

# STATE OF KANSAS

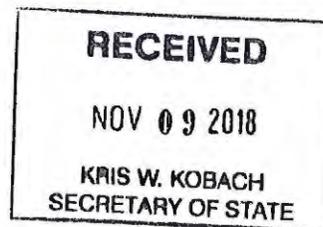
DEPARTMENT FOR CHILDREN AND FAMILIES  
OFFICE OF THE SECRETARY  
555 S. KANSAS AVE., 6TH FLOOR  
TOPEKA, KS 66612



GOVERNOR JEFF COLYER, M.D.  
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proposed

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## State of Kansas Department for Children and Families

### Notice of Public Hearing on Proposed Administrative Regulations

November 13, 2018

A public hearing will be conducted on Monday, February 11, 2019 at 9:00 a.m. in Room 1033 of the DCF Administration Building, 555 S. Kansas Ave., Topeka, Kansas to consider the adoption of proposed rules and regulations of Economic and Employment Services, Department for Children and Families.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Beth Lange at [Beth.Lange@ks.gov](mailto:Beth.Lange@ks.gov). All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Robin Chambers at (785) 296-1538.

Copies of the proposed regulations and the economic impact statement can be viewed at the following websites: [www.dcf.ks.gov](http://www.dcf.ks.gov) or [http://www.sos.ks.gov/pubs/pubs\\_kar\\_inprocess.aspx](http://www.sos.ks.gov/pubs/pubs_kar_inprocess.aspx).

Summaries of the proposed regulations follow. Most amendments are for clarity and to implement changes in state statute and federal legislation that are already in effect. There is no economic impact.

**K.A.R. 30-4-34 – Public assistance program.** This regulation updates the list of available assistance.

**K.A.R. 30-4-35 – Application process.** This regulation allows for the use of telephonic signature and clarifies current requirements for client interviews when requesting assistance. Application processing time is removed. This amendment implements current practice and has no economic impact.

**K.A.R. 30-4-36 – Redetermination of eligibility.** This regulation updates the frequency of redeterminations and clarifies requirements for client interviews. This amendment implements current practice and has no economic impact.

**K.A.R. 30-4-38 – Rights of applicants and recipients.** This regulation updates language, removes self-regulation language of the agency and adds the right to have a photograph of the recipient placed on the Kansas benefit card. This is no change in current law.

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**K.A.R. 30-4-40 – Department responsibility to applicants and recipients.** This regulation removes references to general assistance and updates the department's reporting responsibilities to be consistent with federal law. This amendment implements current practice and has no economic impact.

**K.A.R. 30-4-41 – Assistance planning for TANF.** This regulation removes references to general assistance and includes language of cohabiting boyfriend or girlfriend. This amendment implements current practice and has no economic impact.

**K.A.R. 30-4-50 – Assistance eligibility.** This regulation removes references to general assistance and updates the TANF time limits. TANF diversion is included. TANF suspicion-based drug testing language is added. This amendment implements current practice and has no economic impact.

**K.A.R. 30-4-51 – Eligibility process.** This regulation has been amended to improve clarity around the definition of a collateral contact. This amendment implements current practice and has no economic impact.

**K.A.R. 30-4-54 – Citizenship, alienage, and residence.** This regulation removes references to general assistance and updates with 1996 federal changes. This amendment implements current practice and has no economic impact.

**K.A.R. 30-4-55 – Cooperation.** This regulation has been amended to include the requirements that identity is to be verified for each adult in a public assistance case and social security numbers must be provided for all recipients of food assistance and TANF. Reporting of lottery prizes in excess of \$5,000 is included to reflect current law. Third party resource information for medical assistance is removed. It updates language regarding cooperation with child support. This amendment implements current practice and has no economic impact.

**K.A.R. 30-4-64 – Work program requirements for TANF.** This regulation is updated to reflect current state law. It removes requirements that are redundant with federal regulations. The additions and amendments implement current practice and there is no economic impact.

**K.A.R. 30-4-70 – Eligibility factors specific to the TANF program.** This regulation adds information regarding cohabiting partners and reflects current state law that requires school enrollment for children receiving TANF. The additions and amendments implement current practice and there is no economic impact.

**K.A.R. 30-4-76 – The food assistance program; work and other eligibility requirements.** This regulation adds language concerning state options for work requirements and categorical eligibility. This amendment implements current practice and has no economic impact.

**K.A.R. 30-4-77 – The food assistance program; state option; education requirement.** This regulation adds language concerning the state option and counting of noncitizen income for food assistance and includes school enrollment for children receiving TANF. This amendment implements current practice and has no economic impact.

**K.A.R. 30-4-90 – Eligibility factors specific to the GA program.** This regulation is being revoked and removes all references to general assistance. The program has not been funded for several years and there is no economic impact.

**K.A.R. 30-4-92 – Low income energy assistance program.** This regulation adds various requirements for participation in the energy assistance program. The additions implement current practice and there is no economic impact.

**K.A.R. 30-4-93 – Child care assistance program.** This regulation adds various requirements for participation in the child care assistance program including requirements in current state law. This amendment implements current practice and has no economic impact.



**K.A.R. 30-4-98 – Funeral assistance.** This regulation has been amended to improve clarity regarding the funeral assistance program. This amendment has no economic impact as the program is not funded.

**K.A.R. 30-4-100 – Payment standards for the TANF and foster care programs.** This regulation removes references to general assistance and provides more clarity of specific terms. There is no economic impact.

**K.A.R. 30-4-107 – Property exemption.** The resource value for assistance is updated to reflect changes in federal law. The amendment implements current practice and there is no economic impact

**K.A.R. 30-4-109 – Personal property.** This regulation has been amended to improve clarity and updates language with resources exempted by federal regulations. This amendment implements current practice and has no economic impact.

**K.A.R. 30-4-111 – Income.** This regulation has been amended to include language regarding the TANF work incentive payment, TANF diversion payment and income disregards. This amendment implements current practice and has no economic impact.

**K.A.R. 30-4-113 – Exempt income.** This regulation has been amended to include federal changes regarding veterans' administration payments and a child's student income. This amendment implements current practice and has no economic impact.

**K.A.R. 30-4-120 – Special needs for applicants and recipients of TAF.** This regulation is being revoked and removes references to special needs expenses for the previous TAF program. This revocation has no economic impact.

**K.A.R. 30-4-130 – Types of payments and payees.** This regulation removes references to general assistance and implements state law for situations requiring a payee for individuals. This amendment implements current practice and has no economic impact.

**K.A.R. 30-4-140 – Payments; penalties; enforcement.** This regulation has been amended to improve clarity and adds language concerning disqualification from TANF due to fraud based on state law. It removes language that is verbatim from state law. This amendment implements current practice and has no economic impact.

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**30-4-34. Public assistance program.** ~~(a) The public assistance program.~~ The public assistance program shall include the following types of assistance:

~~(1)(a)~~ Temporary assistance for needy families (TAF) (TANF);

~~(2)(b)~~ foster care assistance, which shall include the federal financial participation-foster care (FFP-FC) and non-federal financial participation foster care (non-FFP-FC) programs;

~~(3)(c)~~ ~~general assistance (GA)~~ low income energy assistance program (LIEAP);

~~(d)~~ food assistance. The federal term for this program is supplemental nutrition assistance program (SNAP); and

~~(e)~~ child care assistance.

~~(b) This regulation shall take effect on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 2018 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104 and K.S.A. 1995 Supp. 39-7,122, K.S.A. 1995 Supp. 39-7,123, as amended by L. 1996, Ch. 253, Sec. 7, K.S.A. 1995 Supp. 39-7,124 through 39-7,133, K.S.A. 1995 Supp. 39-709, 39-7,104, 39-7,105, 39-7,107; effective May 1, 1981; amended, T-84-8, April 1, 1983; amended May 1, 1983; amended, T-84-9, May 1, 1983; amended May 1, 1984; amended, T-88-14, July 1, 1987; amended May 1, 1988; amended, T-30-6-10-91, July 1, 1991; amended Dec. 30, 1994; amended April 1, 1995; amended Aug. 1, 1995; amended March 1, 1997; amended P-\_\_\_\_\_.)~~

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**30-4-35. Application process.** ~~(a) Attention given to requests. All applications, inquiries and requests for assistance shall be given prompt attention.~~

~~(b) Who may file. An application for public assistance shall be made by Each applicant individual in person seeking public assistance, or by another person authorized to act on the applicant's behalf, shall submit an application for public assistance to the department.~~

~~(c)(b) Applications. An application for assistance shall be considered an application for any type of public assistance. The applicant or person authorized to act on behalf of the applicant shall sign the application. If the applicant or the applicant's representative signs by mark, the names and addresses of two witnesses shall be required. A telephonic signature, by the applicant or the applicant's authorized representative, shall be an acceptable form of attestation by the applicant when applying for public assistance and shall not be denied legal effect based solely on its format. When a telephonic signature is accepted, measures shall be taken by the department to verify the identity of each applicant. These measures shall be designed to safeguard applicants against any form of identity theft or invasion of privacy. Memoranda of understanding shall be required with any nonprofit organization that wants to assist applicants with applications for public assistance and accept telephonic signatures for those applications on behalf of the department.~~

~~(d)(c) Face-to-face Interview.~~

~~(A) A face-to-face An interview shall be required at the time of application unless there is good cause for waiving this requirement for food assistance and TANF assistance. An interview may be required at the time of initial application for child care assistance if information provided by the applicant is incomplete, unclear, or contradictory.~~

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~~(e) Time in which application shall be processed.~~

~~(1) Applications for assistance shall be approved or denied within 45 days of the agency's receipt of a signed application for assistance unless either of the following requirements is met.~~

~~(A) The application for assistance has been withdrawn.~~

~~(B) The required determination of eligibility cannot be made within 45 days due to the failure of the applicant or a collateral to provide necessary information.~~

~~(2) If the agency takes action to deny an application within the 45 day time period and the applicant reapplies or provides required information within the 45 day time period, the application shall be reactivated, and, if eligible, benefits shall be provided from the date of application.~~

~~(f) Changes in circumstances.~~

~~(1) All changes in circumstances that affect assistance shall be acted upon within 30 days of being reported to the agency.~~

~~(2) Changes that result in an increase in benefits shall become effective in the month following the month in which the changes are reported, provided that any necessary verification is received within 10 days of request. If verification is not provided in a timely manner, the change shall be effective in the month following the month in which verification is received.~~

~~(g) The effective date of this regulation shall be July 1, 1997. (Authorized by and implementing K.S.A. 1996 2018 Supp. 39-708c; effective May 1, 1981; amended May 1, 1984; amended May 1, 1988; amended July 1, 1989; amended July 1, 1997; amended P-\_\_\_\_\_.)~~

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30-4-36. Redetermination of eligibility process. (a) Purpose of Redetermination. The purpose of the Redetermination shall be to give the each recipient an opportunity to bring to the attention of the agency department the recipient's current situation and to give the agency department an opportunity to review the eligibility factors of eligibility in order to determine the recipient's continuing eligibility for assistance.

