

Senate Substitute for HOUSE BILL No. 2258

By Committee on Public Health and Welfare

3-23

1 AN ACT concerning social welfare; Kansas department for children and
2 families; eligibility requirements for assistance amending K.S.A. 17-
3 2263, 17-5828, 39-709b, 59-1301 and 59-3504 and K.S.A. 2014 Supp.
4 9-1215, 9-1216, 16-311, 17-2264, 17-5829, 39-702, 39-709, 39-709c,
5 39-753, 39-756a, 59-2222, 59-2247, 59-2801 and 59-3086 and
6 repealing the existing sections; also repealing K.S.A. 39-7,101, 39-
7 7,106, 39-7,107, 39-7,110 and 75-5364 and K.S.A. 2014 Supp. 39-
8 7,102, 39-7,103, 39-7,104, 39-7,105, 39-7,108, 39-7,109 and 39-7,122.
9

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

11 Section 1. K.S.A. 2014 Supp. 9-1215 is hereby amended to read as
12 follows: 9-1215. Subject to the provisions of this section and K.S.A. 9-
13 1216, and amendments thereto, an individual adult or minor, hereafter
14 referred to as the owner, may enter into a written contract with any bank
15 located in this state providing that the balance of the owner's deposit
16 account, or the balance of the owner's legal share of a deposit account, at
17 the time of death of the owner shall be made payable on the death of the
18 owner to one or more persons or, if the persons predecease the owner, to
19 another person or persons, hereafter referred to as the beneficiary or
20 beneficiaries. If any beneficiary is a minor at the time the account, or any
21 portion of the account, becomes payable to the beneficiary and the
22 balance, or portion of the balance, exceeds the amount specified by K.S.A.
23 59-3053, and amendments thereto, the moneys shall be payable only to a
24 conservator of the minor beneficiary.

25 Transfers pursuant to this section shall not be considered testamentary
26 or be invalidated due to nonconformity with the provisions of chapter 59
27 of the Kansas Statutes Annotated, *and amendments thereto*.

28 Every contract authorized by this section shall be considered to contain
29 a right on the part of the owner during the owner's lifetime both to
30 withdraw funds on deposit in the account in the manner provided in the
31 contract, in whole or in part, as though no beneficiary has been named, and
32 to change the designation of beneficiary. The interest of the beneficiary
33 shall be considered not to vest until the death of the owner and, if there is a
34 claim pursuant to ~~subsection (g)~~ of K.S.A. 39-709, and amendments
35 thereto, until such claim is satisfied.

36 No change in the designation of the beneficiary shall be valid unless

1 executed in the form and manner prescribed by the bank and delivered to
2 the bank prior to the death of the owner.

3 For the purposes of this section, the balance of the owner's deposit
4 account or the balance of the owner's legal share of a deposit account shall
5 not be construed to include any portion of the account which under the law
6 of joint tenancy is the property of another joint tenant of the account upon
7 the death of the owner.

8 As used in this section, "person" means any individual, individual or
9 corporate fiduciary or nonprofit religious or charitable organization as
10 defined by K.S.A. 79-4701, and amendments thereto.

11 Sec. 2. K.S.A. 2014 Supp. 9-1216 is hereby amended to read as
12 follows: 9-1216. When the owner and the bank have entered into a
13 contract authorized in K.S.A. 9-1215, and amendments thereto, the
14 owner's deposit account subject to the contract or any part of or interest on
15 the account shall be paid by the bank to the owner or pursuant to the
16 owner's order during the owner's lifetime. On the owner's death, the
17 deposit account or any part of or interest on the account shall be paid by
18 the bank to the secretary for children and families for a claim pursuant to
19 ~~subsection (g)~~ of K.S.A. 39-709, and amendments thereto, or, if there is no
20 such claim or if any portion of the account remains after such claim is
21 satisfied, to the designated beneficiary or beneficiaries. If any designated
22 beneficiary is a minor at the time the account, or any portion of the
23 account, becomes payable to the beneficiary and the balance, or portion of
24 the balance, exceeds the amount specified by K.S.A. 59-3053, and
25 amendments thereto, the bank shall pay the moneys or any interest on
26 them only to a conservator of the minor beneficiary. The receipt of the
27 conservator shall release and discharge the bank for the payment.

28 Sec. 3. K.S.A. 2014 Supp. 16-311 is hereby amended to read as
29 follows: 16-311. (a) Whenever a person, who is or has been a recipient of
30 medical assistance from the Kansas department for children and families,
31 enters into a prearranged funeral agreement, contract or plan pursuant to
32 K.S.A. 16-301, and amendments thereto, or a prearranged funeral
33 agreement, contract or plan funded by insurance proceeds, such person
34 shall inform the secretary for children and families or the secretary's
35 designee of the existence of such an agreement, contract or plan and shall
36 inform the funeral establishment that such person is or has been a recipient
37 of medical assistance.

38 (b) If any balance remains after payment for the final disposition of a
39 dead human body, or for funeral or burial services, or funeral or burial
40 merchandise, and the purchaser of the agreement, contract, or plan is or
41 has been a recipient of medical assistance or a deceased surviving spouse
42 of a recipient of medical assistance, any remaining balance shall be paid
43 according to K.S.A. 16-304, and amendments thereto, or if such

1 agreement, contract or plan was funded by insurance, any remaining
2 balance shall be paid by the insurance company or the person, association,
3 partnership, firm or corporation providing the services or merchandise to
4 the secretary for children and families or the secretary's designee, to the
5 extent of medical assistance expended on the deceased recipient. The
6 insurance company or the person, association, partnership, firm or
7 corporation providing the services or merchandise shall not be liable to the
8 Kansas department for children and families for the balance in the account
9 if written notice has not been received stating that medical assistance has
10 been expended on the recipient for which the Kansas department for
11 children and families may have a claim, and the balance of the account has
12 been paid to the estate of the deceased or in the case of insurance, the
13 designated beneficiary.

14 (c) Payments to the secretary for children and families under
15 subsection (b) and K.S.A. 16-304, and amendments thereto, shall be
16 governed by ~~subsection (g)(2) of K.S.A. 39-709~~, and amendments thereto.

17 Sec. 4. K.S.A. 17-2263 is hereby amended to read as follows: 17-
18 2263. Subject to the provisions of this section and K.S.A. 17-2264, and
19 amendments thereto, an individual adult or minor, hereafter referred to as
20 the shareholder, may enter into a written contract with any credit union
21 located in this state providing that the balance of the shareholder's account,
22 or the balance of the shareholder's legal share of an account, at the time of
23 death of the shareholder shall be made payable on the death of the
24 shareholder to one or more persons or, if the persons predecease the owner,
25 to another person or persons, hereafter referred to as the beneficiary or
26 beneficiaries. If any beneficiary is a minor at the time the account, or any
27 portion of the account, becomes payable to the beneficiary and the
28 balance, or portion of the balance, exceeds the amount specified by K.S.A.
29 59-3053, and amendments thereto, the moneys shall be payable only to a
30 conservator of the minor beneficiary.

31 Transfers pursuant to this section shall not be considered testamentary
32 or be invalidated due to nonconformity with the provisions of chapter 59
33 of the Kansas Statutes Annotated, *and amendments thereto*.

34 Every contract authorized by this section shall be considered to contain
35 a right on the part of the shareholder during the shareholder's lifetime both
36 to withdraw funds on deposit in the account in the manner provided in the
37 contract, in whole or in part, as though no beneficiary has been named, and
38 to change the designation of beneficiary. The interest of the beneficiary
39 shall be considered not to vest until the death of the shareholder and, if
40 there is a claim pursuant to ~~subsection (g) of K.S.A. 39-709~~, and
41 amendments thereto, until such claim is satisfied.

42 No change in the designation of the beneficiary shall be valid unless
43 executed in the form and manner prescribed by the credit union and

1 delivered to the credit union prior to the death of the shareholder.

2 For the purposes of this section, the balance of the shareholder's
3 account or the balance of the shareholder's legal share of an account shall
4 not be construed to include any portion of the account which under the law
5 of joint tenancy is the property of another joint tenant of the account upon
6 the death of the owner.

7 As used in this section, "person" means any individual, individual or
8 corporate fiduciary or nonprofit religious or charitable organization as
9 defined by K.S.A. 79-4701, and amendments thereto.

10 Sec. 5. K.S.A. 2014 Supp. 17-2264 is hereby amended to read as
11 follows: 17-2264. When the shareholder and the credit union have entered
12 into a contract authorized in K.S.A. 17-2263, and amendments thereto, the
13 shareholder's account subject to the contract or any part of or interest on
14 the account shall be paid by the credit union to the shareholder or pursuant
15 to the shareholder's order during the shareholder's lifetime. On the
16 shareholder's death, the deposit account or any part of or interest on the
17 account shall be paid by the credit union to the secretary for children and
18 families for a claim pursuant to ~~subsection (g) of~~ K.S.A. 39-709, and
19 amendments thereto, or, if there is no such claim or if any portion of the
20 account remains after such claim is satisfied, to the designated beneficiary
21 or beneficiaries. If any designated beneficiary is a minor at the time the
22 account, or any portion of the account, becomes payable to the beneficiary
23 and the balance, or portion of the balance, exceeds the amount specified by
24 K.S.A. 59-3053, and amendments thereto, the credit union shall pay the
25 moneys or any interest on them only to a conservator of the minor
26 beneficiary. The receipt of the conservator shall release and discharge the
27 credit union for the payment.

