

## 2012 Kansas Statutes

**39-7,139. Powers and remedies of the secretary concerning IV-D services.** (a) The powers and remedies provided in this section are cumulative and do not affect any other powers of the secretary or the availability of remedies under other law.

(b) In any case for which the secretary is providing IV-D services, the secretary, subject to de novo court review as provided in subsection (c), may:

- (1) Obtain access to information as authorized by law;
- (2) subpoena records pursuant to K.S.A. 39-7,144 and amendments thereto;
- (3) order genetic tests pursuant to K.S.A. 39-7,145 and amendments thereto;
- (4) order minimum payments to defray arrearages pursuant to K.S.A. 39-7,146 and amendments thereto;
- (5) enforce any duty of support by income withholding pursuant to the income withholding act and K.S.A. 39-7,147 *et seq.* and amendments thereto;
- (6) enforce any duty of support by administrative levy pursuant to K.S.A. 39-7,150 and amendments thereto;
- (7) perfect any lien against property;
- (8) order executions against property pursuant to K.S.A. 60-2401 and amendments thereto; and
- (9) change the payee of any support order pursuant to K.S.A. 39-7,151 and amendments thereto.

(c) In any action by the secretary pursuant to subsection (b), an aggrieved person has the right to file a petition with the district court pursuant to chapter 60 of the Kansas Statutes Annotated, and amendments thereto, for de novo court review of such action by the secretary. An aggrieved person shall not be required to first exhaust administrative remedies that may be available to such person. If such person files a petition for de novo review and a request for an administrative hearing has already been docketed, such administrative hearing shall be stayed until the court has reviewed and rendered a decision on such petition. The secretary of social and rehabilitation services shall be a necessary party to the action. In any action under this subsection, the court may grant relief that would have been available to the parties in an administrative hearing conducted pursuant to K.S.A. 75-3306, and amendments thereto.

(d) In any action by the secretary pursuant to subsection (b), the secretary shall give written notice to the party, clearly and conspicuously, of the right to a de novo court review pursuant to subsection (c).

(e) The secretary may designate employees of the secretary to serve as authorized agents to exercise powers of the secretary in IV-D administrative proceedings. By written contract, the secretary may designate other persons to serve as authorized agents to exercise specific powers of the secretary in IV-D cases.

**History:** L. 1997, ch. 182, § 8; July 3.