(b) Face-to-face Interview. A face-to-face An interview shall be required at the time of each redetermination for food assistance and cash assistance unless there is good cause for waiving this requirement. An interview may be required at the time of each redetermination for child care assistance if any information provided by the applicant is incomplete, unclear, or contradictory.

(c) Frequency of redetermination. A recipient's eligibility for assistance shall be redetermined as often as a need for review is indicated specified in this subsection. All cases Each TANF case shall be reviewed at least once each 12 months. Each TANF caretaker relative case shall be reviewed at least once each 24 months. (Authorized by and implementing K.S.A. 2018 Supp. 39-708c; effective May 1, 1981; amended May 1, 1983; amended May 1, 1986; amended May 1, 1988; amended P-\_\_\_\_\_.)

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**30-4-38. Rights of applicants and recipients.** (a) Right to information. Each applicant or recipient shall have the right to be provided with information concerning the types of assistance ~~which that~~ are provided by the agency department. Upon request, ~~the agency shall furnish~~ each applicant shall be furnished with information and ~~shall explain an explanation of~~ the categories of assistance and the eligibility factors by the department.

(b) Right to ~~make~~ submit an application. Each applicant shall have the right to ~~make~~ submit an application regardless of any question of eligibility or agency department responsibility. The right of any individual to ~~make~~ submit an application shall not be abridged denied.

(c) Right to private interview. Each applicant or recipient, upon request, shall have a right to a private interview when discussing individual situations with the agency department.

(d) Right to an individual determination of eligibility for assistance. Each applicant or recipient shall be given an opportunity to present any request and to explain the individual's situation.

(e) Right to withdraw from program. Each applicant shall have the right to withdraw the application at any time between the date the application is signed and the date the notice of the agency's department's decision is mailed. Any recipient may withdraw from a program at any time.

(f) ~~Right to prompt decision. Each applicant shall have the right to have a decision rendered on an application within 45 days of its receipt by the agency. Each recipient shall have the right to have a decision rendered on any formal request within 30 days of its receipt by the agency.~~

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(g)(f) Right to correct amount of assistance. Each recipient, if eligible, shall be entitled to the correct amount of assistance, based upon established budgetary standards of each program department policies.

(h)(g) Right to written notification of action. Each applicant or recipient shall have the right to a written notification of agency department action concerning eligibility for assistance.

(h) Right to have a photograph of the recipient placed on any Kansas benefit card. This card shall be a valid form of identification for voting purposes.

(i) Right to equal treatment. Each applicant or recipient shall have the right to be treated in the same manner as that for other applicants or recipients who are in similar circumstances.

(j) Right to a fair hearing. Each applicant or recipient shall have the right to request a fair hearing if dissatisfied with any agency department decision or lack of action in regard to the application for or receipt of assistance. (Authorized by and implementing K.S.A. 1983 2018 Supp. 39-708c; implementing K.S.A. 2018 Supp. 39-708c and 39-709(b)(15)(B); effective May 1, 1981; amended May 1, 1984; amended P- \_\_\_\_\_.)

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30-4-40. Agency Department responsibility to applicants and recipients. (a) On the request of any applicant or recipient, the applicant's or recipient's rights and responsibilities shall be explained by the agency department.

(b) Each applicant and recipient shall be informed of the following: ~~requirements placed upon the agency.~~

(1) Periodic redeterminations. Periodic redeterminations of eligibility shall be made if the application is approved.

(2) Fraud. ~~Any~~ Each fraudulent application for or receipt of assistance shall be investigated and referred for legal action.

(3) ~~Public list. A public list of cash recipients of GA, which shall be limited to name, address, and amount of cash assistance received, shall be prepared and maintained.~~

(4) Release of confidential information. Unless otherwise prohibited by other local, state, or federal law, confidential information shall be released by the ~~agency when~~ department if the release is directly related to ~~one~~ any of these duties:

(A) The administration of the public assistance program;

(B) an investigation or criminal or civil proceeding being conducted in connection with the administration of the program;

(C) the reporting of a fugitive felon's address to local, ~~and state,~~ and federal law enforcement officials. ~~Such a~~ This report shall be made only ~~when~~ if the law enforcement official furnishes the recipient's name and social security number and satisfactorily demonstrates that the individual is a fugitive felon, that the location or apprehension of the fugitive felon is within the law enforcement officer's official duties, and that the request is made in the proper exercise of

those duties;

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(D) the reporting of an applicant's or recipient's intention to commit a crime to the appropriate law enforcement officials; or

(E) release of confidential information concerning TAF and foster care applicants and recipients ~~under certain circumstances as required under 42 U.S.C.A. 602(a)(9);~~ or as authorized by state or federal law.

~~(F) the reporting to the immigration and naturalization service of the name, address, and other identifying information of any individual who the agency knows is residing unlawfully in the United States.~~

~~(c) This regulation shall take effect on and after October 1, 1997. (Authorized by and implementing K.S.A. 1996 2018 Supp. 39-708c; effective May 1, 1981; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1987; amended March 1, 1997; amended Oct. 1, 1997; amended P-\_\_\_\_\_.)~~

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**30-4-41. Assistance planning for TANF.** (a) ~~Definitions.~~ For the purposes of K.A.R. 30-4-50 through 30-4-98, the following terms and definitions shall apply:

(1) "Family group" means the applicant or recipient and all individuals living together in which there is a relationship of legal responsibility or a caretaker relationship. This term shall include a cohabiting boyfriend or girlfriend living with the person legally responsible for the child.

(2) "Mandatory filing unit" means all persons in the family group whose needs or resources are required to be considered in determining eligibility and amount of payment as outlined in K.A.R. 30-4-70(e) for ~~TAF~~ TANF purposes and K.A.R. 30-4-90 for ~~GA~~ purposes. If the ~~agency~~ department is unable to determine who is required to be a member of the mandatory filing unit as a result of an applicant's or recipient's failure to cooperate in providing necessary information or in complying with an eligibility requirement that is within the applicant's or recipient's control, those persons who would otherwise be required to be in the mandatory filing unit ~~had~~ if the applicant or recipient had cooperated shall be ineligible for assistance.

(3) "Caretaker," for TANF assistance purposes, means any of the following persons:

(A) The parent or parents, including the parent or parents of an unborn child; or

(B) the person who is assigned the primary responsibility for the care and control of the child as one of the following representatives:

(i) A guardian, conservator, or a relative, as defined in K.A.R. 30-4-70(b); or

(ii) a legal custodian, when based on an approved social service plan.

Caretaker status shall be extended to the spouse of a non-parental caretaker and a cohabiting boyfriend or girlfriend living with the person legally responsible for the child.

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(4) "Eligible caretaker" means a caretaker who is considered in the assistance plan with the child.

(5) "Legally responsible relative" means the person who has the legal responsibility to provide support for the person in the assistance plan.

(b) The assistance plan shall consist of those members of the mandatory filing unit and any other persons in the family group for whom assistance is requested and eligibility is determined. ~~Any~~ An individual excluded from the assistance plan shall not be eligible in a separate assistance plan.

(c) ~~This regulation shall take effect on and after March 1, 1997.~~ (Authorized by K.S.A. 1995 2018 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; implementing K.S.A. 1995 2018 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, and K.S.A. 1995 2018 Supp. 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-88-14, July 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended July 1, 1989; amended July 1, 1991; amended Jan. 2, 1992; amended March 1, 1997; amended P-\_\_\_\_\_.)

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**30-4-50. Assistance eligibility, general.** (a) General requirements. ~~The requirements set forth in K.A.R. 30-4-51 through 30-4-64~~ This regulation shall apply to the TAF, TANF and foster care, and GA programs except as noted in subsection (b) for TANF. K.A.R. 30-4-51 through 30-4-55 shall apply to all public assistance programs specified in K.A.R. 30-4-34.

(b) Time-limited assistance. A family group shall not be eligible for ~~TAF~~ TANF if ~~either~~ at least one of the following conditions is met:

(1) The family group contains at least one adult member who has received ~~TAF~~ TANF, including similar assistance received in any other state, for ~~60~~ 24 calendar months beginning on and after October 1, 1996, unless a hardship extension has been granted or certain months of TANF assistance were determined to be an exception and were not counted towards the time limit, allowing receipt of TANF until the 36-month limit is reached. A hardship extension shall be granted under any of the following conditions:

(A) The TANF recipient is a caretaker of a disabled family member living in the household. The nature and duration of the disability shall be verified by a medical professional.

(B) The TANF adult has a disability that precludes employment on a long-term basis or requires substantial rehabilitation. Verification shall be obtained from a medical professional.

(C) The TANF adult needs an extension of the time limit to overcome the effects of domestic violence or sexual assault.

(D) The family is involved with DCF prevention and protection services and has an open social service plan.

(E) A hardship is presented by the family, and a determination is made by a DCF executive review team that an additional 12 months of TANF would benefit the family.

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(2) The family group contains at least one adult member who has received a Kansas diversion payment and has received TANF, including assistance similar to TANF in another state for 18 calendar months beginning on and after October 1, 1996, unless a hardship extension has been granted, allowing receipt of TANF until the 30-month limit is reached.

(3) The family group has received ~~TAF~~ TANF for any ~~60~~ 24 calendar months beginning on and after October 1, 1996, during which time one or more adult family members residing in the family group were ineligible due to the provisions of K.A.R. 30-4-54(b), K.A.R. 30-4-140(d), or subsections (c) and (d) of this regulation.

(c) Denial of assistance for fugitive felons and probation and parole violators. Assistance shall not be provided to a fugitive from justice by reason of a felony conviction or charge, or to a person who is violating a condition of probation or parole imposed under federal or state law.

~~(d) Denial of assistance for felony drug-related convictions. Assistance shall not be provided to any person convicted of a felony offense occurring after August 22, 1996 and involving the possession, use, or distribution of a controlled substance, unless the person meets one of the following criteria:~~

~~(1) Has been assessed by a licensed substance abuse treatment provider as not requiring substance abuse treatment; or~~

~~(2) has been assessed and recommended for substance abuse treatment by a licensed substance abuse treatment provider and meets one of the following criteria:~~

~~(A) Is participating in a licensed substance abuse treatment program; or~~

~~(B) has successfully completed a licensed substance abuse treatment program.~~

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30-4-50 (3)

(e)(d) Requirements for special projects. Certain eligibility requirements may be waived by the secretary, and additional eligibility requirements for all, or designated areas, of the state may be adopted by the secretary for the purpose of utilizing special project funds or grants or for the purpose of conducting special demonstration or research projects.

