

HOUSE BILL No. 2402

By Representative Garner

2-7

AN ACT concerning the department of social and rehabilitation services;
relating to reimbursement for late fees.

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

Section 1. (a) Subject to appropriation acts, the secretary of the department of social and rehabilitation services, or the secretary's designee, is hereby responsible to pay, any claims presented for reimbursement for late fees, bank fees and such other fees, losses or damages as the claimant can prove were assessed or incurred because of missed or late child support or maintenance payments being paid by the central unit for the collection and disbursement of support payments pursuant to subsection (m) of section 20 of chapter 183 of the 2000 Session Laws of Kansas. The secretary shall receive such claim and forward it to the office of administrative hearings, pursuant to K.S.A. 75-37,121, and amendments thereto, within three days of receipt.

(b) Any person making a claim under this section shall provide to the secretary the following information:

(1) The name and address of the claimant and the name and address of the claimant's attorney, if the claimant is so represented;

(2) a concise statement of the basis of the claim (including the date, time, place and circumstances of the act or event, if applicable);

(3) a statement itemizing the amount claimed; and

(4) any other pertinent information requested by the department.

(c) Upon the filing of a claim, the secretary shall inform the claimant in writing of any additional information required in order to take action upon the claim.

(d) Any claim filed under this section shall be considered and determined by the office of administrative hearings within 30 days of receipt of such claim by the secretary.

(e) The administrative law judge shall make a determination of all claims, pursuant to this section, submitted to it and a copy of its determination and recommendations shall be submitted to the claimant and the secretary of social and rehabilitation services. Whenever the administrative law judge determines that the secretary should pay any amount to any claimant the administrative law judge shall certify to the secretary

1 of social and rehabilitation services that an award be made in the amount
2 so determined. No award shall be recommended for payment to any
3 claimant unless the claimant has submitted a written application therefor
4 which has been verified by the claimant and acknowledged before a no-
5 tary public or other officer authorized by law to administer oaths.

6 (f) When the secretary of social and rehabilitation services receives a
7 certified claim from the administrative law judge, within three days, the
8 secretary shall reimburse the claimant.

9 (g) The secretary shall have no right to appeal the determination
10 made by the administrative law judge.

11 (h) The secretary of social and rehabilitation services shall provide
12 notice of the provisions of this section to all persons who are receiving
13 child support or maintenance payments through the central unit for the
14 collection and disbursement of support payments pursuant to subsection
15 (m) of section 20 of chapter 183 of the 2000 Session Laws of Kansas.

16 Sec. 2. This act shall take effect and be in force from and after its
17 publication in the Kansas register.

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43