28 Sec. 6. K.S.A. 17-5828 is hereby amended to read as follows: 17-
29 5828. Subject to the provisions of this section and K.S.A. 17-5829, and
30 amendments thereto, an individual adult or minor, hereafter referred to as
31 the owner, may enter into a written contract with any savings and loan
32 association located in this state providing that the balance of the owner's
33 deposit account, or the balance of the owner's legal share of a deposit
34 account, at the time of death of the owner shall be made payable on the
35 death of the owner to one or more persons or, if the persons predecease the
36 owner, to another person or persons, hereafter referred to as the beneficiary
37 or beneficiaries. If any beneficiary is a minor at the time the account, or
38 any portion of the account, becomes payable to the beneficiary and the
39 balance, or portion of the balance, exceeds the amount specified by K.S.A.
40 59-3053, and amendments thereto, the moneys shall be payable only to a
41 conservator of the minor beneficiary.

42 Transfers pursuant to this section shall not be considered testamentary
43 or be invalidated due to nonconformity with the provisions of chapter 59

1 of the Kansas Statutes Annotated, *and amendments thereto.*

2 Every contract authorized by this section shall be considered to contain
3 a right on the part of the owner during the owner's lifetime both to
4 withdraw funds on deposit in the account in the manner provided in the
5 contract, in whole or in part, as though no beneficiary has been named, and
6 to change the designation of beneficiary. The interest of the beneficiary
7 shall be considered not to vest until the death of the owner and, if there is a
8 claim pursuant to ~~subsection (g)~~ of K.S.A. 39-709, and amendments
9 thereto, until such claim is satisfied.

10 No change in the designation of the beneficiary shall be valid unless
11 executed in the form and manner prescribed by the savings and loan
12 association and delivered to the savings and loan association prior to the
13 death of the owner.

14 For the purposes of this section, the balance of the owner's deposit
15 account or the balance of the owner's legal share of a deposit account shall
16 not be construed to include any portion of the account which under the law
17 of joint tenancy is the property of another joint tenant of the account upon
18 the death of the owner.

19 As used in this section, "person" means any individual, individual or
20 corporate fiduciary or nonprofit religious or charitable organization as
21 defined by K.S.A. 79-4701, and amendments thereto.

22 Sec. 7. K.S.A. 2014 Supp. 17-5829 is hereby amended to read as
23 follows: 17-5829. When the owner and the savings and loan association
24 have entered into a contract authorized in K.S.A. 17-5828, and
25 amendments thereto, the owner's deposit account subject to the contract or
26 any part of or interest on the account shall be paid by the savings and loan
27 association to the owner or pursuant to the owner's order during the
28 owner's lifetime. On the owner's death, the deposit account or any part of
29 or interest on the account may be paid by the savings and loan association
30 to the secretary for children and families for a claim pursuant to ~~subsection~~
31 ~~(g)~~ of K.S.A. 39-709, and amendments thereto, or, if there is no such claim
32 or if any portion of the account remains after such claim is satisfied, to the
33 designated beneficiary or beneficiaries. If any designated beneficiary is a
34 minor at the time the account, or any portion of the account, becomes
35 payable to the beneficiary and the balance, or portion of the balance,
36 exceeds the amount specified by K.S.A. 59-3053, and amendments
37 thereto, the savings and loan association shall pay the moneys or any
38 interest on them only to a conservator of the minor beneficiary. The receipt
39 of the conservator shall release and discharge the savings and loan
40 association for the payment.

41 Sec. 8. K.S.A. 2014 Supp. 39-702 is hereby amended to read as
42 follows: 39-702. The following words and phrases when used in this act
43 shall, for the purposes of this act, have the meanings respectively ascribed

1 to them in this section:

2 (a) "Secretary" means the secretary for children and families, unless
3 otherwise specified.

4 (b) "Applicants" means all persons who, as individuals, or in whose
5 behalf requests are made of the secretary for aid or assistance.

6 (c) "Social welfare service" may include such functions as giving
7 assistance, the prevention of public dependency, and promoting the
8 rehabilitation of dependent persons or those who are approaching public
9 dependency.

10 (d) "Assistance" includes such items or functions as the giving or
11 providing of money, food ~~stamps or coupons~~ assistance, food, clothing,
12 shelter, medicine or other materials, the giving of any service, including
13 instructive or scientific, ~~and the providing of institutional care, which may~~
14 ~~be necessary or helpful to the recipient in providing the necessities of life~~
15 ~~for the recipient and the recipient's dependents.~~ The definitions of social
16 welfare service and assistance in this section shall be deemed as partially
17 descriptive and not limiting.

18 (e) ~~"Aid to families with dependent children~~ *Temporary assistance to*
19 *needy families*" means financial assistance with respect to or on behalf of a
20 dependent child or dependent children and includes financial assistance for
21 any month to meet the needs of the relative *or qualifying caretaker* with
22 whom any dependent child is living.

23 (f) "Medical assistance" means the payment of all or part of the cost
24 of necessary: (1) Medical, remedial, rehabilitative or preventive care and
25 services which are within the scope of services to be provided under a
26 medical care plan developed by the secretary pursuant to this act and
27 furnished by health care providers who have a current approved provider
28 agreement with the secretary; and (2) transportation to obtain care and
29 services which are within the scope of services to be provided under a
30 medical care plan developed by the secretary pursuant to this act.

31 (g) "Dependent children" means needy children under the age of 18,
32 or who are under the age of 19 and are full-time students in secondary
33 schools or the equivalent educational program ~~or are full-time students in a~~
34 ~~program of vocational or technical training if they may be reasonably~~
35 ~~expected to complete the training before attaining age 19, who have been~~
36 ~~deprived of parental or guardian support or care by reasons of the death,~~
37 ~~continued absence from the home, or physical or mental incapacity~~ *who*
38 *are in the care of a biological or adoptive parent or, court appointed*
39 *guardian, conservator or legal custodian* and who are living with any
40 ~~blood relative, including those of the half blood, and including first~~
41 ~~cousins, uncles, aunts, and persons of preceding generations are denoted~~
42 ~~by prefixes of grand, great, or great-great, and including the spouses or~~
43 ~~former spouses of any persons named in the above groups, in a place of~~

1 residence maintained by one or more of such relatives as their own home.
2 ~~The secretary may adopt rules and regulations which extend the~~
3 ~~deprivation requirement under this definition to include being deprived of~~
4 ~~parental or guardian support or care by reason of the unemployment of a~~
5 ~~parent or guardian. The term "dependent children" also includes children~~
6 ~~who would meet the foregoing requirements except for their removal from~~
7 ~~the home of a relative as a result of judicial determination to the effect that~~
8 ~~continuation therein would be contrary to the welfare of such children, for~~
9 ~~whose placement and care the secretary is responsible, who have been~~
10 ~~placed in a foster family home or child care institution as a result of such~~
11 ~~determination and who received aid to dependent children in or for the~~
12 ~~month in which court proceedings leading to such determination were~~
13 ~~initiated, or would have received such aid in or for such month if~~
14 ~~application had been made therefor, or in the case of a child who had been~~
15 ~~living with a relative specified above within six months prior to the month~~
16 ~~in which such proceedings were initiated, would have received such aid in~~
17 ~~or for such month if in such month such child had been living with and~~
18 ~~removed from the home of such a relative and application had been made~~
19 ~~therefor.~~

20 (h) "The blind" means not only those who are totally and permanently
21 devoid of vision, but also those persons whose vision is so defective as to
22 prevent the performance of ordinary activities for which eyesight is
23 essential.

24 (i) ~~"General assistance" means financial assistance in which the cost~~
25 ~~of such financial assistance is not participated in by the federal~~
26 ~~government. General assistance may be limited to transitional assistance in~~
27 ~~some instances as specified by rules and regulations adopted by the~~
28 ~~secretary.~~

29 ~~(j)~~—"Recipient" means a person who has received assistance under the
30 terms of this act.

31 ~~(k)~~—(j) "Intake office" means the place where the secretary shall
32 maintain an office for receiving applications.

33 ~~(l)~~—(k) "Adequate consideration" means consideration equal, or
34 reasonably proportioned to the value of that for which it is given.

35 ~~(m)~~—"Transitional assistance" means a form of general assistance in
36 which as little financial assistance as one payment may be made during
37 each period of 12 consecutive calendar months to an eligible and needy
38 person and all other persons for whom such person is legally responsible.

39 ~~(n)~~—(l) "Title IV-D" means part D of title IV of the federal social
40 security act (42 U.S.C. § 651 et seq.), as in effect on May 1, 1997.