(e) TANF suspicion-based drug testing. Suspicion-based drug testing shall be mandatory for applicants and recipients if there appears to be unlawful use of a controlled substance or controlled substance analog. The definition and list of controlled substances shall be as specified in K.S.A. 39-709(1)(9)(B) and (C), and amendments thereto.

(1) TANF assistance shall not be provided to each individual who meets any of the following conditions:

- (A) Tests positive for illegal drug use;
- (B) fails to complete drug testing; or
- (C) refuses to undergo drug testing.

(2) The periods of ineligibility for each individual who tests positive for illegal drug use shall be as follows:

(A) For the first positive drug test, the individual shall be ineligible until the individual completes substance abuse treatment and the skills training course.

(B) For the second positive drug test, the individual shall be ineligible for one year or shall complete a substance abuse treatment program and the skills training course, whichever is later.

(C) For the third positive drug test, the individual shall be ineligible for that person's

lifetime.

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30-4-50 (4)

(3) The periods of ineligibility for each individual who fails or refuses to complete drug testing shall be as follows:

(A) For the first failure or refusal to complete drug testing, the individual shall be ineligible for six months from the date of failure or refusal. To regain eligibility for TANF, the individual shall undergo drug testing and, if necessary, complete substance abuse treatment and skills training.

(B) For the second failure or refusal to complete drug testing, the individual shall be ineligible for 12 months from the date of failure or refusal. To regain eligibility for TANF, the individual shall undergo drug testing and, if necessary, complete substance abuse treatment and the skills training course.

(C) For any subsequent failure or refusal, the individual shall be ineligible for that person's lifetime.

(4) For each positive test, failure, or refusal to test, a protective payee shall be named for the family group. Each protective payee shall be subject to suspicion-based drug testing.

~~This regulation shall be effective on and after July 1, 2004.~~ (Authorized by K.S.A. 2018 Supp. 39-708c; implementing K.S.A. 2018 Supp. 39-708c, K.S.A. 2018 Supp. 39-709, K.S.A. 2018 Supp. 39-709e, and K.S.A. 2018 Supp. 39-719b; effective May 1, 1981; amended May 1, 1983; amended, T-30-7-29-88, July 29, 1988; amended Sept. 26, 1988; amended Oct. 1, 1989; amended, T-30-10-1-96, Oct. 1, 1996; amended Jan. 17, 1997; amended March 1, 1997; amended July 1, 1998; amended Oct. 1, 2000; amended July 1, 2004; amended P-\_\_\_\_\_.)

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**30-4-51. Eligibility process.** The determination of eligibility shall be based upon information provided by the applicant, ~~or the recipient, or collateral sources.~~ If ~~the any~~ information ~~provided by the applicant or recipient~~ is unclear, incomplete, conflicting, or questionable, a further review, including collateral ~~contacts~~ sources, shall be required. A collateral source shall mean an individual or entity that has knowledge of, but is not part of, a household and provides written or verbal confirmation of the household's circumstances. Applicants ~~or and~~ recipients shall be eligible for assistance only ~~when~~ if all applicable eligibility ~~factors~~ requirements have been met. (Authorized by K.S.A. ~~1980~~ 2018 Supp. 39-708c; implementing K.S.A. ~~1980~~ 2018 Supp. 39-708c, 39-709, and 39-719b; effective May 1, 1981; amended P-\_\_\_\_\_.)

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30-4-54. Citizenship, alienage, and residence. (a) Definition. For the purposes of this regulation, "resident" means shall mean any person who is living in the state Kansas voluntarily, with no intention of presently moving from the state Kansas, and who is not living in the state Kansas for a temporary purpose.

(1) ~~Any~~ Each child living in the state Kansas shall be considered a resident.

(2) For ~~TAF TANF~~, ~~any~~ each person who has entered the state Kansas with a job commitment or who is seeking employment in the state Kansas shall be considered a resident.

~~(3) For GA, any individual who owns an automobile or other motor vehicle that is not registered in this state, but that is required by law to be registered in this state shall not be considered a resident.~~

(b) Citizenship and alienage. Each applicant or recipient shall be a citizen of the United States or shall be an alien who meets the conditions in either paragraph (1) or paragraph (2) of this subsection.

(1) The individual entered the United States before August 22, 1996 and meets one of these conditions:

(A) Is a refugee, including persons who are Cuban or Haitian entrants or admitted as Amerasian immigrants;

(B) is granted asylum;

(C) has deportation withheld;

(D) is a lawful permanent resident;

(E) is an honorably discharged veteran or currently on active duty in the armed forces or is the spouse or unmarried dependent child of such an alien;

(F) is paroled into the United States for at least one year; or

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(G) is granted conditional entry; or

(H) is a person who does not meet any of the conditions listed in paragraphs (b)(1)(A)-(G) but who has been battered or subjected to extreme cruelty by a U.S. citizen or lawful permanent resident spouse or parent and entered the U.S. on or before August 22, 1996. The person shall have a pending or approved violence against women act (VAWA) case or a family-based petition before United States citizenship and immigration services (USCIS). This provision shall include the person's children.

(2) The individual entered the United States on or after August 22, 1996 and meets one of these conditions:

(A) Is a refugee, including persons who are Cuban or Haitian entrants or admitted as Amerasian immigrants;

(B) is granted asylum;

(C) has deportation withheld;

(D) is an honorably discharged veteran or currently on active duty in the armed forces or is the spouse or unmarried dependent child of such an alien;

(E) is a lawful permanent resident who has resided in the United States at least five years as required by federal law;

(F) is paroled into the United States for at least one year and has resided in the United States at least five years; or

(G) is granted conditional entry and has resided in the United States for at least five years; or

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(H) is a person who does not meet any of the conditions listed in paragraphs (b)(2)(A)-(G) but who has been battered or subjected to extreme cruelty by a U.S. citizen or lawful permanent resident spouse or parent and entered the U.S. on or before August 22, 1996. The person shall have a pending or approved violence against women act (VAWA) case or a family-based petition before USCIS. This provision shall include the person's children.

(c) Residence. Each applicant or recipient shall be a Kansas resident of ~~the state of~~ Kansas. Temporary absence from ~~the state~~ Kansas, with subsequent returns to ~~the state,~~ Kansas or intent to return when the purposes of the absence have been accomplished, shall not be considered to interrupt continuity of residence. Residence shall be considered to be maintained until abandoned or established in another state. (Authorized by K.S.A. ~~1997~~ 2018 Supp. 39-708c; implementing K.S.A. ~~1997~~ 2018 Supp. 39-708c, ~~K.S.A. 39-719b,~~ and K.S.A. ~~1997~~ 2018 Supp. 39-709; effective May 1, 1981; amended, T-88-10, May 1, 1987; amended May 1, 1988; amended Oct. 1, 1989; amended, T-30-2-20-97, March 1, 1997; amended May 16, 1997; amended June 26, 1998; amended P-\_\_\_\_\_.)

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**30-4-55. Cooperation.** (a) Establishment of eligibility. Each applicant, recipient, or ineligible caretaker shall cooperate with the agency department in the establishment of eligibility as provided required in K.A.R. ~~30-4-39~~ 30-4-50. Failure to provide the information necessary to determine eligibility shall render the family group or applicant ineligible for assistance.

(b) Social security number. Each applicant for or recipient of food assistance and TANF shall provide the agency department with the applicant's or recipient's social security number. Failure to provide the social security number, or failure to apply for a social security number if the applicant or recipient has not previously been issued a social security number, shall render the applicant or recipient ineligible for assistance.

(c) Identity. Each adult in the food assistance, TANF, and child care assistance household shall verify that person's identity. Failure to provide verification of identification for each adult member of the assistance household shall render the household ineligible for assistance.

(d) Paternity and support.

(1) TANF and child care assistance: cooperation with child support. The caretaker who is applying for or receiving assistance shall cooperate with the agency department in establishing the paternity of any child born out of wedlock for whom assistance is claimed, and in obtaining support payments for the caretaker and for any child for whom assistance is claimed. Failure to cooperate in any assistance program administered by the secretary in which paternity and support cooperation is required shall render the mandatory filing unit of which the child is a member ineligible for assistance, unless the caretaker demonstrates good cause for refusing to cooperate. Good cause shall mean that a caretaker is a victim of domestic violence and a determination has

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been made by department staff that complying with program requirements will increase the risk of further harm for the household. The period of ineligibility shall be as follows: specified in K.S.A. 39-709, and amendments thereto.

~~(A) For the first failure, until the caretaker cooperates; and~~

~~(B) for any subsequent failure, two months or until the person cooperates, whichever is longer.~~

(2) Food assistance: cooperation with child support. The period of ineligibility for noncooperation shall be as specified in K.S.A. 39-709(b)(11), and amendments thereto.

~~(2)(3) Requirements for cooperation with TANF, child care, and food assistance.~~

Cooperation shall include the following actions:

(A) Appearing at the local child support enforcement services office, as necessary, to provide information or documentation needed to establish the paternity of a child born out of wedlock, to identify and locate the absent parent, and to obtain support payments;

(B) appearing as a witness at court or at other proceedings as necessary to achieve the child support enforcement services objectives;

(C) forwarding to the child support enforcement services unit any support payments received from the absent parent that are covered by the support assignment;

(D) establishing and maintaining an agreement to repay assigned support that was retained by the caretaker; and

(E) providing information, or attesting to the lack of information, under penalty of perjury.

~~(d)~~(e) Potential resources. Each applicant or recipient for TANF shall cooperate with the

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agency department in obtaining any resources due the applicant, recipient, or child for whom assistance is claimed and shall cooperate with the group health plan enrollment process in accordance with ~~K.A.R. 30-6-55(f)~~. Failure to cooperate without good cause shall render ineligible for assistance the mandatory filing unit, as defined in K.A.R. 30-4-41, of which the applicant, recipient, or child for whom assistance is claimed is a member.

~~(e) Third party resources. Each applicant or recipient shall cooperate with the agency in identifying and providing information to assist the agency in pursuing any third party who may be liable to pay for medical services under the medical assistance program. Failure to cooperate without good cause shall render the applicant or recipient ineligible for assistance.~~

(f) Food assistance, child care, and TANF. Each applicant or recipient shall cooperate with the department in verifying that person's resources and income if that person has been identified as a winner of any lottery prizes in excess of \$5,000.

(g) TANF. Each applicant or recipient shall cooperate with work programs, assessments, and any other requirements to obtain benefits or to maintain eligibility.

