

## HOUSE BILL No. 2633

By Committee on Health and Human Services

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1 AN ACT concerning social welfare; relating to eligibility requirements of  
2 applicants for and recipients of food stamp assistance; amending  
3 K.S.A. 2011 Supp. 39-709 and repealing the existing section.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2011 Supp. 39-709 is hereby amended to read as  
7 follows: 39-709. (a) *General eligibility requirements for assistance for*  
8 *which federal moneys are expended.* Subject to the additional requirements  
9 below, assistance in accordance with plans under which federal moneys  
10 are expended may be granted to any needy person who:

11 (1) Has insufficient income or resources to provide a reasonable  
12 subsistence compatible with decency and health. Where a husband and  
13 wife are living together, the combined income or resources of both shall be  
14 considered in determining the eligibility of either or both for such  
15 assistance unless otherwise prohibited by law. The secretary, in  
16 determining need of any applicant for or recipient of assistance shall not  
17 take into account the financial responsibility of any individual for any  
18 applicant or recipient of assistance unless such applicant or recipient is  
19 such individual's spouse or such individual's minor child or minor  
20 stepchild if the stepchild is living with such individual. The secretary in  
21 determining need of an individual may provide such income and resource  
22 exemptions as may be permitted by federal law. For purposes of eligibility  
23 for aid for families with dependent children, for food stamp assistance and  
24 for any other assistance provided through the department of social and  
25 rehabilitation services under which federal moneys are expended, the  
26 secretary of social and rehabilitation services shall consider one motor  
27 vehicle owned by the applicant for assistance, regardless of the value of  
28 such vehicle, as exempt personal property and shall consider any equity in  
29 any additional motor vehicle owned by the applicant for assistance to be a  
30 nonexempt resource of the applicant for assistance. *For purposes of*  
31 *eligibility for food stamp assistance, the secretary of social and*  
32 *rehabilitation services shall count all of an ineligible alien's income and*  
33 *deductible expenses for purposes of applying the gross income test for*  
34 *eligibility purposes while only counting all but a pro rata share to apply*  
35 *the net income test and determine the level of benefits in accordance with*  
36 *federal regulations.*

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

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

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

43 (d) *Eligibility requirements for general assistance, the cost of which*

1 *is not shared by the federal government.* (1) General assistance may be  
2 granted to eligible persons who do not qualify for financial assistance in a  
3 program in which the federal government participates and who satisfy the  
4 additional requirements prescribed by or under this subsection (d).

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

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

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

37 (3) In addition to the other requirements prescribed under this  
38 subsection (d), the secretary shall adopt rules and regulations which  
39 establish community work experience program requirements for eligibility  
40 for the receipt of general assistance in any form and which establish  
41 penalties to be imposed when a work assignment under a community work  
42 experience program requirement is not completed without good cause. The  
43 secretary may adopt rules and regulations establishing exemptions from

1 any such community work experience program requirements. A first time  
2 failure to complete such a work assignment requirement shall result in  
3 ineligibility to receive general assistance for a period fixed by such rules  
4 and regulations of not more than three calendar months. A subsequent  
5 failure to complete such a work assignment requirement shall result in a  
6 period fixed by such rules and regulations of ineligibility of not more than  
7 six calendar months.

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

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

1 shall exempt principal and interest held in irrevocable trust pursuant to  
2 subsection (c) of K.S.A. 16-303, and amendments thereto, from the  
3 eligibility requirements of applicants for and recipients of medical  
4 assistance. Such assistance shall be known as medical assistance.

5 (2) For the purposes of medical assistance eligibility determinations  
6 on or after July 1, 2004, if an applicant or recipient owns property in joint  
7 tenancy with some other party and the applicant or recipient of medical  
8 assistance has restricted or conditioned their interest in such property to a  
9 specific and discrete property interest less than 100%, then such  
10 designation will cause the full value of the property to be considered an  
11 available resource to the applicant or recipient.

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

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

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

30 (4) (A) When an applicant or recipient of medical assistance is a party  
31 to a contract, agreement or accord for personal services being provided by  
32 a nonlicensed individual or provider and such contract, agreement or  
33 accord involves health and welfare monitoring, pharmacy assistance, case  
34 management, communication with medical, health or other professionals,  
35 or other activities related to home health care, long term care, medical  
36 assistance benefits, or other related issues, any moneys paid under such  
37 contract, agreement or accord shall be considered to be an available  
38 resource unless the following restrictions are met: (i) The contract,  
39 agreement or accord must be in writing and executed prior to any services  
40 being provided; (ii) the moneys paid are in direct relationship with the fair  
41 market value of such services being provided by similarly situated and  
42 trained nonlicensed individuals; (iii) if no similarly situated nonlicensed  
43 individuals or situations can be found, the value of services will be based

1 on federal hourly minimum wage standards; (iv) such individual providing  
2 the services will report all receipts of moneys as income to the appropriate  
3 state and federal governmental revenue agencies; (v) any amounts due  
4 under such contract, agreement or accord shall be paid after the services  
5 are rendered; (vi) the applicant or recipient shall have the power to revoke  
6 the contract, agreement or accord; and (vii) upon the death of the applicant  
7 or recipient, the contract, agreement or accord ceases.