41 (m) *"TANF diversion assistance" means a one-time voluntary*
42 *payment option in lieu of ongoing TANF assistance. The diversion*
43 *payment is available to applicants who have not received TANF assistance*

1 *as an adult, and is designed to meet a crisis or emergency hardship that*
2 *would endanger such applicants' ability to remain employed or to accept*
3 *an offer of employment. Any household that includes such recipient*
4 *accepting the diversion payment is ineligible to receive on-going TANF*
5 *assistance for 12 months after receipt of the diversion payment. Any*
6 *recipient who receives a diversion payment is limited to 42 months of*
7 *TANF cash assistance in a lifetime, unless such recipient shall meet a*
8 *hardship criteria as defined by the secretary.*

9 *(n) "Non-cooperation" means the failure of the applicant or recipient*
10 *to comply with all requirements provided in state and federal law, rules*
11 *and regulations and agency policy.*

12 *Sec. 9. K.S.A. 2014 Supp. 39-709 is hereby amended to read as*
13 *follows: 39-709. (a) General eligibility requirements for assistance for*
14 *which federal moneys are expended. Subject to the additional requirements*
15 *below, assistance in accordance with plans under which federal moneys*
16 *are expended may be granted to any needy person who:*

17 *(1) Has insufficient income or resources to provide a reasonable*
18 *subsistence compatible with decency and health. Where a husband and*
19 *wife or cohabiting partners are living together, the combined income or*
20 *resources of both shall be considered in determining the eligibility of*
21 *either or both for such assistance unless otherwise prohibited by law. The*
22 *secretary, in determining need of any applicant for or recipient of*
23 *assistance shall not take into account the financial responsibility of any*
24 *individual for any applicant or recipient of assistance unless such applicant*
25 *or recipient is such individual's spouse, cohabiting partner or such*
26 *individual's minor child or minor stepchild if the stepchild is living with*
27 *such individual. The secretary in determining need of an individual may*
28 *provide such income and resource exemptions as may be permitted by*
29 *federal law. For purposes of eligibility for aid for families with dependent*
30 *children temporary assistance for needy families, for food-stamp-*
31 *assistance and for any other assistance provided through the Kansas*
32 *department for children and families under which federal moneys are*
33 *expended, the secretary for children and families shall consider one motor*
34 *vehicle owned by the applicant for assistance, regardless of the value of*
35 *such vehicle, as exempt personal property and shall consider any equity in*
36 *any boat, personal water craft, recreational vehicle, recreational off-*
37 *highway vehicle or all-terrain vehicle, as defined by K.S.A. 8-126, and*
38 *amendments thereto, or any additional motor vehicle owned by the*
39 *applicant for assistance to be a nonexempt resource of the applicant for*
40 *assistance except that any additional motor vehicle used by the applicant,*
41 *the applicant's spouse or the applicant's cohabiting partner for the*
42 *primary purpose of earning income may be considered as exempt personal*
43 *property in the secretary's discretion.*

1 (2) Is a citizen of the United States or is an alien lawfully admitted to
2 the United States and who is residing in the state of Kansas.

3 ~~(b) Assistance to families with dependent children. Assistance may be~~
4 ~~granted under this act to any dependent child, or relative, subject to the~~
5 ~~general eligibility requirements as set out in subsection (a), who resides in~~
6 ~~the state of Kansas or whose parent or other relative with whom the child~~
7 ~~is living resides in the state of Kansas. Such assistance shall be known as~~
8 ~~aid to families with dependent children. Where husband and wife are~~
9 ~~living together both shall register for work under the program~~
10 ~~requirements for aid to families with dependent children in accordance~~
11 ~~with criteria and guidelines prescribed by rules and regulations of the~~
12 ~~secretary.~~*Temporary assistance for needy families. Assistance may be*
13 *granted under this act to any dependent child, or relative, subject to the*
14 *general eligibility requirements as set out in subsection (a), who resides in*
15 *the state of Kansas or whose parent or other relative with whom the child*
16 *is living resides in the state of Kansas. Such assistance shall be known as*
17 *temporary assistance for needy families. Where the husband and wife or*
18 *cohabiting partners are living together, both shall register for work under*
19 *the program requirements for temporary assistance for needy families in*
20 *accordance with criteria and guidelines prescribed by rules and*
21 *regulations of the secretary.*

22 (1) *As used in this subsection, "family group" or "household" means*
23 *the applicant or recipient for TANF, child care subsidy or employment*
24 *services and all individuals living together in which there is a relationship*
25 *of legal responsibility or a qualifying caretaker relationship. This will*
26 *include a cohabiting boyfriend or girlfriend living with the person legally*
27 *responsible for the child. The family group shall not be eligible for TANF*
28 *if the family group contains at least one adult member who has received*
29 *TANF, including the federal TANF assistance received in any other state,*
30 *for 36 calendar months beginning on and after October 1, 1996, unless the*
31 *secretary determines a hardship exists and grants an extension allowing*
32 *receipt of TANF until the 48-month limit is reached. No extension beyond*
33 *48 months shall be granted. Hardship provisions for a recipient include:*

34 (A) *Is a caretaker of a disabled family member living in the*
35 *household;*

36 (B) *has a disability which precludes employment on a long-term*
37 *basis or requires substantial rehabilitation;*

38 (C) *needs a time limit extension to overcome the effects of domestic*
39 *violence/sexual assault;*

40 (D) *is involved with prevention and protection services (PPS) and*
41 *has an open social service plan; or*

42 (E) *is determined by the 36th month to have an extreme hardship*
43 *other than what is designated in criteria listed in subparagraphs (A)*

1 through (E). This determination will be made by the executive review
2 team.

3 (2) All adults applying for TANF shall be required to complete a
4 work program assessment as specified by the Kansas department for
5 children and families, including those who have been disqualified for or
6 denied TANF due to non-cooperation, drug testing requirements or fraud.
7 Adults who are not otherwise eligible for TANF, such as ineligible aliens,
8 relative/non-relative caretakers and adults receiving supplemental security
9 income are not required to complete the assessment process. During the
10 application processing period, applicants must complete at least one
11 module or its equivalent of the work program assessment to be considered
12 eligible for TANF benefits, unless good cause is found to be exempt from
13 the requirements. Good cause exemptions shall only include:

14 (A) The applicant can document an existing certification verifying
15 completion of the work program assessment;

16 (B) the applicant has a valid offer of employment or is employed a
17 minimum of 20 hours a week;

18 (C) the applicant is a parenting teen without a GED or high school
19 diploma;

20 (D) the applicant is enrolled in job corps;

21 (E) the applicant is working with a refugee social services agency; or

22 (F) the applicant has completed the work program assessment within
23 the last 12 months.

24 (3) The department for children and families shall maintain a
25 sufficient level of dedicated work program staff to enable the agency to
26 conduct work program case management services to TANF recipients in a
27 timely manner and in full accordance with state law and agency policy.

28 (4) TANF mandatory work program applicants and recipients shall
29 participate in work components that lead to competitive, integrated
30 employment. Components are defined by the federal government as being
31 either primary or secondary. In order to meet federal work participation
32 requirements, households need to meet at least 30 hours of participation
33 per week, at least 20 hours of which need to be primary and at least 10
34 hours may be secondary components. The following components meet
35 federal definitions of primary hours of participation: Full or part-time
36 employment, apprenticeship, work study, self-employment, job corps,
37 subsidized employment, work experience sites, on-the-job training,
38 supervised community service, vocational education, job search and job
39 readiness. Secondary components include: Job skills training, education
40 directly related to employment such as adult basic education and English
41 as a second language, and completion of a high school diploma or GED.

42 (5) A parent or other adult caretaker personally providing care for a
43 child under the age of three months in their TANF household is exempt

1 from work participation activities until the month the child turns three
2 months of age. Such three-month limitation shall not apply to a parent or
3 other adult caretaker who is personally providing care for a child born
4 significantly premature, with serious medical conditions or with a
5 disability as defined by the secretary, in consultation with the secretary of
6 health and environment, and adopted in the rules and regulations. The
7 three-month period is defined as two consecutive months starting with the
8 month after childbirth. The exemption for caring for a child under three
9 months cannot be claimed:

10 (A) By either parent when two parents are in the home and the
11 household meets the two-parent definition for federal reporting purposes;

12 (B) by one parent or caretaker when the other parent or caretaker is
13 in the home, and available, capable and suitable to provide care and the
14 household does not meet the two-parent definition for federal reporting
15 purposes;

16 (C) by a person age 19 or younger when such person is pregnant or a
17 parent of a child in the home and the person does not possess a high
18 school diploma or its equivalent. Such person shall become exempt the
19 month such person turns age 20;

20 (D) by any adult in the TANF assistance plan when at least one adult
21 has reached the 36 months of TANF cash assistance; or

22 (E) by any person assigned to a work participation activity for
23 substance use disorders.

24 (6) TANF work experience placements shall be reviewed after 90
25 days and are limited to six months per 48-month lifetime limit. A client's
26 progress shall be reviewed prior to each new placement regardless of the
27 length of time they are at the work experience site.

28 (7) TANF participants with disabilities shall engage in required
29 employment activities to the maximum extent consistent with their
30 abilities. TANF participants shall provide current documentation by a
31 qualified medical practitioner that details the abilities to engage in
32 employment and any limitations in work activities along with the expected
33 duration of such limitations. Disability is defined as a physical or mental
34 impairment constituting or resulting in a substantial impediment to
35 employment for such individual.