~~(f) This regulation shall be effective on and after October 1, 2003. (Authorized by K.S.A. 2018 Supp. 39-708c; implementing K.S.A. 2018 Supp. 39-708c, 39-709, and 39-719b; effective May 1, 1981; amended May 1, 1982; amended, T-87-15, July 1, 1986; amended May 1, 1987; amended Jan. 4, 1993; amended March 1, 1997; amended July 1, 1998; amended Oct. 1, 2003; amended P-\_\_\_\_\_.)~~

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**30-4-64. Work program requirements for TANF.** Each applicant or recipient of TANF, unless exempted, shall be required to ~~seek and retain employment and, if assigned,~~ participate in one or more components of the work program. Any exempt applicant or recipient may volunteer for participation in the program. The geographic areas in the state and the public assistance programs in which work program requirements are to be enforced shall be designated by the secretary. The administration of the work program shall be within the limits of appropriations.

(a) Exemptions. The following persons shall be exempt from the work requirements:

(1) Any person who is ~~age~~ aged 17 or younger or who is ~~age~~ aged 18 and working toward attainment of a high school diploma or its equivalent. This exemption shall not be claimed by a female who is pregnant or a parent of a child in the home and who has not yet attained a high school diploma or its equivalent;

~~(2) any person who is 60 years of age or older;~~

~~(3) any person who is needed in the household because another member of the household requires the person's presence due to illness or incapacity and no other appropriate member of the household is available to provide the needed care; and~~

~~(4)(3) any parent or other caretaker who is personally providing care for a child under the age of one three months. Only one person in a case may be exempt on the basis of providing care for a child under age one and may claim the exemption only for a total of 12 months the age of three months. This exemption shall not be claimed under any of the following circumstances:~~

~~(A) A custodial parent or pregnant woman under the age of 20 does not possess a high school diploma or its equivalent;~~

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~~(B) The other parent, stepparent, or caretaker in the home is exempt from the work program requirements for a reason other than the reasons specified in paragraphs (a)(1), (2), and (3) and is available for and capable of providing child care.~~

~~(C) both parents, a stepparent, a cohabiting partner, or a caretaker of the child are is present, except as noted in paragraph (a)(4)(B) of this regulation. and is not exempt, unsuitable, or incapable of providing child care; or~~

~~(C) a parent, a stepparent, a cohabitating partner, or a caretaker is determined to have a substance abuse disorder.~~

~~(b) Participation requirements. Each applicant or recipient shall seek and retain employment and, if assigned, shall participate in one or more components of an agency approved a department-approved, work-related program directed toward a plan of self-sufficiency the recipient's plan of self-reliance. The work program may include the following components:~~

~~(1) Job search. Each assigned person shall participate in job search activities, which may include agency approved job clubs and supervised job search activities.~~

~~(2) Work experience. Each assigned person shall participate in work experience activities, which may include the opportunity to regain work skills, learn new skills, test interests and skills on the job, gain a work history, and obtain a work reference.~~

~~(3) Education and training. Each assigned person shall participate in supervised education and training activities that are aimed at facilitating a person's movement toward self-sufficiency and employment retention. These supervised education and training activities may include~~

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~~vocational training, adult basic education, literacy training, general educational development, and postsecondary education and training.~~

~~(4) Work supplementation. Each assigned person shall participate in a work supplementation program in which an employer receives a wage subsidy from money diverted from public assistance grants for employing participants.~~

~~(5) Job readiness. Each assigned person shall participate in job readiness activities, which may include employment counseling and life skills.~~

~~(6) Community service. Each assigned person shall participate in supervised community service activities.~~

(c) Support costs. Payment of support costs shall be provided to participants. Support costs may include the following:

(1) Transportation expenses for each person participating in a work program activity in accordance with ~~an agency approved~~ a department-approved plan;

(2) child care expenses, as necessary for the person to participate in a work program activity in accordance with ~~an agency approved~~ a department-approved plan; and

(3) education and training costs for each participant based on ~~an agency approved~~ a department-approved plan, which may include tuition, books, and fees; and

(4) support service expenses to obtain goods and services needed to participate in an approved component.

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(d) Transitional expenses. Payment for transitional expenses may be provided to each qualifying participant who loses eligibility for TAF TANF if not otherwise disqualified.

Transitional expenses may include ~~the following:~~ any reasonable and necessary expenses for job retention.

(1) ~~Transportation expenses;~~

(2) ~~child care expenses; and~~

(3) ~~expenses for other transition related services if approved by the secretary or the secretary's designee.~~

(e) Penalty.

(1) A person who is required to participate in the work program shall be ineligible for assistance if one of the following ~~circumstances occurs~~ conditions is met in any assistance program administered by the secretary in which work program participation is required:

(A) ~~If~~ The person fails without good cause to cooperate in the work assessment process or participate in the program;

(B) ~~if~~ The person refuses without good cause a bona fide referral for or offer of employment;

(C) ~~if~~ The person terminates employment without good cause;

(D) ~~if~~ The person is terminated from employment by voluntarily making oneself unacceptable without good cause;

(E) ~~if~~ The person reduces earnings without good cause.

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(2) The period of ineligibility shall ~~continue until the person cooperates~~, be as follows:

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

(B) for the second penalty, six months and full cooperation with work program activities;

(C) for the third penalty, one year and full cooperation with work program activities; and

(D) for the fourth and each subsequent penalty, 10 years.

If the person is an adult, the mandatory filing unit of which the person is a member shall also be ineligible.

(f) Good cause. Each individual who presents verification that the individual meets one or more of the following ~~criteria~~ conditions shall be determined to have good cause for failing to participate in the work program:

(1) The individual is exempt from participation in the program.

(2) The individual was incapable of performing the activity as determined by the individual's case manager.

(3) Performance of the activity was so dangerous or hazardous according to occupational safety and health administration (OSHA) standards as to make a refusal to perform the activity or termination of the activity a reasonable one.

(4) Child care or day care for an incapacitated individual living in the same home is necessary for an individual to participate or continue to participate in the program, and the care is not available.

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(5) The total daily commuting time to and from home to the activity to which the individual is assigned exceeds two hours, not including the transporting of a child to and from a child care facility. If a longer commuting distance is generally accepted in the community, the round trip commuting time shall not exceed the generally accepted community standards.

(6) The failure occurred in the month in which the individual's pregnancy ~~was terminated~~ ended or the two following months.

(7) A single custodial parent has demonstrated the inability to obtain needed child care for a child under the age of six, because of one or more of the following reasons:

(A) Unavailability of appropriate child care within a reasonable distance from the individual's home or work site;

(B) unavailability or unsuitability of informal child care. "Informal child care" shall mean care that is legally exempt from regulation; or

(C) unavailability of appropriate and affordable formal child care arrangements.

(8) The individual was a victim of domestic violence, and compliance with program requirements would increase the risk of harm for the individual or any children in the individual's care.

(9) There was no bona fide offer of employment or training.

(10) The payment offered for employment was less than the federal minimum wage.

~~(g) This regulation shall be effective on and after January 1, 2007.~~ (Authorized by and implementing K.S.A. 2018 Supp. 39-708c and K.S.A. 39-7,103 2018 Supp. 39-709; effective

Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-3-29-90, April 1, 1990; revoked, T-30-7-2-

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90, July 2, 1990; amended, T-30-7-2-90, July 2, 1990; revoked, T-30-8-14-90, Oct. 1, 1990;  
amended Oct. 1, 1990; amended Jan. 7, 1991; amended, T-30-6-10-91, July 1, 1991; amended,  
T-30-8-9-91, Aug. 30, 1991; amended Oct. 28, 1991; amended Oct. 1, 1993; amended Aug. 1,  
1995; amended July 1, 1996; amended March 1, 1997; amended July 1, 1998; amended April 1,  
1999; amended Dec. 1, 1999; amended May 1, 2001; amended Jan. 1, 2007; amended P-  
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**30-4-70. Eligibility factors specific to the ~~TAF~~ TANF program.** To be eligible for ~~TAF~~ TANF, each applicant or recipient shall meet the applicable general eligibility requirements of K.A.R. 30-4-50 and the following specific eligibility requirements ~~set forth below~~:

(a)(1) Child in family. To be eligible for ~~TAF~~ TANF, the applicant's or recipient's family group shall include at least one eligible child. If the only child in the family group is an ~~SSI~~ a supplemental security income (SSI) recipient, the family group may qualify for assistance.

(2) For purposes of this regulation, "child" ~~means~~ shall mean a child who meets either of these requirements:

- (A) Is under the age of 18, including an unborn child; or
- (B) is age aged 18 and in secondary school or is working towards the attainment of a GED.

(b) Living with a caretaker. For the family group to be eligible for ~~TAF~~ TANF, the eligible child or children shall be residing with one or more of these individuals:

(1) Any blood relative who is within the fifth degree of kinship to the child, including any of the following relatives:

- (A) Parents;
- (B) siblings;
- (C) nephews;
- (D) nieces;
- (E) aunts;
- (F) uncles; and
- (G) persons of preceding generations who may be denoted by prefixes of grand, great, great-great, or great-great-great;

great-great, or great-great-great;

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(2) a stepfather, stepmother, stepbrother, or stepsister;

(3) a legally adoptive parent or parents or another relative or relatives of adoptive parents as noted ~~specified~~ in paragraphs paragraph (b)(1) or (2)-above;

(4) a guardian or conservator or a legal custodian ~~when~~ if based on an approved social service plan; or

(5) a spouse of any of those persons named in ~~the above groups~~ paragraph (b)(1),(2),(3), or (4) or a former spouse of any of those persons if marriage is terminated by death or divorce.

(c) Temporary absence. ~~Any~~ Each person who is out of the home temporarily for a period of 90 days or less or for employment shall remain eligible.

(d) Assignments of support. Each caretaker who is applying for or receiving ~~TAF~~ TANF on ~~his or her~~ that individual's own behalf or on behalf of any other family member shall assign to the secretary any accrued, present, or future rights to support from any other person that the caretaker may have on ~~his or her~~ that individual's own behalf, or on behalf of any other family member for whom the caretaker is applying for or receiving ~~TAF~~ TANF.

(e) Persons in the family group whose needs shall be considered.

(1) The needs of each child who meets the ~~criteria~~ requirements of subsection (a) ~~of this regulation~~ and the needs of the child's parent, stepparent, or ~~both~~ cohabiting partner shall be included in the determination of assistance.

(2) The needs of an eligible child's caretaker, other than a parent or stepparent, shall be considered in the determination of assistance if requested. If the caretaker's needs are included, the caretaker's spouse or cohabiting partner and any children of the caretaker who meet the

~~criteria~~ requirements of subsection (a) ~~of this regulation~~ shall also be considered.

