful use of a controlled substance or controlled substance~~
15 ~~analog shall be required to complete a substance abuse treatment program~~
16 ~~approved by the secretary for children and families, secretary of labor or~~
17 ~~secretary of commerce, and a job skills program approved by the secretary~~
18 ~~for children and families, secretary of labor or secretary of commerce.~~
19 ~~Subject to applicable federal laws, any applicant for or recipient of cash~~
20 ~~assistance who fails to complete or refuses to participate in the substance~~
21 ~~abuse treatment program or job skills program as required under this~~
22 ~~subsection shall be ineligible to receive cash assistance until completion of~~
23 ~~such substance abuse treatment and job skills programs. Upon completion~~
24 ~~of both substance abuse treatment and job skills programs, such applicant~~
25 ~~for or recipient of cash assistance may be subject to periodic drug~~
26 ~~screening, as determined by the secretary for children and families. Upon a~~
27 ~~second positive test for unlawful use of a controlled substance or~~
28 ~~controlled substance analog, a recipient of cash assistance shall be ordered~~
29 ~~to complete again a substance abuse treatment program and job skills~~
30 ~~program, and shall be terminated from cash assistance for a period of 12~~
31 ~~months, or until such recipient of cash assistance completes both substance~~
32 ~~abuse treatment and job skills programs, whichever is later. Upon a third~~
33 ~~positive test for unlawful use of a controlled substance or controlled~~
34 ~~substance analog, a recipient of cash assistance shall be terminated from~~
35 ~~cash assistance, subject to applicable federal law.~~

36 (4) ~~If an applicant for or recipient of cash assistance is ineligible for~~
37 ~~or terminated from cash assistance as a result of a positive test for~~
38 ~~unlawful use of a controlled substance or controlled substance analog, and~~
39 ~~such applicant for or recipient of cash assistance is the parent or legal~~
40 ~~guardian of a minor child, an appropriate protective payee shall be~~
41 ~~designated to receive cash assistance on behalf of such child. Such parent~~
42 ~~or legal guardian of the minor child may choose to designate an individual~~
43 ~~to receive cash assistance for such parent's or legal guardian's minor child,~~

1 as approved by the secretary for children and families. Prior to the
2 designated individual receiving any cash assistance, the secretary for
3 children and families shall review whether reasonable suspicion exists that
4 such designated individual is unlawfully using a controlled substance or
5 controlled substance analog.

6 (A) In addition, any individual designated to receive cash assistance
7 on behalf of an eligible minor child shall be subject to drug screening at
8 any time when reasonable suspicion exists that such designated individual
9 is unlawfully using a controlled substance or controlled substance analog.
10 The secretary for children and families may use any information obtained
11 by the secretary for children and families to determine whether such
12 reasonable suspicion exists, including, but not limited to, the designated
13 individual's demeanor, missed appointments and arrest or other police
14 records, previous employment or application for employment in an
15 occupation or industry that regularly conducts drug screening, termination
16 from previous employment due to unlawful use of a controlled substance
17 or controlled substance analog or prior drug screening records of the
18 designated individual indicating unlawful use of a controlled substance or
19 controlled substance analog.

20 (B) Any designated individual whose drug screening results in a
21 positive test may request that the drug screening specimen be sent to a
22 different drug testing facility for an additional drug screening. Any
23 designated individual who requests an additional drug screening at a
24 different drug testing facility shall be required to pay the cost of drug
25 screening. Such designated individual who took the additional drug
26 screening and who tested negative for unlawful use of a controlled
27 substance and controlled substance analog shall be reimbursed for the cost
28 of such additional drug screening.

29 (C) Upon any positive test for unlawful use of a controlled substance
30 or controlled substance analog, the designated individual shall not receive
31 cash assistance on behalf of the parent's or legal guardian's minor child,
32 and another designated individual shall be selected by the secretary for
33 children and families to receive cash assistance on behalf of such parent's
34 or legal guardian's minor child.

35 (5) If a person has been convicted under federal or state law of any
36 offense that is classified as a felony by the law of the jurisdiction and has
37 as an element of such offense the manufacture, cultivation, distribution,
38 possession or use of a controlled substance or controlled substance analog,
39 and the date of conviction is on or after July 1, 2013, such person shall
40 thereby become forever ineligible to receive any cash assistance under this
41 subsection unless such conviction is the person's first conviction. First-
42 time offenders convicted under federal or state law of any offense that is
43 classified as a felony by the law of the jurisdiction and has as an element

1 of such offense the manufacture, cultivation, distribution, possession or
2 use of a controlled substance or controlled substance analog, and the date
3 of conviction is on or after July 1, 2013, such person shall become
4 ineligible to receive cash assistance for five years from the date of
5 conviction.

