

HOUSE BILL No. 2179

By Committee on Appropriations

1-25

1 AN ACT concerning public assistance; relating to child care assistance;
2 removing non-cooperation with child support from disqualifications for
3 child care assistance; amending K.S.A. 2022 Supp. 39-709 and
4 repealing the existing section.
5

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

6 Section 1. K.S.A. 2022 Supp. 39-709 is hereby amended to read as
7 follows: 39-709. (a) *General eligibility requirements for assistance for*
8 *which federal moneys are expended.* Subject to the additional requirements
9 below, assistance in accordance with plans under which federal moneys
10 are expended may be granted to any needy person who:
11

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

1 child. When the secretary pays for the expenses of care and custody of a
 2 child or a child is placed in the custody of the secretary, the parent or other
 3 person entitled to receive support payments for the child is also deemed to
 4 have appointed the secretary, or the secretary's designee, as attorney in fact
 5 to perform the specific act of negotiating and endorsing all drafts, checks,
 6 money orders or other negotiable instruments representing support
 7 payments received by the secretary on behalf of the child. This limited
 8 power of attorney shall be effective from the date the assignment to
 9 support rights becomes effective and shall remain in effect until the
 10 assignment of support rights has been terminated in full.

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

20 (j) If the applicant or recipient of temporary assistance for needy
 21 families is a mother of the dependent child, as a condition of the mother's
 22 eligibility for temporary assistance for needy families the mother shall
 23 identify by name and, if known, by current address the father of the
 24 dependent child except that the secretary may adopt by rules and
 25 regulations exceptions to this requirement in cases of undue hardship. Any
 26 recipient of temporary assistance for needy families who fails to cooperate
 27 with requirements relating to child support services under criteria and
 28 guidelines prescribed by rules and regulations of the secretary shall be
 29 subject to a penalty established by the secretary.

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

child care subsidy or

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