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(3) In determining eligibility, the needs of each of the following caretakers and children shall be excluded, while the non-exempt resources of these caretakers and children shall be included, ~~unless the resources are specifically exempt:~~

- (A) Any SSI recipient;
- (B) any person who is ineligible due to a sanction;
- (C) any child whose needs are met through foster care payments;
- (D) any alien who is ineligible because of the citizenship and alienage requirements or sponsorship provisions;
- (E) unborn children;
- (F) a teen parent, as defined in subsection (f) ~~of this regulation~~; and
- (G) any person denied assistance based on the provisions of K.A.R. 30-4-50(c) or (d).
- (f) Teen parents under ~~age~~ aged 18. A parent under ~~age~~ aged 18 of a child at least 12 weeks of age shall not be eligible for assistance ~~when if both of these circumstances the~~ following conditions are met:

- (1) The parent is unmarried.
- (2) The parent has not obtained a high school diploma or its equivalent, or is not working toward attainment of a high school diploma or its equivalent.

~~(g) The effective date of this regulation shall be July 1, 1998. Each child aged seven through aged 18 shall be enrolled in school, including a home school that is registered with the Kansas department of education. (Authorized by K.S.A. 1997 2018 Supp. 39-708c; implementing K.S.A. 1997 2018 Supp. 39-708c, K.S.A. 39-719b 2018 Supp. 39-709, K.S.A.~~

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~~1997~~ 2018 Supp. ~~39-709~~ 39-719b; effective May 1, 1981; amended July 1, 1989; amended  
March 1, 1997; amended Oct. 1, 1997; amended July 1, 1998; amended P-\_\_\_\_\_.)

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**30-4-76. The food assistance program; work and other eligibility requirements. (a)**

Each food assistance household member who is not otherwise exempt by federal regulations shall meet the following requirements, in addition to the requirements in K.S.A. 39-709 and amendments thereto:

- (1) Register for work by creating a Kansasworks account with Kansas department of commerce;
- (2) participate in an employment and training program, if assigned to such a program by the department;
- (3) accept an offer for suitable employment as specified in 7 C.F.R. 273.7(h), dated January 6, 2017 and hereby adopted by reference; and
- (4) not voluntarily quit a job if employed 30 hours or more per week.

(b) The state option from the U.S. department of agriculture for broad-based categorical eligibility for households applying for food assistance according to the provisions of 7 C.F.R. 273.2(j)(2)(ii) shall not be enacted by the secretary. No federal or state funds shall be used for television, radio, or billboard advertisements that are designed to promote food assistance benefits and enrollment or for any agreements with foreign governments designed to promote food assistance. (Authorized by and implementing K.S.A. 2018 Supp. 39-708c and K.S.A. 2018 Supp. 39-709; effective P-\_\_\_\_\_.)

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30-4-77. The food assistance program; state option; education requirement. (a)(1) In addition to meeting the requirements in K.S.A. 39-709 and amendments thereto, the food assistance program shall include the state option specified in this subsection, as allowed by the U.S. department of agriculture. A noncitizen individual who is unable or unwilling to provide documentation of immigration status verifying that the individual was lawfully admitted to the United States shall not be included when determining the household's size for the purposes of assigning a benefit level to the household or of comparing the household's monthly income with the income eligibility standards. The entire income and resources of a disqualified household member shall be considered available to the remaining household members.

(2) The term "unable noncitizen" shall include the following:

(A) Any noncitizen who has lost that individual's immigrant papers and who does not go through the process to obtain immigrant papers again; and

(B) any individual who is not in the country legally.

(3) The term "unwilling noncitizen" shall include the following:

(A) Any individual who does not want to participate in the food assistance program; and

(B) any individual who has failed to respond to a request for information regarding immigrant status or documentation.

(b) Each child who is aged seven through 18 years and is receiving TANF cash assistance shall be working toward attaining a high school diploma or its equivalent, including students attending a home school that is registered with the Kansas department of education. The entire TANF household shall be ineligible if a child in the home is not enrolled in and attending school.

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A comparable penalty shall apply to the corresponding food assistance case. (Authorized by and implementing K.S.A. 2018 Supp. 39-708c; effective P-\_\_\_\_\_.)

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Proposed

30-4-90. (Authorized by K.S.A. 39-708c; implementing K.S.A. 39-708c and K.S.A. 2008 Supp. 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended May 1, 1984; amended, T-85-34, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended, T-30-6-10-91, July 1, 1991; amended Oct. 28, 1991; amended, T-30-6-10-92, July 1, 1992; amended Oct. 1, 1992; amended Dec. 31, 1992; amended, T-30-2-15-93, Feb. 15, 1993; amended June 1, 1993; amended July 1, 1994; amended Jan. 1, 1997; amended March 1, 1997; amended Oct. 1, 1997; amended July 1, 2002; amended, T-30-5-27-04, July 1, 2004; amended Aug. 6, 2004; amended July 1, 2006; amended July 1, 2009; revoked P-\_\_\_\_\_.)

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proposed

**30-4-92. Low income energy assistance program.** (a) To be eligible for the low income energy assistance program (LIEAP), each applicant and the applicant's household shall meet the following requirements:

(1) The combined income of all persons living at the applicant's address shall not exceed a maximum of 150 percent of the federal poverty level, unless 60 percent of the state median income is higher. Income eligibility criteria shall not be lower than 110 percent of the federal poverty level.

(2) An adult household member shall be personally responsible for purchasing heating fuel for the primary heating system at the applicant's current residence, payable either to the landlord or to the fuel vendor.

(3) The household shall demonstrate a recent history of payments toward purchase of energy costs.

(4) Each member of the household shall be a citizen of the United States or an alien lawfully admitted to the United States and shall be residing in Kansas.

(b) Applications from any of the following households shall be given first-priority processing:

(1) Households that have exhausted or have a very low supply of primary heating fuel;

(2) households that have disconnected gas or electric utilities or that have been notified of an intent to disconnect within the next 48 hours by a gas or electric utility service, unless cold weather rule criteria prohibit disconnect; or

(3) households that have a member using life-sustaining medical support equipment.

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Proposed

30-4-92 (2)

(c) No household may receive an energy assistance benefit from the state of Kansas and from a Kansas tribal energy assistance program during the same benefit year. (Authorized by and implementing K.S.A. 2018 Supp. 39-708c; effective P-\_\_\_\_\_.)

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**30-4-93. Child care assistance program.** Child care assistance payments may be available to eligible parents, guardians, or caregivers of a child.

(a) To be eligible for child care assistance, each applicant shall meet the following requirements:

(1) Be a Kansas resident;

(2) be a parent, guardian, or caregiver of a child and be able to act on that individual's own behalf;

(3) have an approved personal need for child care as follows or as allowed by the secretary and the requirements specified in K.S.A. 39-709(b)(16)(B)(i)-(v), and amendments thereto:

(A) A teen parent to complete high school or a general equivalency degree;

(B) a parent with a social services crisis;

(C) maintaining employment; or

(D) participation in agency work programs;

(4) if employment is the reason for child care and if the family does not have TANF, have a household in which each adult is employed at least 20 hours per week or more as allowed by the secretary. If an adult has a physical or mental condition that is documented by a physician or meets any of the criteria listed in K.S.A. 39-709(b)(16)(B)(i)-(v) and amendments thereto, that individual shall be exempt from this work requirement;

(5) have a child who is a U.S. citizen or a qualified noncitizen; and

(6)(A) Have a child who is 12 years of age or younger; or

(B) have a child who is 13 to 18 years of age and meets one of the following conditions:

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(i) Is physically or mentally incapable of self-care; or

(ii) is under court supervision.

(b) In determining the amount of child care assistance payments, the household

composition shall be considered. A household shall consist of any combination of the following:

(1) An adult who resides with a child and for whom that adult is the primary caregiver;

(2)(A) A spouse; or

(B) a cohabiting partner, regardless of any common children if one of the adults is the primary caregiver of the child for whom assistance is requested; and

(3)(A) All minor children residing in the same household for whom one of the adults is a primary caregiver; or

(B) foster children if the child care is being requested for the child of the foster parent.

(c) Each individual who does not cooperate with a child care fraud investigation shall render ineligible for assistance the entire household included in the program being investigated until cooperation has been established.

(d) The determination of eligibility shall be based upon information provided by the applicant or recipient or by an electronic search of information. If information provided by the applicant or recipient is unclear, incomplete, conflicting, or questionable, a further review shall be required. Applicants or recipients shall be eligible for assistance only if all applicable eligibility factors have been met. (Authorized by and implementing K.S.A. 2018 Supp. 39-708c and 39-709; effective P-\_\_\_\_\_.)

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**30-4-98. Funeral assistance (FA) program.** Assistance may be provided for funeral expenses upon the death of a recipient under the TAF, GA, or medical assistance program at the discretion of the secretary.

(a) Funeral expenses. Funeral expenses shall may include the cost of any of the following, based on available resources and the requirements in this regulation:

(1)(A) The preparation of the body;

~~(B)~~(2) a minimal casket or urn;

~~(C)~~(3) the transportation of the body within the trade area Kansas; and or

~~(D)~~ a service; or

~~(2)~~(4) a cremation.

(b) Application. Each request for funeral assistance shall be made within six months after either the date of death or the date on which the body is released by a county coroner, whichever is later.

(c) Treatment of resources.

(1) If a decedent, at the time of death, was not living with a child of the decedent who was under the age of 21, the spouse of the decedent, or an adult disabled child of the decedent, the total estate of the decedent shall be considered available. This provision shall not be applicable in situations in which there were separate living arrangements because of the need for institutional care. The estate shall not be allowed any exemptions.

(2) Eligibility for assistance shall be based on the assets owned by the family group at the time of the decedent's death, under these either of the following circumstances:

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(A) ~~If~~, At the time of death, a the decedent was living with a child of the decedent who was under the age of 21, the spouse of the decedent, or an adult disabled child of the decedent, or ~~if~~ the decedent was a child under the age of 21 living with the parent of the decedent; ~~or~~.

(B) ~~if~~ There were living arrangements separate from one of the persons specified in paragraph (c)(2)(A) because of the need for institutional care.

(3) The total amount of proceeds on any life insurance policy on the decedent shall be considered available if the policy was owned by the decedent, the spouse of the decedent, or, if the decedent was a child under the age of 21, the parent of the decedent.

(4) Death benefits from SSA, VA, railroad retirement, KPERS, and any other burial funds shall be considered available.

(d) Resource limit. If the value of the resources considered available in accordance with subsection (c) does not exceed \$2,000, funeral assistance may be provided.