6 (6) Except for hearings before the Kansas department for children and
7 families, the results of any drug screening administered as part of the drug
8 screening program authorized by this subsection shall be confidential and
9 shall not be disclosed publicly.

10 (7) The secretary for children and families may adopt such rules and
11 regulations as are necessary to carry out the provisions of this subsection.

12 (8) Any authority granted to the secretary for children and families
13 under this subsection shall be in addition to any other penalties prescribed
14 by law.

15 (9) As used in this subsection:

16 (A) "Cash assistance" means cash assistance provided to individuals
17 under the provisions of article 7 of chapter 39 of the Kansas Statutes
18 Annotated, and amendments thereto, and any rules and regulations adopted
19 pursuant to such provisions.

20 (B) "Controlled substance" means the same as in K.S.A. 21-5701, and
21 amendments thereto, and 21 U.S.C. § 802.

22 (C) "Controlled substance analog" means the same as in K.S.A. 21-
23 5701, and amendments thereto.

24 Sec. 2. K.S.A. 39-757 is hereby amended to read as follows: 39-757.

25 (a) The secretary for children and families shall remit all moneys received
26 by or for the secretary from the enforcement of rights assigned to the
27 secretary under subsection (b) of K.S.A. 39-709, and amendments thereto,
28 to the state treasurer in accordance with the provisions of K.S.A. 75-4215,
29 and amendments thereto. Upon receipt of each such remittance, the state
30 treasurer shall deposit the entire amount in the state treasury as follows:

31 (1) Amounts to be distributed pursuant to part D of title IV of the federal
32 social security act, 42 U.S.C. § 651 et seq., to the state shall be credited to
33 the title IV-D aid to families with dependent children fee fund, and all
34 expenditures from such fund shall be made in accordance with
35 appropriation acts upon warrants of the director of accounts and reports
36 issued pursuant to vouchers approved by the secretary or by a person or
37 persons designated by the secretary; and (2) amounts to be distributed
38 pursuant to part D of title IV of the federal social security act, 42 U.S.C. §
39 651 et seq., to applicants for or recipients of aid under subsection (b) of
40 K.S.A. 39-709, and amendments thereto, shall be credited to the title IV-D
41 aid to families with dependent children claims fund, and all expenditures
42 from such fund shall be made upon warrants of the director of accounts
43 and reports issued pursuant to vouchers approved by the secretary or by a

1 person or persons designated by the secretary.

2 (b) The secretary ~~for children and families~~ shall remit all moneys
3 received by or for the secretary under K.S.A. 39-756, and amendments
4 thereto, to the state treasurer in accordance with the provisions of K.S.A.
5 75-4215, and amendments thereto. Upon receipt of each such remittance,
6 the state treasurer shall deposit the entire amount in the state treasury as
7 follows: (1) Amounts to be distributed pursuant to part D of title IV of the
8 federal social security act, 42 U.S.C. § 651 et seq., to the state shall be
9 credited to the title IV-D fee fund, and all expenditures from such fund
10 shall be made in accordance with ~~appropriate~~ *appropriations* acts upon
11 warrants of the director of accounts and reports issued pursuant to
12 vouchers approved by the secretary or by a person or persons designated
13 by the secretary; and (2) amounts to be distributed pursuant to part D of
14 title IV of the federal social security act, 42 U.S.C. § 651 et seq., to
15 persons who under K.S.A. 39-756, and amendments thereto, are eligible
16 for services specified in such section shall be credited to the title IV-D
17 claims fund, and all expenditures from such fund shall be made upon
18 warrants of the director of accounts and reports issued pursuant to
19 vouchers approved by the secretary or by a person or persons designated
20 by the secretary.

21 (c) Money shall be deposited in the funds established by subsections
22 (a) and (b) of this section and shall be distributed from such funds in
23 accordance with the provisions of part D of title IV of the federal social
24 security act, 42 U.S.C. § 651 et seq.

25 Sec. 3. K.S.A. 39-757 and K.S.A. 2024 Supp. 39-709 are hereby
26 repealed.

27 Sec. 4. This act shall take effect and be in force from and after its
28 publication in the statute book.