36 (8) Non-cooperation is the failure of the applicant or recipient to
37 comply with all requirements provided in state and federal law, federal
38 and state rules and regulations and agency policy. The period of
39 ineligibility for TANF benefits based on non-cooperation with work
40 programs shall be as follows:

41 (A) For a first penalty, three months and full cooperation with work
42 program activities;

43 (B) for a second penalty, six months and full cooperation with work

1 *program activities;*

2 *(C) for a third penalty, one year and full cooperation with work*
3 *program activities; and*

4 *(D) for a fourth or subsequent penalty, 10 years.*

5 *(9) Individuals that 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 *(10) Non-cooperation is the failure of the applicant or recipient to*
13 *comply with all requirements provided in state and federal law, federal*
14 *and state rules and regulations and agency policy. The period of*
15 *ineligibility for child care subsidy or TANF benefits based on parents' non-*
16 *cooperation with child support services shall be as follows:*

17 *(A) For the first penalty, three months and cooperation with child*
18 *support services prior to regaining eligibility;*

19 *(B) for a second penalty, six months and cooperation with child*
20 *support services prior to regaining eligibility;*

21 *(C) for a third penalty, one year and cooperation with child support*
22 *services prior to regaining eligibility; and*

23 *(D) for a fourth penalty, 10 years.*

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

28 *(12) Any individual who is found to have committed fraud or is found*
29 *guilty of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2014*
30 *Supp. 21-5801, and amendments thereto, in either the TANF or child care*
31 *program shall render all adults in the family unit ineligible for TANF*
32 *assistance. Adults in the household who were determined to have*
33 *committed fraud or were convicted of the crime of theft pursuant to K.S.A.*
34 *39-720 and K.S.A. 2014 Supp. 21-5801, and amendments thereto, shall*
35 *render themselves and all adult household members ineligible for their*
36 *lifetime for TANF, even if fraud was committed in only one program.*
37 *Households who have been determined to have committed fraud or were*
38 *convicted of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2014*
39 *Supp. 21-5801, and amendments thereto, shall be required to name a*
40 *protective payee as approved by the secretary or the secretary's designee*
41 *to administer TANF benefits on behalf of the children. No adult in a*
42 *household may have access to the TANF cash assistance benefit.*

43 *(13) (A) Food assistance shall not be provided to any person*

1 convicted of a felony offense occurring on or after July 1, 2015, which
2 includes as an element of such offense the manufacture, cultivation,
3 distribution, possession or use of a controlled substance or controlled
4 substance analog. For food assistance, the individual shall be
5 permanently disqualified if they have been convicted of a state or federal
6 felony offense occurring on or after July 1, 2015, involving possession or
7 use of a controlled substance or controlled substance analog.

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

13 An individual's failure to submit to testing or failure to successfully
14 pass a drug test shall result in ineligibility for food assistance until a drug
15 test is successfully passed. Failure to successfully complete a drug
16 treatment program shall result in ineligibility for food assistance until a
17 drug treatment plan approved by the secretary is successfully completed,
18 the individual passes a drug test and agrees to submit to drug testing if
19 requested by the department pursuant to a drug testing plan.

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

23 (14) No TANF cash assistance shall be used to purchase alcohol,
24 cigarettes, tobacco products, lottery tickets, concert tickets, professional
25 or collegiate sporting event tickets or tickets for other entertainment
26 events intended for the general public or sexually oriented adult materials.
27 No TANF cash assistance shall be used in any retail liquor store, casino,
28 gaming establishment, jewelry store, tattoo parlor, massage parlor, body
29 piercing parlor, spa, nail salon, lingerie shop, tobacco paraphernalia
30 store, vapor cigarette store, psychic or fortune telling business, bail bond
31 company, video arcade, movie theater, swimming pool, cruise ship, theme
32 park, dog or horse racing facility, parimutuel facility, or sexually oriented
33 business or any retail establishment which provides adult-oriented
34 entertainment in which performers disrobe or perform in an unclothed
35 state for entertainment, or in any business or retail establishment where
36 minors under age 18 are not permitted. TANF cash assistance transactions
37 for cash withdrawals from automated teller machines shall be limited to
38 \$60, as adjusted by the consumer price index, per transaction and to one
39 transaction per day. No TANF cash assistance shall be used for purchases
40 at points of sale outside the state of Kansas.

41 (15) (A) The secretary for children and families shall place a
42 photograph of the recipient, if agreed to by such recipient of public
43 assistance, on any Kansas benefits card issued by the Kansas department

1 for children and families that the recipient uses in obtaining food, cash or
2 any other services. When a recipient of public assistance is a minor or
3 otherwise incapacitated individual, a parent or legal guardian of such
4 recipient may have a photograph of such parent or legal guardian placed
5 on the card.

6 (B) Any Kansas benefits card with a photograph of a recipient shall
7 be valid for voting purposes as a public assistance identification card in
8 accordance with the provisions of K.S.A. 25-2908, and amendments
9 thereto.

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

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

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

19 (B) in determining and maintaining eligibility for non-TANF child
20 care, 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; or

32 (iv) adults who are participants in a mandatory food assistance
33 education and training program.

34 The department for children and families shall provide child care for
35 the pursuit of any degree or certification if the occupation has at least an
36 average job outlook listed in the occupational outlook of the U.S.
37 department of labor, bureau of labor statistics. For occupations with less
38 than an average job outlook, educational plans shall require approval of
39 the secretary or secretary's designee. Child care may also be approved if
40 the student provides verification of a specific job offer that will be
41 available to such student upon completion of the program. Child care for
42 post-secondary education shall be allowed for a lifetime maximum of 24
43 months per adult. The 24 months may not have to be consecutive. Students

1 *shall be engaged in paid employment for a minimum of 15 hours per week.*
2 *In a two-parent adult household, child care would not be allowed if both*
3 *parents are adults and attending a formal education or training program*
4 *at the same time. The household may choose which one of the parents is*
5 *participating as a post-secondary student. The other parent shall meet*
6 *another approvable criteria for child care subsidy.*

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

17 *(18) Eligibility for the food assistance program shall be limited to*
18 *those individuals who are citizens or who meet qualified non-citizen status*
19 *as determined by U.S. department of agriculture. Non-citizen individuals*
20 *who are unable or unwilling to provide qualifying immigrant*
21 *documentation, as defined by the U.S. department of agriculture, residing*
22 *within a household shall not be included when determining the*
23 *household's size for the purposes of assigning a benefit level to the*
24 *household for food assistance or comparing the household's monthly*
25 *income with the income eligibility standards. The gross non-exempt*
26 *earned and unearned income and resources of disqualified individuals*
27 *shall be counted in its entirety as available to the remaining household*
28 *members.*

29 *(19) The secretary for children and families shall not enact the state*
30 *option from the U.S. department of agriculture for broad-based*
31 *categorical eligibility for households applying for food assistance*
32 *according to the provisions of 7 C.F.R. § 273.2(j)(2)(ii).*

33 *(20) No federal or state funds shall be used for television, radio or*
34 *billboard advertisements that are designed to promote food assistance*
35 *benefits and enrollment. No federal or state funding shall be used for any*
36 *agreements with foreign governments designed to promote food*
37 *assistance.*

38 *(21) (A) The secretary for children and families shall not apply gross*
39 *income standards for food assistance higher than the standards specified*
40 *in 7 U.S.C. § 2014(c) unless expressly required by federal law.*
41 *Categorical eligibility exempting households from such gross income*
42 *standards requirements shall not be granted for any non-cash, in-kind or*
43 *other benefit unless expressly required by federal law.*

1 (B) *The secretary for children and families shall not apply resource*
2 *limits standards for food assistance that are higher than the standards*
3 *specified in 7 U.S.C. § 2014(g)(1) unless expressly required by federal*
4 *law. Categorical eligibility exempting households from such resource*
5 *limits shall not be granted for any non-cash, in-kind or other benefit*
6 *unless expressly required by federal law.*

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

39 (d) ~~Eligibility requirements for general assistance, the cost of which~~
40 ~~is not shared by the federal government. (1) General assistance may be~~
41 ~~granted to eligible persons who do not qualify for financial assistance in a~~
42 ~~program in which the federal government participates and who satisfy the~~
43 ~~additional requirements prescribed by or under this subsection (d).~~

1 (A) ~~To qualify for general assistance in any form a needy person must~~
2 ~~have insufficient income or resources to provide a reasonable subsistence~~
3 ~~compatible with decency and health and, except as provided for~~
4 ~~transitional assistance, be a member of a family in which a minor child or~~
5 ~~a pregnant woman resides or be unable to engage in employment. The~~
6 ~~secretary shall adopt rules and regulations prescribing criteria for~~
7 ~~establishing when a minor child may be considered to be living with a~~
8 ~~family and whether a person is able to engage in employment, including~~
9 ~~such factors as age or physical or mental condition. Eligibility for general~~
10 ~~assistance, other than transitional assistance, is limited to families in which~~
11 ~~a minor child or a pregnant woman resides or to an adult or family in~~
12 ~~which all legally responsible family members are unable to engage in~~
13 ~~employment. Where a husband and wife are living together the combined~~
14 ~~income or resources of both shall be considered in determining the~~
15 ~~eligibility of either or both for such assistance unless otherwise prohibited~~
16 ~~by law. The secretary in determining need of any applicant for or recipient~~
17 ~~of general assistance shall not take into account the financial responsibility~~
18 ~~of any individual for any applicant or recipient of general assistance unless~~
19 ~~such applicant or recipient is such individual's spouse or such individual's~~
20 ~~minor child or a minor stepchild if the stepchild is living with such~~
21 ~~individual. In determining the need of an individual, the secretary may~~
22 ~~provide for income and resource exemptions.~~