If the resource value exceeds \$2,000, the decedent shall be ineligible for funeral assistance.

~~(e) Assistance provided. If the decedent is eligible, the amount of funeral assistance provided shall be \$680, except that the total cost of funeral expenses, including the \$680 payment, shall not exceed \$2500. If the total cost exceeds \$2500, no assistance shall be provided.~~

~~This regulation shall be effective on and after January 1, 2008.~~ (Authorized by and implementing K.S.A. 2018 Supp. 39-708c and K.S.A. 39-713d; effective Aug. 11, 2006; amended Jan. 1, 2008; amended P-\_\_\_\_\_.)

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**30-4-100. Payment standards for ~~budgetary requirements in the TAF, GA, TANF~~ and foster care programs.** (a) The basic and shelter standards contained in K.A.R. 30-4-101 and 30-4-102, and the designated special requirements set forth in K.A.R. 30-4-120, shall be used in determining the total budgetary requirements benefit amount for the ~~TAF, GA, TANF~~ and foster care programs. An applicant or recipient shall not be eligible to have a standard included in the computation of the applicant's or recipient's budgetary requirements benefit amount if the agency department or another state's assistance program has issued the applicant or recipient a payment for the same maintenance items in the same calendar month.

(a)(b) ~~TAF~~ The benefit amount for the TANF and foster care program budgeting programs shall be predicated based upon the total number of persons in the each assistance plan.

(1) The basic standard and 100% of the shelter standard shall be used under each of the following circumstances:

(A) All persons in the home are in the same assistance plan;

(B) The only person in the home not in the plan is an SSI recipient to whom the ~~1/3~~ one-third SSI reduction is applied because the person lives in the household and receives support and maintenance in kind;

(C) There is a bona fide commercial landlord-tenant relationship between the family group and the other persons in the home; ~~or,~~

(D) All persons in the plan are in a ~~specialized living,~~ commercial board and room, or commercial room-only living arrangement or are residing in nonmedical living arrangements that are publicly funded or are funded by not-for-profit agencies or organizations, including temporary homeless shelters, alcohol or drug abuse treatment facilities, and shelters for battered persons.

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(2) The basic standard, plus a percentage reduction of the shelter standard, shall be used when there are one or more persons residing in the home who are not included in the assistance plan, except as ~~set forth~~ specified in paragraphs (b)(1) (B), (C), and (D) ~~above~~. The percentage reduction shall be as follows:

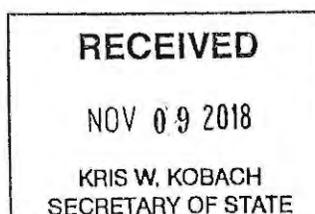
- (A) 60% reduction for one person in the plan;
- (B) 50% reduction for two persons in the plan;
- (C) 40% reduction for three persons in the plan;
- (D) 35% reduction for four persons in the plan;
- (E) 30% reduction for five persons in the plan; and
- (F) 20% reduction for six or more persons in the plan.

~~(b) GA program budgeting. Budgeting shall be predicated upon the total number of persons in the household. For purposes of budgeting, a "household" means one or more persons living as an economic unit and sharing in any of the maintenance items included in the basic standard or shelter standard.~~

~~(1) The budgetary standards, excluding the amount designated as an energy supplement, for each applicant or recipient shall equal 80% of the total budgetary requirements except for the following individuals:~~

- ~~(A) Any person receiving care or supervision;~~
- ~~(B) Any person who is participating in vocational rehabilitation program training; and~~
- ~~(C) Any person residing in specialized living arrangements.~~

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~~(2) The basic and shelter standards shall be used for each person living alone, maintaining a separate household, or residing in a specialized living, commercial board and room, or commercial room only living arrangement.~~

~~(3) For each person residing in a living arrangement other than that specified in paragraph (2) above, the basic and shelter standards shall be computed as follows:~~

~~(A) The standards set forth in K.A.R. 30-4-101 shall be used to determine the basic and shelter standards for the number of persons in the household, to a maximum of four persons.~~

~~(B) The applicable standard shall be divided by the number of persons in the household, to a maximum four persons. The result shall be multiplied by the number of persons in the assistance plan to establish the basic and shelter standards.~~

~~(c) This regulation shall take effect on and after March 1, 1997. (Authorized by K.S.A. 1995 2018 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; implementing K.S.A. 1995 2018 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, K.S.A. 1995 2018 Supp. 39-709; effective May 1, 1981; amended, T-84-8, April 1, 1983; amended May 1, 1983; amended, T-84-9, May 1, 1983; amended May 1, 1984; amended, T-86-19, July 1, 1985; amended May 1, 1986; amended, T-88-14, July 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended July 1, 1989; amended March 1, 1997; amended P-\_\_\_\_\_.)~~

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**30-4-107. Property exemption.** (a) Each Any assistance family may own otherwise nonexempt real or personal property with an aggregate resource value ~~not in excess of \$2,000.00~~ that shall not exceed the amounts prescribed by the secretary of the United States department of health and human services pursuant to 7 U.S.C. 2014(c). Ownership of property with a resource value in excess of this amount shall render the assistance family group ineligible for assistance. However, if there is ineligibility due to excess real property, assistance shall be provided for a period of up to nine months if the applicant or recipient is making a bona fide and documented effort to dispose of the property.

(b) ~~This regulation shall take effect on and after October 1, 1997.~~ (Authorized by K.S.A. 1996 2018 Supp. 39-708c; implementing K.S.A. 1996 2018 Supp. 39-708c, 39-709; effective May 1, 1981; amended May 1, 1983; amended, T-84-25, Sept. 19, 1983; amended May 1, 1984; amended, T-85-33, Dec. 19, 1984; amended May 1, 1985; amended Oct. 1, 1997; amended P- \_\_\_\_\_.)

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**30-4-109. Personal property.** (a) Definitions for TANF and food assistance programs.

(1) ~~“Personal property”~~ means all property, ~~excluding real property.~~

(2) ~~“Cash assets”~~ means shall mean money, investments, and cash surrender or loan values of life insurance policies, trust funds, and similar items on which a determinate amount of money can be realized.

(3)(2) ~~“Other personal property”~~ means “Personal property” shall mean personal effects, household equipment and furnishings, home produce, livestock, equipment, vehicles, inventory, contracts from the sale of property, and similar items on which a determinate amount of money can be realized. This term shall not include real property.

(b) Treatment of personal property. Personal property, unless exempted, shall be considered a resource.

(c) Exempted personal property. The resource value of the following classifications of personal property shall be exempt:

(1) Privately owned personal effects, including clothing and jewelry worn by or carried on an individual;

(2) household equipment and furnishings in use or only temporarily not in use;

(3) tools in use and necessary for the maintenance of house or garden;

(4) income-producing property, other than cash assets, that is essential for employment or self-employment or that is producing income consistent with its fair market value. Income-producing property may include tools, equipment, machinery and livestock;

(5) the stock and inventory of any self-employed person that are reasonable and necessary in the production of goods or services;

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(6) items for home consumption, which shall consist of the following:

(A) Produce from a small garden consumed from day to day and any excess that ~~may~~ can be canned or stored; and

(B) a small flock of fowl or livestock that is used to meet the food requirements of the family;

(7) ~~one vehicle for each assistance family. Additional vehicles may be exempt if used over 50% of the time for employment or self employment, if used as the family's home, or if specially equipped for use by a handicapped person~~ one motor vehicle, regardless of the value of the vehicle. Each additional motor vehicle used by the applicant, the applicant's spouse, or the applicant's cohabiting partner used for the primary purpose of earning income shall also be exempt. Nonexempt vehicles shall be considered in the resource limit. Nonexempt vehicles shall include any equity in any boat, personal watercraft, recreational vehicle, recreational off-highway vehicle or all-terrain vehicle, as defined by K.S.A. 8-126 and amendments thereto;

(8) cash assets that are traceable to income exempted as income and as a cash asset;

(9) proceeds from the sale of a home if the proceeds are conserved for the purchase of a new home and the funds so conserved are expended or committed to be expended in the month received or in the following month;

(10) burial plots and funeral agreements that meet conditions established by the secretary of the United States department of health and human services and approved by the secretary of ~~social and rehabilitation services~~ the department for children and families;

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(11) any contract for the sale of property, if the proceeds from the contract are considered as income;

(12) escrow accounts established for families participating in the family self-sufficiency program through the department of housing and urban development. Interest earned on the accounts shall also be exempted as income; and

(13) the cash value of any life insurance policy; and

(14) learning quest and other 529 educational savings plans.

~~(d) This regulation shall take effect on and after October 1, 1997.~~ (Authorized by K.S.A. 1996 2018 Supp. 39-708c; implementing K.S.A. 1996 2018 Supp. 39-708c, 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended Oct. 1, 1992; amended March 1, 1997; amended Oct. 1, 1997; amended P-\_\_\_\_\_.)

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**30-4-111. Applicable Income.** (a) "Applicable Income" means shall mean the amount of earned and unearned income ~~to be~~ that is subtracted from the budgetary requirements benefit standard in determining the budgetary deficit benefit amount for TANF.

(b) ~~Applicable~~ Earned income for persons included in the assistance plan shall equal gross earned income or the adjusted gross earned income from self-employment, less the following items:

(1) Ninety dollars for each employed person;

(2) the earned income disregard of ~~40~~ 60 percent of the remaining income, for the following persons in a ~~TAF~~ TANF or foster care assistance plan:

(A) Each applicant who had received assistance in one of the four preceding months; and

(B) each recipient; and

(3) reasonable expenses for child care or expenses for the care of an incapacitated person.

~~The amount of deductible dependent care shall not exceed \$200.00 per month per person for persons under age two or \$175.00 per month per person for persons age two or older. The dependent shall be included in the family group before the deduction is allowed.~~

(c) For self-employed persons, adjusted gross earned income shall equal gross earned income less costs of the production of the income. Income-producing costs shall include only those expenses directly related to the actual production of income. A standard deduction of ~~25%~~ 25 percent of gross earned income shall be allowed for these costs. If the person wishes to claim actual costs incurred, the following guidelines shall be used by the agency department in calculating the cost of the production of the income:

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(1) The public assistance program shall not be used to pay debts, set up an individual in business, subsidize a nonprofit activity, or treat income on the basis of internal revenue service (IRS) policies.

(2) If losses are suffered from self-employment, the losses shall not be deducted from other income, nor may a net loss of a business be considered an income-producing cost.

(3) If a business is being conducted from a location other than the applicant's or recipient's home, the expenses for business space and utilities shall be considered income-producing costs.

(4) If a business is being conducted from a person's own home, shelter and utility costs shall not be considered income-producing costs unless they are clearly distinguishable from the operation of the home.