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

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

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

33 (g) *Medical assistance; assignment of rights to medical support and*  
34 *limited power of attorney; recovery from estates of deceased recipients.*(1)  
35 Except as otherwise provided in K.S.A. 39-786 and 39-787, and  
36 amendments thereto, or as otherwise authorized on and after September  
37 30, 1989, under section 303, and amendments thereto, of the federal  
38 medicare catastrophic coverage act of 1988, whichever is applicable, by  
39 applying for or receiving medical assistance under a medical care plan in  
40 which federal funds are expended, any accrued, present or future rights to  
41 support and any rights to payment for medical care from a third party of an  
42 applicant or recipient and any other family member for whom the  
43 applicant is applying shall be deemed to have been assigned to the

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

25 (2) The amount of any medical assistance paid after June 30, 1992,  
26 under the provisions of subsection (e) is (A) a claim against the property or  
27 any interest therein belonging to and a part of the estate of any deceased  
28 recipient or, if there is no estate, the estate of the surviving spouse, if any,  
29 shall be charged for such medical assistance paid to either or both, and (B)  
30 a claim against any funds of such recipient or spouse in any account under  
31 K.S.A. 9-1215, 9-1216, 17-2263, 17-2264, 17-5828 or 17-5829, and  
32 amendments thereto. There shall be no recovery of medical assistance  
33 correctly paid to or on behalf of an individual under subsection (e) except  
34 after the death of the surviving spouse of the individual, if any, and only at  
35 a time when the individual has no surviving child who is under 21 years of  
36 age or is blind or permanently and totally disabled. Transfers of real or  
37 personal property by recipients of medical assistance without adequate  
38 consideration are voidable and may be set aside. Except where there is a  
39 surviving spouse, or a surviving child who is under 21 years of age or is  
40 blind or permanently and totally disabled, the amount of any medical  
41 assistance paid under subsection (e) is a claim against the estate in any  
42 guardianship or conservatorship proceeding. The monetary value of any  
43 benefits received by the recipient of such medical assistance under long-

1 term care insurance, as defined by K.S.A. 40-2227, and amendments  
2 thereto, shall be a credit against the amount of the claim provided for such  
3 medical assistance under this subsection (g). The secretary is authorized to  
4 enforce each claim provided for under this subsection (g). The secretary  
5 shall not be required to pursue every claim, but is granted discretion to  
6 determine which claims to pursue. All moneys received by the secretary  
7 from claims under this subsection (g) shall be deposited in the social  
8 welfare fund. The secretary may adopt rules and regulations for the  
9 implementation and administration of the medical assistance recovery  
10 program under this subsection (g).

11 (3) By applying for or receiving medical assistance under the  
12 provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, such  
13 individual or such individual's agent, fiduciary, guardian, conservator,  
14 representative payee or other person acting on behalf of the individual  
15 consents to the following definitions of estate and the results therefrom:

16 (A) If an individual receives any medical assistance before July 1,  
17 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,  
18 which forms the basis for a claim under subsection (g)(2), such claim is  
19 limited to the individual's probatable estate as defined by applicable law;  
20 and

21 (B) if an individual receives any medical assistance on or after July 1,  
22 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,  
23 which forms the basis for a claim under subsection (g)(2), such claim shall  
24 apply to the individual's medical assistance estate. The medical assistance  
25 estate is defined as including all real and personal property and other  
26 assets in which the deceased individual had any legal title or interest  
27 immediately before or at the time of death to the extent of that interest or  
28 title. The medical assistance estate includes, without limitation assets  
29 conveyed to a survivor, heir or assign of the deceased recipient through  
30 joint tenancy, tenancy in common, survivorship, transfer-on-death deed,  
31 payable-on-death contract, life estate, trust, annuities or similar  
32 arrangement.

33 (4) The secretary of social and rehabilitation services or the  
34 secretary's designee is authorized to file and enforce a lien against the real  
35 property of a recipient of medical assistance in certain situations, subject  
36 to all prior liens of record. The lien must be filed in the office of the  
37 register of deeds of the county where the real property is located and must  
38 contain the legal description of all real property in the county subject to the  
39 lien. This lien is for payments of medical assistance made by the  
40 department of social and rehabilitation services to the recipient who is an  
41 inpatient in a nursing home or other medical institution. Such lien may be  
42 filed only after notice and an opportunity for a hearing has been given.  
43 Such lien may be enforced only upon competent medical testimony that



1 the recipient cannot reasonably be expected to be discharged and returned  
2 home. A six-month period of compensated inpatient care at a nursing  
3 home, nursing homes or other medical institution shall constitute a  
4 determination by the department of social and rehabilitation services that  
5 the recipient cannot reasonably be expected to be discharged and returned  
6 home. To return home means the recipient leaves the nursing or medical  
7 facility and resides in the home on which the lien has been placed for a  
8 period of at least 90 days without being readmitted as an inpatient to a  
9 nursing or medical facility. The amount of the lien shall be for the amount  
10 of assistance paid by the department of social and rehabilitation services  
11 after the expiration of six months from the date the recipient became  
12 eligible for compensated inpatient care at a nursing home, nursing homes  
13 or other medical institution until the time of the filing of the lien and for  
14 any amount paid thereafter for such medical assistance to the recipient.