23 (B) ~~To qualify for general assistance in any form a needy person must~~
24 ~~be a citizen of the United States or an alien lawfully admitted to the United~~
25 ~~States and must be residing in the state of Kansas.~~

26 (2) ~~General assistance in the form of transitional assistance may be~~
27 ~~granted to eligible persons who do not qualify for financial assistance in a~~
28 ~~program in which the federal government participates and who satisfy the~~
29 ~~additional requirements prescribed by or under this subsection (d), but who~~
30 ~~do not meet the criteria prescribed by rules and regulations of the secretary~~
31 ~~relating to inability to engage in employment or are not a member of a~~
32 ~~family in which a minor or a pregnant woman resides.~~

33 (3) ~~In addition to the other requirements prescribed under this~~
34 ~~subsection (d), the secretary shall adopt rules and regulations which~~
35 ~~establish community work experience program requirements for eligibility~~
36 ~~for the receipt of general assistance in any form and which establish~~
37 ~~penalties to be imposed when a work assignment under a community work~~
38 ~~experience program requirement is not completed without good cause. The~~
39 ~~secretary may adopt rules and regulations establishing exemptions from~~
40 ~~any such community work experience program requirements. A first time~~
41 ~~failure to complete such a work assignment requirement shall result in~~
42 ~~ineligibility to receive general assistance for a period fixed by such rules~~
43 ~~and regulations of not more than three calendar months. A subsequent~~

1 failure to complete such a work assignment requirement shall result in a
2 period fixed by such rules and regulations of ineligibility of not more than
3 six calendar months.

4 ~~(4) If any person is found guilty of the crime of theft under the~~
5 ~~provisions of K.S.A. 39-720, and amendments thereto, such person shall~~
6 ~~thereby become forever ineligible to receive any form of general~~
7 ~~assistance under the provisions of this subsection (d) unless the conviction~~
8 ~~is the person's first conviction under the provisions of K.S.A. 39-720, and~~
9 ~~amendments thereto, or the law of any other state concerning welfare~~
10 ~~fraud. First time offenders convicted of a misdemeanor under the~~
11 ~~provisions of such statute shall become ineligible to receive any form of~~
12 ~~general assistance for a period of 12 calendar months from the date of~~
13 ~~conviction. First time offenders convicted of a felony under the provisions~~
14 ~~of such statute shall become ineligible to receive any form of general~~
15 ~~assistance for a period of 60 calendar months from the date of conviction.~~
16 ~~If any person is found guilty by a court of competent jurisdiction of any~~
17 ~~state other than the state of Kansas of a crime involving welfare fraud,~~
18 ~~such person shall thereby become forever ineligible to receive any form of~~
19 ~~general assistance under the provisions of this subsection (d) unless the~~
20 ~~conviction is the person's first conviction under the law of any other state~~
21 ~~concerning welfare fraud. First time offenders convicted of a misdemeanor~~
22 ~~under the law of any other state concerning welfare fraud shall become~~
23 ~~ineligible to receive any form of general assistance for a period of 12~~
24 ~~calendar months from the date of conviction. First time offenders~~
25 ~~convicted of a felony under the law of any other state concerning welfare~~
26 ~~fraud shall become ineligible to receive any form of general assistance for~~
27 ~~a period of 60 calendar months from the date of conviction.~~

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

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

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

19 (B) If a trust has discretionary language, the trust shall be considered
20 to be an available resource to the extent, using the full extent of discretion,
21 the trustee may make any of the income or principal available to the
22 applicant or recipient of medical assistance. Any such discretionary trust
23 shall be considered an available resource unless: (i) At the time of creation
24 or amendment of the trust, the trust states a clear intent that the trust is
25 supplemental to public assistance; and (ii) the trust: (a) Is funded from
26 resources of a person who, at the time of such funding, owed no duty of
27 support to the applicant or recipient of medical assistance; or (b) is funded
28 not more than nominally from resources of a person while that person
29 owed a duty of support to the applicant or recipient of medical assistance.

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

33 (4) (A) When an applicant or recipient of medical assistance is a party
34 to a contract, agreement or accord for personal services being provided by
35 a nonlicensed individual or provider and such contract, agreement or
36 accord involves health and welfare monitoring, pharmacy assistance, case
37 management, communication with medical, health or other professionals,
38 or other activities related to home health care, long term care, medical
39 assistance benefits, or other related issues, any moneys paid under such
40 contract, agreement or accord shall be considered to be an available
41 resource unless the following restrictions are met: (i) The contract,
42 agreement or accord must be in writing and executed prior to any services
43 being provided; (ii) the moneys paid are in direct relationship with the fair

1 market value of such services being provided by similarly situated and
2 trained nonlicensed individuals; (iii) if no similarly situated nonlicensed
3 individuals or situations can be found, the value of services will be based
4 on federal hourly minimum wage standards; (iv) such individual providing
5 the services will report all receipts of moneys as income to the appropriate
6 state and federal governmental revenue agencies; (v) any amounts due
7 under such contract, agreement or accord shall be paid after the services
8 are rendered; (vi) the applicant or recipient shall have the power to revoke
9 the contract, agreement or accord; and (vii) upon the death of the applicant
10 or recipient, the contract, agreement or accord ceases.

11 (B) When an applicant or recipient of medical assistance is a party to
12 a written contract for personal services being provided by a licensed health
13 professional or facility and such contract involves health and welfare
14 monitoring, pharmacy assistance, case management, communication with
15 medical, health or other professionals, or other activities related to home
16 health care, long term care, medical assistance benefits or other related
17 issues, any moneys paid in advance of receipt of services for such
18 contracts shall be considered to be an available resource.

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

21 ~~(E)~~(e) *Eligibility for medical assistance of resident receiving medical*
22 *care outside state.* A person who is receiving medical care including long-
23 term care outside of Kansas whose health would be endangered by the
24 postponement of medical care until return to the state or by travel to return
25 to Kansas, may be determined eligible for medical assistance if such
26 individual is a resident of Kansas and all other eligibility factors are met.
27 Persons who are receiving medical care on an ongoing basis in a long-term
28 medical care facility in a state other than Kansas and who do not return to
29 a care facility in Kansas when they are able to do so, shall no longer be
30 eligible to receive assistance in Kansas unless such medical care is not
31 available in a comparable facility or program providing such medical care
32 in Kansas. For persons who are minors or who are under guardianship, the
33 actions of the parent or guardian shall be deemed to be the actions of the
34 child or ward in determining whether or not the person is remaining
35 outside the state voluntarily.

36 ~~(E)~~(f) *Medical assistance; assignment of rights to medical support*
37 *and limited power of attorney; recovery from estates of deceased*
38 *recipients.* (1) (A) Except as otherwise provided in K.S.A. 39-786 and 39-
39 787, and amendments thereto, or as otherwise authorized on and after
40 September 30, 1989, under section 303 of the federal medicare
41 catastrophic coverage act of 1988, whichever is applicable, by applying for
42 or receiving medical assistance under a medical care plan in which federal
43 funds are expended, any accrued, present or future rights to support and

1 any rights to payment for medical care from a third party of an applicant or
2 recipient and any other family member for whom the applicant is applying
3 shall be deemed to have been assigned to the secretary on behalf of the
4 state. The assignment shall automatically become effective upon the date
5 of approval for such assistance without the requirement that any document
6 be signed by the applicant or recipient. By applying for or receiving
7 medical assistance the applicant or recipient is also deemed to have
8 appointed the secretary, or the secretary's designee, as an attorney in fact
9 to perform the specific act of negotiating and endorsing all drafts, checks,
10 money orders or other negotiable instruments, representing payments
11 received by the secretary in [on] behalf of any person applying for,
12 receiving or having received such assistance. This limited power of
13 attorney shall be effective from the date the secretary approves the
14 application for assistance and shall remain in effect until the assignment
15 has been terminated in full. The assignment of any rights to payment for
16 medical care from a third party under this subsection shall not prohibit a
17 health care provider from directly billing an insurance carrier for services
18 rendered if the provider has not submitted a claim covering such services
19 to the secretary for payment. Support amounts collected on behalf of
20 persons whose rights to support are assigned to the secretary only under
21 this subsection and no other shall be distributed pursuant to ~~subsection (d)~~
22 ~~of K.S.A. 39-756(d)~~, and amendments thereto, except that any amounts
23 designated as medical support shall be retained by the secretary for
24 repayment of the unreimbursed portion of assistance. Amounts collected
25 pursuant to the assignment of rights to payment for medical care from a
26 third party shall also be retained by the secretary for repayment of the
27 unreimbursed portion of assistance.