(5) If payments increase the equity in equipment, vehicles, or other property, the payments shall not be considered income-producing costs.

(6) If equipment, vehicles, or other property are is being purchased on an installment plan, the actual interest paid may be considered an income-producing cost.

(7) Depreciation on equipment, vehicles, or other property shall not be considered an income-producing cost.

(8) Insurance payments on equipment, vehicles, or other property shall be allowed if the payments directly relate to the business.

(9) Expenses for ~~inventories and supplies~~ items that are reasonable and required for the business shall be considered income-producing costs.

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(10) Wages and other mandated costs related to wages paid by the applicant or recipient shall be considered income-producing costs.

(d) The ~~applicable~~ income for a person in the home whose income is required to be considered and who is not included in the assistance plan shall equal all nonexempt, unearned income and gross earnings, or adjusted gross earnings of the self-employed, without the application of any income disregards, unless otherwise prohibited by federal law or regulation or state or local law or regulation.

(e) The income of an alien's sponsor and the sponsor's spouse shall be considered in determining eligibility and the amount of the assistance payment for the alien.

(f) All net unearned income of persons included in the assistance plan shall be ~~applicable income~~ unless exempted. Net unearned income shall equal gross unearned income less the costs of the production of the income. Income-producing costs shall include only those expenses directly related to the actual production of income. The ~~principles set forth~~ requirements in subsection (c) ~~of this regulation~~ regarding the calculation of income-producing costs shall be ~~applicable~~ apply.

(g) ~~This regulation shall take effect on and after January 1, 1999.~~ Each household that is ineligible for TANF due to excess income, which shall include earnings, shall be eligible for the work incentive payment for five months from the date of ineligibility for TANF.

(h) Any household that has never received TANF or a diversion payment may be eligible for the diversion payment if all of the following conditions are met:

(1) No adults in the family are receiving SSI.

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(2) At least one adult in the family has employment or a valid offer of employment.

(3) The family's TANF benefit for a one-year period is not less than the diversion payment divided by 12 months.

(4) The family has a documented crisis or emergency that jeopardizes existing employment, including established self-employment, or prevents the family from accepting a valid offer of employment. (Authorized by K.S.A. 1997 2018 Supp. 39-708c; implementing K.S.A. 1997 2018 Supp. 39-708c and 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended Oct. 1, 1989; amended Jan. 2, 1990; amended May 1, 1991; amended, T-30-11-16-93, Dec. 1, 1993; amended Jan. 3, 1994; amended March 1, 1997; amended July 1, 1997; amended July 1, 1998; amended Jan. 1, 1999; amended P-\_\_\_\_\_.)

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30-4-113. ~~Income exempt as applicable income~~ Exempt income. The following types of income shall be exempt as ~~applicable income~~ in the determination of the budgetary deficit:

(a) ~~For TANF~~, earned income of a child who is under the age of 19 years if the child is a student in elementary or secondary school or is working towards attainment of a ~~G.E.D.~~ GED;

(b) for food assistance, earned income of a child who is under the age of 18 years if the child is a student in elementary or secondary school or is working towards attainment of a GED;

~~(b)~~(c) lump sum income;

~~(e)~~(d) irregular, occasional, or unpredictable monetary gifts that do not exceed \$50.00 per month per family group;

~~(d)~~(e) income-in-kind;

~~(e)~~(f) shelter cost participation payments. In shared living arrangements in which two families contribute toward the shelter obligations, any cash paid toward the shared shelter obligation by one family to the second family in the shared arrangement shall not be considered as income to the second family. This exemption shall not be applicable in a bona fide, commercial landlord-tenant arrangement;

~~(f)~~(g) tax refunds and rebates, except for earned income tax credits in accordance with K.A.R. 30-4-112(y);

~~(g)~~(h) incentive payments received by renal dialysis patients;

~~(h)~~(i) home energy assistance furnished on the basis of need by a federally regulated or state-regulated entity whose revenues are primarily derived on a rate-of-return basis, by a private, nonprofit organization, by a supplier of home heating oil or gas, or by a municipal utility company that provides home energy;

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30-4-113 (2)

~~(i)~~(j) income received from the job training partnership act of 1982. However, earnings received by individuals who are participating in on-the-job training programs shall be countable unless the individual is a child;

~~(j)~~(k) housing assistance from federal housing programs;

~~(k)~~(l) assistance payments in the month received;

~~(l)~~(m) support payments received following the effective date of the assignment of support rights to the agency department. However, a support refund disbursed by the agency department to the recipient or reported current support that, if prospectively treated as nonexempt income, would result in ineligibility, shall not be exempt income;

~~(m)~~(n) up to \$2,000.00 per year of income received by an individual Indian that is derived from leases or other uses of an individually owned trust or restricted lands;

~~(n)~~ VA veterans administration (VA) aid and attendance and housebound allowances;

~~(o)~~ VA veterans administration (VA) payments resulting from unusual medical expenses, which shall mean expenditures exceeding five percent of the veteran's reported annual income;

(p) interest income that does not exceed \$50.00 per month per family group; and

(q) the amount of any child support pass-through payment; and

~~(r)~~ the amount of any child support arrearage payment.

~~This regulation shall take effect on and after October 1, 1997.~~ (Authorized by K.S.A. 1996-2018 Supp. 39-708c; implementing K.S.A. 1996-2018 Supp. 39-708c; and 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May

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30-4-113 (3)

1, 1983; amended, T-84-11, July 1, 1983; amended, T-84-25, Sept. 19, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended, T-87-15, July 1, 1986; amended May 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended May 1, 1991; amended July 1, 1991; amended Sept. 30, 1994; amended Dec. 30, 1994; amended March 1, 1997; amended July 1, 1997; amended Oct. 1, 1997; amended P-\_\_\_\_\_.)

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30-4-120. (Authorized by K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended, T-84-25, Sept. 19, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-33, Dec. 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended May 1, 1988; amended, T-30-7-29-88, July 29, 1988; amended Sept. 26, 1988; amended Oct. 1, 1989; amended, T-30-3-29-90, April 1, 1990; amended, T-30-7-2-90, Aug. 1, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Jan. 7, 1991; amended May 1, 1991; amended Aug. 1, 1995; amended Jan. 1, 1997; amended March 1, 1997; revoked P-\_\_\_\_\_.)

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**30-4-130. Types of payments and payees.** Public assistance payments shall be issued in accordance with the provisions set forth below this regulation.

(a) Money payment.

(1) Payments shall be available through the state electronic benefit transfer system or, in certain circumstances, by check or ~~warrant~~ written order immediately redeemable at ~~par~~ face value. Payments shall be made with no restriction on the use of the funds, except TANF payments.

(2) All payments shall be money payments, except for the following types of payments:

~~(1)~~ (A) Payments pursuant to the foster care programs; and

~~(2)~~ (B) work program support costs and transitional expenses in accordance with K.A.R.

30-4-64 (c) and (d);

~~(3)~~ protective payments; and

~~(4)~~ subsistence allowances for GA clients residing in specialized living arrangements in which there is a current approved provider agreement with the secretary.

(b) Who may receive money payments. The following persons may receive money payments:

(1) A caretaker;

(2) a recipient;

(3) a personal representative; ~~or~~

(4) a substitute payee;

(5) a protective payee; or

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~~(6) A an emancipated minor shall not receive a money payment unless emancipated who~~  
meets the requirements in K.A.R. 30-4-52.

(c) Protective payments in the ~~TAF and GA programs~~ TANF program.

(1) If any caretaker ~~persistently~~ repeatedly mismanages the money payment to the detriment of any child for whom assistance is claimed and if an approved service plan is on file, a protective payment, in lieu of a money payment to the caretaker, shall be issued to a substitute protective payee.

(2) ~~If a substitute payee is unavailable, a protective vendor payment shall be issued. If a~~  
caretaker has refused to undergo drug testing or has tested positive for illegal use of a controlled substance, a protective payee shall be named to administer the caretaker's cash benefit for each remaining household member.

~~(3) If the caretaker has been removed and all reasonable efforts to identify a suitable protective payee have failed, protective payments shall not be required.~~

(d) Substitute payee.

(1) Appointment and dismissal. Each substitute payee shall be appointed as assisted by the agency department. The substitute payee may be terminated by the agency department if the payee's services are no longer needed or if the payee is not giving satisfactory service. ~~A payee shall be removed only after a careful evaluation of the payee's performance has been made.~~

(2)(A) Who may be substitute payee. An individual selected to be a substitute payee may be a relative, friend, neighbor, or member of a religious or community organization. The following persons shall not serve as substitute payees:

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(i) ~~The agency's area director~~ Any staff member of the department, unless there is a direct familial relationship;

~~(ii) the supervisor of the agency worker;~~

~~(iii) the agency's worker determining financial eligibility;~~

~~(iv) the agency's special investigative or resource staff;~~

~~(v) the staff handling the fiscal process for the client; or~~

~~(vi) (ii) the landlord, grocers, or vendors of goods or services dealing directly with the client; or~~

(iii) another adult residing in the household.

(e) Protective payee.

(1) A protective payee may be selected by the household. If the household does not name a suitable protective payee, the protective payee may be selected by the department.

(2)(A) Who may be a protective payee. An individual selected to be a protective payee may be a relative, friend, neighbor, or member of a religious or community organization. The following persons shall not serve as protective payees:

(i) Any staff from the department, unless there is a direct familial relationship;

(ii) the landlord, grocers, or vendors of goods or services dealing directly with the client;

and

(iii) another adult residing in the household.

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(B) Exception. Payments may be made to a foster parent on behalf of a minor living in a foster care home with the minor's child in order to provide ~~TAF~~ TANF for the child. ~~Such a~~ The foster care home shall be licensed or approved as meeting licensing standards. This provision shall not be used in any other kind of public assistance case and may continue until the minor is released from custody of the ~~agency~~ department or becomes emancipated.

(3) Criteria for selection. Each ~~substitute~~ protective payee shall demonstrate the following characteristics:

(A) An interest in and concern for the welfare of the family;

(B) the ability to help the family with ordinary budgeting, experience in purchasing food, clothing, and household equipment within a limited income, and knowledge of effective household practices;

(C) the ability to establish and maintain a positive relationship;

(D) the ability to maintain close contacts with the caretaker and child by virtue of living near the caretaker or having transportation available; and

(E) responsibility and dependability.

(4) Payee-recipient relationship. Each Any payee may make decisions about the expenditure of the assistance payment. The payee may expend the payment in any of the following ways:

(A) Spend the money for the family;

(B) supervise the recipient's use of the money; or

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(C) give a portion of the money to the recipient to spend for certain expenses and pay for other expenses of the recipient.