15 (5) The lien filed by the secretary or the secretary's designee for  
16 medical assistance correctly received may be enforced before or after the  
17 death of the recipient by the filing of an action to foreclose such lien in the  
18 Kansas district court or through an estate probate court action in the  
19 county where the real property of the recipient is located. However, it may  
20 be enforced only:

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

22 (B) when there is no child of the recipient, natural or adopted, who is  
23 20 years of age or less residing in the home;

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

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

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

33 (A) The lien is satisfied. The recipient, the heirs, personal  
34 representative or assigns of the recipient may discharge such lien at any  
35 time by paying the amount of the lien to the secretary or the secretary's  
36 designee;

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

39 (C) the value of the real property is consumed by the lien, at which  
40 time the secretary or the secretary's designee may force the sale for the real  
41 property to satisfy the lien; or

42 (D) after a lien is filed against the real property, it will be dissolved if  
43 the recipient leaves the nursing or medical facility and resides in the

1 property to which the lien is attached for a period of more than 90 days  
2 without being readmitted as an inpatient to a nursing or medical facility,  
3 even though there may have been no reasonable expectation that this  
4 would occur. If the recipient is readmitted to a nursing or medical facility  
5 during this period, and does return home after being released, another 90  
6 days must be completed before the lien can be dissolved.

7 (7) If the secretary of social and rehabilitation services or the  
8 secretary's designee has not filed an action to foreclose the lien in the  
9 Kansas district court in the county where the real property is located  
10 within 10 years from the date of the filing of the lien, then the lien shall  
11 become dormant, and shall cease to operate as a lien on the real estate of  
12 the recipient. Such dormant lien may be revived in the same manner as a  
13 dormant judgment lien is revived under K.S.A. 60-2403 *et seq.*, and  
14 amendments thereto.

15 (h) *Placement under the revised Kansas code for care of children or*  
16 *revised Kansas juvenile justice code; assignment of support rights and*  
17 *limited power of attorney.* In any case in which the secretary of social and  
18 rehabilitation services pays for the expenses of care and custody of a child  
19 pursuant to K.S.A. 2011 Supp. 38-2201 *et seq.* or 38-2301 *et seq.*, and  
20 amendments thereto, including the expenses of any foster care placement,  
21 an assignment of all past, present and future support rights of the child in  
22 custody possessed by either parent or other person entitled to receive  
23 support payments for the child is, by operation of law, conveyed to the  
24 secretary. Such assignment shall become effective upon placement of a  
25 child in the custody of the secretary or upon payment of the expenses of  
26 care and custody of a child by the secretary without the requirement that  
27 any document be signed by the parent or other person entitled to receive  
28 support payments for the child. When the secretary pays for the expenses  
29 of care and custody of a child or a child is placed in the custody of the  
30 secretary, the parent or other person entitled to receive support payments  
31 for the child is also deemed to have appointed the secretary, or the  
32 secretary's designee, as attorney in fact to perform the specific act of  
33 negotiating and endorsing all drafts, checks, money orders or other  
34 negotiable instruments representing support payments received by the  
35 secretary on behalf of the child. This limited power of attorney shall be  
36 effective from the date the assignment to support rights becomes effective  
37 and shall remain in effect until the assignment of support rights has been  
38 terminated in full.

39 (i) No person who voluntarily quits employment or who is fired from  
40 employment due to gross misconduct as defined by rules and regulations  
41 of the secretary or who is a fugitive from justice by reason of a felony  
42 conviction or charge shall be eligible to receive public assistance benefits  
43 in this state. Any recipient of public assistance who fails to timely comply

1 with monthly reporting requirements under criteria and guidelines  
2 prescribed by rules and regulations of the secretary shall be subject to a  
3 penalty established by the secretary by rules and regulations.

4 (j) If the applicant or recipient of aid to families with dependent  
5 children is a mother of the dependent child, as a condition of the mother's  
6 eligibility for aid to families with dependent children the mother shall  
7 identify by name and, if known, by current address the father of the  
8 dependent child except that the secretary may adopt by rules and  
9 regulations exceptions to this requirement in cases of undue hardship. Any  
10 recipient of aid to families with dependent children who fails to cooperate  
11 with requirements relating to child support enforcement under criteria and  
12 guidelines prescribed by rules and regulations of the secretary shall be  
13 subject to a penalty established by the secretary by rules and regulations  
14 which penalty shall progress to ineligibility for the family after three  
15 months of noncooperation.

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

38 Sec. 2. K.S.A. 2011 Supp. 39-709 is hereby repealed.

39 Sec. 3. This act shall take effect and be in force from and after its  
40 publication in the statute book.

41