28 (B) Notwithstanding the provisions of subparagraph (A), the
29 secretary of health and environment, or the secretary's designee, is hereby
30 authorized to and shall exercise any of the powers specified in
31 subparagraph (A) In relation to performance of such secretary's duties
32 pertaining to medical subrogation, estate recovery or any other duties
33 assigned to such secretary in article 74 of chapter 75 of the Kansas Statutes
34 Annotated, and amendments thereto.

35 (2) The amount of any medical assistance paid after June 30, 1992,
36 under the provisions of ~~subsection (e)~~ (d) is: (A) A claim against the
37 property or any interest therein belonging to and a part of the estate of any
38 deceased recipient or, if there is no estate, the estate of the surviving
39 spouse, if any, shall be charged for such medical assistance paid to either
40 or both; and (B) a claim against any funds of such recipient or spouse in
41 any account under K.S.A. 9-1215, 9-1216, 17-2263, 17-2264, 17-5828 or
42 17-5829, and amendments thereto. There shall be no recovery of medical
43 assistance correctly paid to or on behalf of an individual under subsection

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

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

29 (A) If an individual receives any medical assistance before July 1,
30 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,
31 and amendments thereto, which forms the basis for a claim under
32 subsection~~(g)~~ *paragraph* (2), such claim is limited to the individual's
33 probatable estate as defined by applicable law; and

34 (B) if an individual receives any medical assistance on or after July 1,
35 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,
36 and amendments thereto, which forms the basis for a claim under
37 subsection~~(g)~~ *paragraph* (2), such claim shall apply to the individual's
38 medical assistance estate. The medical assistance estate is defined as
39 including all real and personal property and other assets in which the
40 deceased individual had any legal title or interest immediately before or at
41 the time of death to the extent of that interest or title. The medical
42 assistance estate includes, without limitation assets conveyed to a survivor,
43 heir or assign of the deceased recipient through joint tenancy, tenancy in

1 common, survivorship, transfer-on-death deed, payable-on-death contract,
2 life estate, trust, annuities or similar arrangement.

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

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

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

39 (5) The lien filed by the secretary of health and environment or the
40 secretary's designee for medical assistance correctly received may be
41 enforced before or after the death of the recipient by the filing of an action
42 to foreclose such lien in the Kansas district court or through an estate
43 probate court action in the county where the real property of the recipient

1 is located. However, it may be enforced only:

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

3 (B) when there is no child of the recipient, natural or adopted, who is
4 20 years of age or less residing in the home;

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

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

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

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

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

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

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

31 (8) Within seven days of receipt of notice by the secretary for
32 children and families or the secretary's designee of the death of a recipient
33 of medical assistance under this subsection, the secretary for children and
34 families or the secretary's designee shall give notice of such recipient's
35 death to the secretary of health and environment or the secretary's
36 designee.

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

42 ~~(h)~~(g) *Placement under the revised Kansas code for care of children*
43 *or revised Kansas juvenile justice code; assignment of support rights and*

1 *limited power of attorney*. In any case in which the secretary for children
2 and families pays for the expenses of care and custody of a child pursuant
3 to K.S.A. 2014 Supp. 38-2201 et seq. or 38-2301 et seq., and amendments
4 thereto, including the expenses of any foster care placement, an
5 assignment of all past, present and future support rights of the child in
6 custody possessed by either parent or other person entitled to receive
7 support payments for the child is, by operation of law, conveyed to the
8 secretary. Such assignment shall become effective upon placement of a
9 child in the custody of the secretary or upon payment of the expenses of
10 care and custody of a child by the secretary without the requirement that
11 any document be signed by the parent or other person entitled to receive
12 support payments for the child. When the secretary pays for the expenses
13 of care and custody of a child or a child is placed in the custody of the
14 secretary, the parent or other person entitled to receive support payments
15 for the child is also deemed to have appointed the secretary, or the
16 secretary's designee, as attorney in fact to perform the specific act of
17 negotiating and endorsing all drafts, checks, money orders or other
18 negotiable instruments representing support payments received by the
19 secretary on behalf of the child. This limited power of attorney shall be
20 effective from the date the assignment to support rights becomes effective
21 and shall remain in effect until the assignment of support rights has been
22 terminated in full.

23 ~~(j)~~(h) No person who voluntarily quits employment or who is fired
24 from employment due to gross misconduct as defined by rules and
25 regulations of the secretary or who is a fugitive from justice by reason of a
26 felony conviction or charge *or violation of a condition of probation or*
27 *parole imposed under federal or state law* shall be eligible to receive
28 public assistance benefits in this state. Any recipient of public assistance
29 who fails to timely comply with monthly reporting requirements under
30 criteria and guidelines prescribed by rules and regulations of the secretary
31 shall be subject to a penalty established by the secretary by rules and
32 regulations.

33 ~~(j)~~(i) If the applicant or recipient of ~~aid to families with dependent~~
34 ~~children temporary assistance for needy families~~ is a mother of the
35 dependent child, as a condition of the mother's eligibility for ~~aid to~~
36 ~~families with dependent children temporary assistance for needy families~~
37 the mother shall identify by name and, if known, by current address the
38 father of the dependent child except that the secretary may adopt by rules
39 and regulations exceptions to this requirement in cases of undue hardship.
40 Any recipient of ~~aid to families with dependent children temporary~~
41 ~~assistance for needy families~~ who fails to cooperate with requirements
42 relating to child support ~~enforcement services~~ under criteria and guidelines
43 prescribed by rules and regulations of the secretary shall be subject to a

1 penalty established by the secretary ~~by rules and regulations which penalty~~
2 ~~shall progress to ineligibility for the family after three months of~~
3 ~~noncooperation.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (9) As used in this subsection:

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

19 (B) "Controlled substance" means the same as in K.S.A. 2014 Supp.
20 21-5701, and amendments thereto, and 21 U.S.C. § 802.

21 (C) "Controlled substance analog" means the same as in K.S.A. 2014
22 Supp. 21-5701, and amendments thereto.

23 Sec. 10. K.S.A. 39-709b is hereby amended to read as follows: 39-
24 709b. (a) Information concerning applicants for and recipients of
25 assistance from the secretary shall be confidential and privileged and shall
26 only be available to the secretary and the officers and employees of the
27 secretary except as set forth in this section. Unless otherwise prohibited by
28 law, such information shall be disclosed to an applicant, recipient or
29 outside source under the following conditions:

30 (1) Information shall be disclosed to the post auditor in accordance
31 with and subject to the provisions of ~~subsection (g) of~~ K.S.A. 46-1106(g),
32 and amendments thereto;

33 (2) information shall be disclosed to an applicant or recipient in
34 accordance with and subject to rules and regulations adopted by the
35 secretary; and

36 (3) information may be disclosed to an outside source if such
37 disclosure:

38 (A) Has been consented to in writing by the applicant or recipient and
39 the applicant or recipient has been granted access by the secretary to the
40 information to be disclosed, except that in an emergency information may
41 be disclosed without a written consent if such disclosure is deemed by the
42 secretary to be in the best interests of the applicant or recipient;

43 (B) is directly connected to the administration of the secretary's

1 program;

2 (C) is directly connected to an investigation, prosecution, or criminal
3 or civil proceeding conducted in connection with the administration of the
4 secretary's program;

5 (D) is authorized by a state plan developed by the secretary pursuant
6 to the federal social security act or any other federal program providing
7 federal financial assistance and services in the field of social welfare; *or*

8 (E) concerns the intent of an applicant or recipient to commit a crime
9 and in this case such information and the information necessary to prevent
10 the crime shall be disclosed to the appropriate authorities; *or*.

11 ~~(F) concerns information contained in the public list under subsection~~
12 ~~(e) of this section.~~

13 (b) Nothing in this section shall be construed to prohibit the
14 publication of *aggregate non-identifying* statistics which are so classified
15 as to prevent the identification of specific applicants or recipients.

16 ~~(c) The secretary shall maintain a public list which shall contain the~~
17 ~~names and addresses of all recipients receiving general assistance benefits~~
18 ~~pursuant to this act or any act contained in article 7 of chapter 39 of the~~
19 ~~Kansas Statutes Annotated, and amendments thereto, together with the~~
20 ~~payment issued to each during the preceding month, except that the names~~
21 ~~and addresses of children in foster care who are receiving such benefits~~
22 ~~shall be excluded from such public list. On or before the 28th day of each~~
23 ~~month the secretary shall prepare and retain in the office of the secretary~~
24 ~~one copy of the public list. The public list retained in the office of the~~
25 ~~secretary shall be bound in record books provided for that purpose. All~~
26 ~~such record books and all reports contained in the record books shall be~~
27 ~~public records and shall be open to public inspection at all times during~~
28 ~~regular office hours. In addition, there shall be on file in each area or~~
29 ~~subarea office a copy of that portion of the public list which contains the~~
30 ~~general assistance recipients in that area and also on file in the office of~~
31 ~~each county clerk a copy of that portion of the public list which contains~~
32 ~~the general assistance recipients in that county.~~

33 (d) It shall be unlawful for any person, association, firm, corporation
34 or other agency to disclose, to make use of or to authorize, knowingly
35 permit, participate in or acquiesce in the use of any lists or names or
36 addresses contained in the public list under subsection (c) of this section
37 for commercial or political purposes of any nature or to make use of or
38 disclose confidential information except as provided in this section. Any
39 person, association, firm, corporation or other agency who willfully or
40 knowingly violates any provisions of this section shall be guilty of a class
41 **B** misdemeanor.