(5) ~~Payee-agency~~ Payee-department relationship. Each payee shall assure ~~the agency~~ ensure that the money is spent for the children's benefit. The payee's responsibility to the ~~agency~~ department shall be ~~set forth~~ specified in writing with one copy for the payee and one for the ~~agency~~ department.

(A) This written agreement shall cover the following areas:

- (i) The plans for accounting;
- (ii) use of the assistance funds; and
- (iii) reporting on the general progress made.

(B) The agreement shall be supplemented by the following:

- (i) Discussions of the payee's responsibility;
- (ii) a statement of the purpose of the plan;
- (iii) a description of the nature and frequency of reports;
- (iv) a statement of the rights of the recipient; and
- (v) a statement of the confidential nature of the relationship.

(6) Periodic review of cases. Each money payment mismanagement case shall be reviewed at least every six months to determine which of the following actions will be taken:

- (A) Restore the recipient to regular money payment status;
- (B) continue the recipient on protective payment status; or

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(C) develop another plan for the care of the child or children if necessary, including any of the following options:

- (i) Placement with another relative;
- (ii) seeking appointment of a guardian; or
- (iii) placement in a foster home.

(7) Discontinuance of protective payments. ~~Protected~~ Protective payments shall be discontinued when the caretaker has demonstrated an ability to manage the money payment or after a period of two years has lapsed, whichever comes first. Payment may continue for any additional time reasonably necessary to complete a substitute plan for the care of the child.

(8) Discontinuance of protective payments. Protective payments shall be discontinued under either of the following conditions:

(A) The individual who failed to complete a drug test completes that person's period of ineligibility, submits to a drug test, and has a negative result for illegal controlled substances.

(B) The individual who tested positive for an illegal controlled substance successfully completes the requirements to regain eligibility for cash assistance.

~~(e)~~(f) Special personal representative. A petition for the appointment of a personal representative shall be filed by the ~~agency~~ department pursuant to K.S.A. 59-2801, and amendments thereto, only if the need for an appointment is clearly established, and the ~~agency~~ department has counseled ~~with~~ the applicant or recipient concerning the money management problems. Confidential reports shall be filed by the ~~agency~~ department with the appropriate court as requested.

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30-4-130 (7)

(1) Appointment of personal representative. A person who meets the following ~~qualifications requirements~~ shall be recommended to the court as a personal representative by the ~~agency~~ department:

- (A) The person shall not be an employee of the ~~agency~~ department.
- (B) The person shall not benefit directly from the assistance payment.
- (C) The person shall meet the criteria ~~set forth~~ in paragraph (d)(2)(A) ~~of this regulation~~.

(2) Dismissal of personal representative. A recommendation to the court to dismiss a personal representative shall be made by the ~~agency~~ department if the client demonstrates that the client no longer requires a personal representative, or if the personal representative is failing to execute the responsibilities ~~set forth~~ specified in this regulation, in which instance a substitute personal representative shall be recommended by the ~~agency~~ department.

(3) Responsibility of personal representative. Each personal representative shall be responsible to the court, the ~~agency~~ department, and the recipient. Each personal representative shall make an annual accounting to both the court and the ~~agency~~ department. A more frequent accounting may be required by the ~~agency~~ department or the court in the form and at the times prescribed by the ~~agency~~ department or the court. Each personal representative shall maintain a confidential relationship with the applicant or recipient and shall consult with the applicant or recipient concerning the applicant's or recipient's requirements, resources, and the use of the money payment.

(4) Periodic review. The necessity of continuing the appointment of a personal representative shall be reviewed semiannually. Consideration shall be given to whether or not the

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recipient's ability to manage personal affairs has improved or if other changes in the recipient's circumstances or living arrangements make it possible for the recipient to manage without the help of a personal representative.

(f) ~~This regulation shall take effect on and after March 1, 1997.~~ (Authorized by K.S.A. 1995 ~~2018~~ Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; implementing K.S.A. 2018 Supp. 39-708c and K.S.A. 2018 Supp. 39-709 ~~59-2801 et seq.~~, K.S.A. Supp. 39-708e, as amended by L. 1996, Ch. 229, Sec. 104 and K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended May 1, 1983; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-6-10-91, July 1, 1991; amended Oct. 1, 1993; amended July 1, 1996; amended March 1, 1997; amended P-\_\_\_\_\_.)

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**30-4-140. Payments; penalties; enforcement.** (a) ~~Payment amounts.~~ Assistance payments shall equal the budgetary deficit, which shall be rounded down to the nearest dollar, except as set forth below. follows:

(1) Payments for the month of application shall equal the budgetary deficit, which shall be prorated beginning with the date of application through the end of the month. This amount shall be rounded down to the nearest dollar.

(2) A payment shall not be made if the amount of the budgetary deficit is less than \$10.00. ~~When~~ If a payment is not made under this ~~provision~~ paragraph, recipient status shall continue.

~~(b) Underpayments. Underpayments shall be promptly corrected.~~

~~(e) Overpayments. Overpayments shall be promptly corrected by the end of the calendar quarter following the calendar quarter in which the overpayment was first identified.~~ Recovery procedures shall not be initiated by the agency department, pending the disposition of a welfare fraud referral. Overpayments may be recovered by voluntary repayment, administrative recoupment, or legal action. The assistance payment shall be reduced for recoupment as follows:

(1) For fraud claims, by the greater of ~~20%~~ 20 percent of the ~~applicable need standard~~ household's monthly benefit or \$10.00 per month; and

(2) for non-fraud claims, by the greater of ~~10%~~ 10 percent of the ~~applicable need standard~~ household's monthly benefit or \$10.00 per month.

~~(d)~~ (c) Disqualification penalties.

~~(f)~~ Each individual who is found to have committed fraud in the temporary assistance for needy families (TANF) program, either through an administrative disqualification hearing or by

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a court of appropriate jurisdiction, or who has signed either a waiver of right to an administrative disqualification hearing or a disqualification consent agreement in any case referred for prosecution, shall be ineligible for assistance as set forth below, along with all adult household members. For the TANF program, each child shall also be ineligible if living in a household with a disqualified adult until the child moves into another qualified household, becomes an adult, or is able to act on that individual's own behalf. A protective payee shall be named pursuant to K.S.A. 39-709(b)(12)(A), and amendments thereto.

~~(A) If the individual is found to have made a fraudulent statement or representative with respect to the identity or place of residence of the individual in order to receive multiple benefits simultaneously, the individual shall be ineligible for a period of 10 years.~~

~~(B) For all other fraudulent acts, the individual shall be ineligible for one of the following periods of time:~~

- ~~(i) 12 months for the first violation;~~
- ~~(ii) 24 months for the second violation; and~~
- ~~(iii) permanently for the third violation.~~

~~A court may impose an additional 18-month disqualification period for the first and second convictions on criminal cases only. If a court fails to impose a disqualification period, the disqualification periods outlined above shall be imposed, unless they are contrary to the court order.~~

~~(2) Upon determination of fraud, an applicant shall be denied assistance. A recipient shall be terminated from assistance no later than the first day of the second month following the month the notice of disqualification is sent.~~

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(e) ~~Discontinuance of assistance payments. Assistance payments shall be discontinued when the recipient no longer meets one or more of the appropriate eligibility factors.~~

(f) ~~This regulation shall take effect on and after July 1, 1998.~~ (Authorized by K.S.A. 1997 2018 Supp. 39-708c; implementing ~~K.S.A. 39-719b~~, K.S.A. 1997 2018 Supp. 39-708c, 39-719b; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended, T-83-38, Nov. 23, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended July 1, 1989; amended May 1, 1992; amended March 1, 1997; amended July 1, 1998; amended P-\_\_\_\_\_.)

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Proposed

**Kansas Administrative Regulations  
Economic Impact Statement  
For the Kansas Division of the Budget**

Department for Children and Families

Beth Lange

296-3967

| Agency #  | Agency Contact | Contact Phone Number |
|---|----------------|----------------------|
| <u>30-4-35, 30-4-36, 30-4-38, 30-4-40, 30-4-41, 30-4-50, 30-4-51, 30-4-54, 30-4-55, 30-4-70, 30-4-76, 30-4-77, 30-4-90, 30-4-92, 30-4-93, 30-4-98, 30-4-100, 30-4-107, 30-4-109, 30-4-111, 30-4-113, 30-4-120, 30-4-130</u> |                |                      |

K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget  
900 SW Jackson, Room 504-N  
Topeka, KS 66612

**I. Brief description of the proposed rule(s) and regulation(s).**

The proposed regulation changes are to align regulations with changes in state and federal law. Numerous regulations have not been updated since 1996

**II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)**

Regulations are being updated to reflect current state and federal laws. Federal law provides for state options which are codified in statute and formalized in the regulations.

**III. Agency analysis specifically addressing following:**

**A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;**

Public assistance rule(s) and regulation(s) should have nominal effect on business activities and growth

**B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;**

n/a

**C. Businesses that would be directly affected by the proposed rule and regulation;**

n/a

**D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;**

No new costs are anticipated.

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E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

n/a

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$All changes were previously implemented

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$n/a

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES  NO

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

n/a

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES  NO

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

n/a

H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

Temporary Assistance for Needy Families and Child Care Subsidy programs are federally mandated to hold public meetings for review of their respective state plans. Other changes were due to passage of state laws

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- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

n/a

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DOB APPROVAL STAMP  
**APPROVED**  
AUG 24 2018  
DIVISION OF THE BUDGET

**Kansas Administrative Regulations  
Economic Impact Statement  
For the Kansas Division of the Budget**

Department for Children and Families

Beth Lange

296-3967

Agency

30-4-140

K.A.R. Number(s)

Agency Contact

Contact Phone Number

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget  
900 SW Jackson, Room 504-N  
Topeka, KS 66612

**I. Brief description of the proposed rule(s) and regulation(s).**

The proposed regulation changes are to align regulations with changes in state and federal law. Numerous regulations have not been updated since 1996

**II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)**

Regulations are being updated to reflect current state and federal laws. Federal law provides for state options which are codified in statute and formalized in the regulations.

**III. Agency analysis specifically addressing following:**

**A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;**

Public assistance rule(s) and regulation(s) should have nominal effect on business activities and growth

**B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;**

n/a

**C. Businesses that would be directly affected by the proposed rule and regulation;**

n/a

**D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;**

No new costs are anticipated.

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E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

n/a

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$All changes were previously implemented

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$n/a

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES  NO

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

n/a

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES  NO

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

n/a

H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

Temporary Assistance for Needy Families and Child Care Subsidy programs are federally mandated to hold public meetings for review of their respective state plans. Other changes were due to passage of state laws

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n/a

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