42 Sec. 11. K.S.A. 2014 Supp. 39-709c is hereby amended to read as
43 follows: 39-709c. On or before the first day of each regular session of the

1 legislature, the secretary shall prepare and submit to the president of the
2 senate and the speaker of the house of representatives a report of the total
3 amount of moneys expended by the department for medical assistance, the
4 amount of moneys recovered pursuant to ~~subsection (g)~~ of K.S.A. 39-709,
5 and amendments thereto, and any recommendations for legislation
6 necessary to insure that the factors or methods used to determine eligibility
7 for medical assistance more accurately represent the resources of an
8 applicant for, or recipient of, medical assistance.

9 Sec. 12. K.S.A. 2014 Supp. 39-753 is hereby amended to read as
10 follows: 39-753. For the purpose of providing title IV-D child support
11 enforcement services, the secretary for children and families shall:

12 (a) Enter into contracts or agreements necessary to administer title
13 IV-D services.

14 (b) Maintain and operate a central registry, within the organizational
15 unit of the Kansas department for children and families responsible for
16 providing child support services, for the location of absent parents.

17 (c) Develop guidelines for coordinating activities of any
18 governmental department, board, commission, bureau or agency in
19 providing information necessary for the location of absent parents.

20 (d) Coordinate any activity on a state level in searching for an absent
21 parent.

22 (e) Assist in the location of any parent or other person as required or
23 permitted under title IV-D.

24 (f) Initiate and maintain legal actions necessary to implement the
25 requirements of title IV-D.

26 (g) Assist in establishing paternity and in securing and enforcing
27 orders for support in title IV-D cases.

28 (h) Utilize, in appropriate cases, support enforcement and collection
29 and location services available through the federal department of health
30 and human services, including, but not limited to, the services of federal
31 courts, the federal parent locator services and the treasury department, if
32 authorized or required by federal law.

33 (i) Accept, on behalf of the state, assignment of support rights
34 pursuant to K.S.A. 39-709 or 39-756, and amendments thereto.

35 (j) Adopt rules and regulations necessary to provide title IV-D
36 services and to enable the state to meet requirements set forth in title IV-D.

37 (k) Maintain and operate an automated system to manage title IV-D
38 information and to perform such activities as may be required or permitted
39 by title IV-D. The automated system shall include a registry, to be known
40 as the "state case registry," that contains such records with respect to each
41 title IV-D case as may be required by title IV-D.

42 (l) *Have authority to settle, negotiate and forgive any debts or*
43 *liabilities to the agency.*

1 Sec. 13. K.S.A. 2014 Supp. 39-756a is hereby amended to read as
2 follows: 39-756a. An assignment of support rights pursuant to K.S.A. 39-
3 709, and amendments thereto, shall remain in full force and effect so long
4 as the secretary is providing public assistance in accordance with a plan
5 under which federal moneys are expended on behalf of the applicant,
6 recipient or child for: (a) ~~Aid to families with dependent children,~~
7 *Temporary assistance for needy families*; (b) medical assistance; or (c) the
8 expenses of a child in the secretary's care or custody pursuant to K.S.A.
9 2014 Supp. 38-2201 et seq. or 38-2301 et seq., and amendments thereto, or
10 so long as the secretary is providing support ~~enforcement~~ services pursuant
11 to K.S.A. 39-756, and amendments thereto. Upon discontinuance of all
12 such assistance and support ~~enforcement~~ services, the assignment shall
13 remain in effect as to unpaid support obligations due and owing at the time
14 of the discontinuance of assistance until the claim of the secretary for
15 repayment of the unreimbursed portion of any assistance is satisfied. If the
16 secretary's claim for reimbursement is only for medical assistance, the
17 assignment shall only remain in effect as to unpaid support obligations due
18 and owing at the time of the discontinuance of medical assistance that are
19 designated as medical support. Nothing herein shall affect or limit the
20 rights of the secretary under an assignment of rights to payment for
21 medical care from a third party pursuant to ~~subsection (g)~~ of K.S.A. 39-
22 709, and amendments thereto.

23 Sec. 14. K.S.A. 59-1301 is hereby amended to read as follows: 59-
24 1301. If the applicable assets of an estate are insufficient to pay in full all
25 demands allowed against it, payment shall be made in the following
26 classified order:

27 First class, the expenses of an appropriate funeral in such amount as
28 was reasonably necessary, having due regard to the assets of the estate
29 available for the payment of demands and to the rights of other creditors,
30 and, following the allowance of such expenses, any claim for medical
31 assistance paid under ~~subsection (e)~~ of K.S.A. 39-709, and amendments
32 thereto. Any part of the funeral expenses allowed as a demand against the
33 estate in excess of the sum ascertained as above shall be paid as other
34 demands of the fourth class.

35 Second class, the appropriate and necessary costs and expenses of
36 administration and the reasonable sums for the appropriate and necessary
37 expenses of the last sickness of decedent, including wages of servants.

38 Third class, judgments rendered against decedent in the decedent's
39 lifetime, all judgments or liens upon the property of the decedent shall be
40 paid in the order of their priority.

41 Fourth class, all other demands duly proved, including the cost of any
42 appropriate tombstone or marker or the lettering thereon, in such amount
43 as may be reasonably necessary, but whether there shall be an allowance,

1 and if so the amount thereof, shall be determined by the court before any
2 obligation therefor is incurred, except that debts having preference by the
3 laws of the United States and demands having preference by the laws of
4 this state shall be paid according to such preference.

5 Except as provided by this section for the first class of demands, no
6 preference shall be given in the payment of any demand over any other
7 demand of the same class, nor shall a demand due and payable be entitled
8 to preference over demands not due.

9 Sec. 15. K.S.A. 2014 Supp. 59-2222 is hereby amended to read as
10 follows: 59-2222. (a) When a petition is filed for the probate of a will, for
11 the determination that the consent of a spouse to a will is a valid and
12 binding consent, for administration or for refusal to grant letters of
13 administration, the court shall fix the time and place for the hearing
14 thereof. Notice of the hearing shall be given pursuant to K.S.A. 59-2209,
15 and amendments thereto, unless the court makes an order to the contrary.
16 If notice is by order of the court not required to be given pursuant to
17 K.S.A. 59-2209, and amendments thereto, the court shall order notice of
18 the hearing to be given, unless waived, in such manner as the court directs.

19 (b) When the petition seeks simplified administration, the notice shall
20 advise all persons that under provisions for simplified administration the
21 court need not supervise administration of the estate, and no notice of any
22 action of the executor or administrator or other proceedings in the
23 administration will be given, except for notice of final settlement of
24 decedent's estate. The notice shall further advise all persons that if written
25 objections to simplified administration are filed with the court, the court
26 may order that supervised administration ensue.

27 (c) When a petition has been filed for the refusal of letters of
28 administration, pursuant to K.S.A. 59-2287, and amendments thereto, the
29 notice given shall advise all persons that at such hearing exempt property
30 and a reasonable allowance will be set aside to the surviving spouse and
31 minor children, or both, and that no further notice of the proceeding will
32 be given.

33 (d) When the state is a party, the notice shall be served upon the
34 attorney general and the county or district attorney of the county.

35 (e) If the decedent or a predeceased spouse of the decedent received
36 medical assistance payment under ~~subsection (e) of~~ K.S.A. 39-709, and
37 amendments thereto, or the laws of any other state, the state or states
38 providing such payment or payments shall be entitled to notice. Such
39 notice shall be given to the agency or department responsible for the
40 recovery of medical assistance in Kansas or, if a state other than Kansas, to
41 the attorney general of such state or states.

42 Sec. 16. K.S.A. 2014 Supp. 59-2247 is hereby amended to read as
43 follows: 59-2247. (a) The petition of an executor or an administrator for a

1 final settlement and accounting, and a determination of the persons entitled
2 to the estate of a decedent, shall, in addition to other requirements, contain:

- 3 (1) A statement of the account;
- 4 (2) the names, residences, and addresses of the heirs, devisees, and
5 legatees;
- 6 (3) a description of the real estate and the interest of the decedent
7 therein at the time of the decedent's death;
- 8 (4) the nature and character of the respective claims of the heirs,
9 devisees, and legatees of the decedent; and
- 10 (5) a statement that neither the decedent nor a predeceased spouse of
11 the decedent were paid medical assistance under ~~subsection (e)~~ of K.S.A.
12 39-709, and amendments thereto, or the laws of any other state, or, in the
13 event that such assistance was paid for or to the decedent or a predeceased
14 spouse of the decedent under ~~subsection (e)~~ of K.S.A. 39-709, and
15 amendments thereto, or the laws of any other state, that the state making
16 such payments was duly notified of the filing of the petition as required by
17 K.S.A. 59-2222, and amendments thereto.

18 Notice of the hearing on a petition of an executor or administrator for a
19 final settlement and accounting in which title to real estate is to be
20 assigned by the court shall be given pursuant to K.S.A. 59-2209, and
21 amendments thereto. In all other cases, notice shall be given or waived as
22 provided in K.S.A. 59-2208, and amendments thereto.

23 Sec. 17. K.S.A. 2014 Supp. 59-2801 is hereby amended to read as
24 follows: 59-2801. If any otherwise qualified applicant for, or recipient of
25 old age assistance, aid to the blind, aid to the permanently and totally
26 disabled, ~~or general assistance~~ or payee in the case of aid to dependent
27 children, is or shall become unable to manage the assistance payments, or
28 otherwise fails so to manage, to the extent that deprivation or hazard to
29 ~~himself or herself~~ *such applicant or recipient* or others results, or, in the
30 case of aid to dependent children, the payment is not being used for the
31 children, a petition may be filed by the secretary for children and families
32 wherein the applicant or recipient has residence before the district court of
33 that county in the form of a verified written application for the
34 appointment of a personal representative not an employee of the Kansas
35 department for children and families, for the purpose of receiving and
36 managing public assistance payments for any such recipient or payee,
37 which verified application shall allege one or more of the above grounds
38 for the legal appointment of such representative.

39 Sec. 18. K.S.A. 2014 Supp. 59-3086 is hereby amended to read as
40 follows: 59-3086. (a) At the time of or at any time after the filing of an
41 accounting by the conservator, the conservator may file with the court a
42 verified petition requesting a hearing on that accounting for the purposes
43 of allowance and settlement. The petition shall include:

- 1 (1) The conservator's name and address, and if the conservator is also
2 the guardian, that fact;
- 3 (2) the conservatee's name, age, date of birth, address of permanent
4 residence, and present address or whereabouts, if different from the
5 conservatee's permanent residence;
- 6 (3) the name and address of the court appointed guardian, if different
7 from the conservator;
- 8 (4) the names and addresses of any spouse, adult children and adult
9 grandchildren of the conservatee, and those of any parent and adult
10 siblings of the conservatee, or if no such names or addresses are known to
11 the petitioner, the name and address of at least one adult who is nearest in
12 kinship to the conservatee, or if none, that fact. If no such names or
13 addresses are known to the conservator, but the conservator has reason to
14 believe that such persons exist, then the petition shall state that fact and
15 that the conservator has made diligent inquiry to learn those names and
16 addresses;
- 17 (5) the names and addresses of other persons, if any, whom the
18 conservator knows to have an interest in the matter, or a statement that the
19 petitioner knows of no other persons having an interest in the matter;
- 20 (6) designation of the accounting period for which allowance and
21 settlement is sought; and
- 22 (7) a request that this accounting be accepted and that the court issue
23 an order providing that all matters related thereto are finally allowed and
24 settled.
- 25 (b) Upon the filing of such a petition, the court shall issue an order
26 fixing the date, time and place of a hearing on the petition, which hearing
27 may be held forthwith and without further notice if those persons named
28 within the petition pursuant to the requirement of subsections (a)(3), (a)(4)
29 and (a)(5), as applicable, have entered their appearances, waived notice,
30 and agreed to the court's accepting the accounting and issuing an order of
31 final allowance and settlement. Otherwise, the court shall require the
32 conservator to give notice of this hearing to such persons in such manner
33 as the court may specify, including therewith a copy of the conservator's
34 petition and a copy or copies of the accounting or accountings for which
35 the conservator requests an order of final allowance and settlement. This
36 notice shall advise such persons that if they have any objections to the
37 accounting or accountings for which final allowance and settlement is
38 sought that they must file their written objections with the court prior to
39 the scheduled hearing or that they must appear at the hearing to present
40 those objections. The court may appoint an attorney to represent the
41 conservatee in this matter similarly as provided for in ~~subsection (a)(3) of~~
42 K.S.A. 59-3063(a)(3), and amendments thereto, and in such event, the
43 court shall require the conservator to also give this notice to that attorney.

1 (c) In the absence of a petition having been filed by the conservator
2 pursuant to this section, the court may set a hearing to determine whether
3 an order of final allowance and settlement should be issued with regard to
4 any accounting which has been previously filed by the conservator, and
5 may require the conservator or some other person to give notice thereof as
6 provided for herein.

7 (d) The hearing shall be conducted in as informal a manner as may be
8 consistent with orderly procedure. The court shall have the authority to
9 receive all relevant and material evidence which may be offered, including
10 the testimony or written report, findings or recommendations of any
11 professional or other person who has familiarity with the conservatee or
12 the conservatee's estate. The court may review the court's prior orders, any
13 conservatorship plan which has been filed pursuant to K.S.A. 59-3079, and
14 amendments thereto, and any reports and accountings which have been
15 filed by the guardian or conservator, or both, even if previously approved
16 or allowed, to determine whether the current accounting seems reasonable
17 in light of the past reports or accountings, and to determine whether any
18 further proceedings under this act may be appropriate. The court shall give
19 to the conservator, to the conservatee, and to other interested persons, the
20 opportunity to present evidence to the court concerning the actions of the
21 conservator, the conservatee's estate and the recommendations of such
22 persons.

23 (e) At the conclusion of the hearing, if the court finds, by a
24 preponderance of the evidence, that the accounting accurately accounts for
25 the conservatee's estate, shows appropriate administration on the part of
26 the conservator, that any fees of the conservator are reasonable, and that
27 due notice and an opportunity to be heard has been provided to any
28 interested parties, the court shall approve the accounting and order that it is
29 allowed and settled. Such allowance and settlement shall relieve the
30 conservator and the conservator's sureties from liability for all acts and
31 omissions which are fully and accurately described in the accounting,
32 including the investments of the assets of the conservatee's estate.

33 (f) If the court finds by a preponderance of the evidence that the
34 conservator has innocently misused any funds or assets of the
35 conservatee's estate, the court shall order the conservator to repay such
36 funds or return such assets to the conservatee's estate. If the court finds
37 that the conservator has embezzled or converted for the conservator's own
38 personal use any funds or assets of the conservatee's estate, the court shall
39 find the conservator liable for double the value of those funds or assets, as
40 provided for in K.S.A. 59-1704, and amendments thereto. In either case,
41 the court may order the forfeiture of the conservator's bond, or such
42 portion thereof as equals the value of such funds or assets, including any
43 lost earnings and the costs of recovering those funds or assets, including

1 reasonable attorney fees, as the court may allow, and may require of the
2 surety satisfaction thereof. Neither the conservator, nor the conservator's
3 estate or surety, shall be finally released from such bond until the
4 satisfaction thereof.

5 (g) At no time shall the conservator, or the conservator's estate or
6 surety, be finally released from the bond required by the court pursuant to
7 K.S.A. 59-3069, and amendments thereto, until a final accounting has been
8 filed, allowed and settled as provided for herein.

9 (h) The court may issue a final order of allowance and settlement
10 upon the filing of a final accounting and a finding by the court that the
11 following have occurred:

12 (1) Reimbursement to the appropriate agency for any medical
13 assistance payments, if any, received under ~~subsection (e)~~ of K.S.A. 39-
14 709, and amendment thereto, or any similar laws of any other state for or
15 on behalf of a conservatee or a predeceased spouse of the conservatee, but
16 only to the extent allowed by law;

17 (2) delivery of any remaining funds and assets of the conservatee's
18 estate to the person or persons entitled to such funds or assets; and

19 (3) presentation to the court of receipts for ~~subsections~~ *paragraphs*
20 (1) and (2).

21 The conservator, the conservator's estate and the conservator's surety
22 shall be released upon the issuance of the court's final order of allowance
23 and settlement.

24 Sec. 19. K.S.A. 59-3504 is hereby amended to read as follows: 59-
25 3504. (a) Title to the interest in real estate recorded in transfer-on-death
26 form shall vest in the designated grantee beneficiary or beneficiaries on the
27 death of the record owner.

28 (b) Grantee beneficiaries of a transfer-on-death deed take the record
29 owner's interest in the real estate at death subject to all conveyances,
30 assignments, contracts, mortgages, liens and security pledges made by the
31 record owner or to which the record owner was subject during the record
32 owner's lifetime including, but not limited to, any executory contract of
33 sale, option to purchase, lease, license, easement, mortgage, deed of trust
34 or lien, claims of the state of Kansas for medical assistance, as defined in
35 K.S.A. 39-702, and amendments thereto, pursuant to ~~subsection (g)(2)~~ of
36 K.S.A. 39-709, and amendments thereto, and to any interest conveyed by
37 the record owner that is less than all of the record owner's interest in the
38 property.

39 (c) If a grantee beneficiary dies prior to the death of the record owner
40 and an alternative grantee beneficiary has not been designated on the deed,
41 the transfer shall lapse.

42 Sec. 20. K.S.A. 17-2263, 17-5828, 39-709b, 39-7,101, 39-7,106, 39-
43 7,107, 39-7,110, 59-1301, 59-3504 and 75-5364 and K.S.A. 2014 Supp. 9-

1 1215, 9-1216, 16-311, 17-2264, 17-5829, 39-702, 39-709, 39-709c, 39-
2 753, 39-756a, 39-7,102, 39-7,103, 39-7,104, 39-7,105, 39-7,108, 39-7,109,
3 39-7,122, 59-2222, 59-2247, 59-2801 and 59-3086 are hereby repealed.

4 Sec. 21. This act shall take effect and be in force from and after its
5 publication in the statute book.