

## HOUSE BILL No. 2847

By Committee on Federal and State Affairs

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9 AN ACT concerning eligibility requirements of applicants for and recip-  
10 ients of certain state assistance programs; amending K.S.A. 2005 Supp.  
11 39-709 and repealing the existing section.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2005 Supp. 39-709 is hereby amended to read as  
15 follows: 39-709. (a) *General eligibility requirements for assistance for*  
16 *which federal moneys are expended.* Subject to the additional require-  
17 ments below, assistance in accordance with plans under which federal  
18 moneys are expended may be granted to any needy person who:

19 (1) Has insufficient income or resources to provide a reasonable sub-  
20 sistence compatible with decency and health. Where a husband and wife  
21 are living together, the combined income or resources of both shall be  
22 considered in determining the eligibility of either or both for such assis-  
23 tance unless otherwise prohibited by law. The secretary, in determining  
24 need of any applicant for or recipient of assistance shall not take into  
25 account the financial responsibility of any individual for any applicant or  
26 recipient of assistance unless such applicant or recipient is such individ-  
27 ual's spouse or such individual's minor child or minor stepchild if the  
28 stepchild is living with such individual. The secretary in determining need  
29 of an individual may provide such income and resource exemptions as  
30 may be permitted by federal law. For purposes of eligibility for aid for  
31 families with dependent children, for food stamp assistance and for any  
32 other assistance provided through the department of social and rehabil-  
33 itation services under which federal moneys are expended, the secretary  
34 of social and rehabilitation services shall consider one motor vehicle  
35 owned by the applicant for assistance, regardless of the value of such  
36 vehicle, as exempt personal property and shall consider any equity in any  
37 additional motor vehicle owned by the applicant for assistance to be a  
38 nonexempt resource of the applicant for assistance.

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

41 (b) *Assistance to families with dependent children.* Assistance may be  
42 granted under this act to any dependent child, or relative, subject to the  
43 general eligibility requirements as set out in subsection (a), who resides

1 in the state of Kansas or whose parent or other relative with whom the  
2 child is living resides in the state of Kansas. Such assistance shall be known  
3 as aid to families with dependent children. Where husband and wife are  
4 living together both shall register for work under the program require-  
5 ments for aid to families with dependent children in accordance with  
6 criteria and guidelines prescribed by rules and regulations of the  
7 secretary.

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

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

43 (A) To qualify for general assistance in any form a needy person must

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

22 (B) To qualify for general assistance in any form a needy person must  
23 be a citizen of the United States or an alien lawfully admitted to the  
24 United States and must be residing in the state of Kansas. *Each agency*  
25 *of this state and all of its political subdivisions, including local govern-*  
26 *ments, that are responsible for the administration of general assistance*  
27 *under subsection (d) of this section, shall:*

28 (i) *Verify the identity of each applicant for general assistance and*  
29 *verify that the applicant is eligible for assistance as prescribed by this*  
30 *section.*

31 (ii) *Provide any other employee of this state or any of its political*  
32 *subdivisions with information to verify the immigration status of any ap-*  
33 *plicant for general assistance and assist such employee in obtaining that*  
34 *information from federal immigration authorities.*

35 (iii) *Refuse to accept any identification card issued by the state or any*  
36 *political subdivision of this state, including a driver's license, to establish*  
37 *identity or determine eligibility for general assistance unless the issuing*  
38 *authority has verified the immigration status of the applicant.*

39 (iv) *Require all employees of the state and its political subdivisions to*  
40 *make a written report to federal immigration authorities for any violation*  
41 *of federal immigration law by any applicant for assistance that is discov-*  
42 *ered by the employee.*

43 (C) *Failure to report discovered violations of federal immigration law*

1 *by an employee is subject to civil penalties under K.S.A. 39-720, and*  
2 *amendments thereto, or criminal penalties under K.S.A. 39-717, and*  
3 *amendments thereto. If such employee's supervisor knew of the failure to*  
4 *report and failed to direct such employee to make the report, the super-*  
5 *visor is subject to civil penalties under K.S.A. 39-720, and amendments*  
6 *thereto, or criminal penalties under K.S.A. 39-717, and amendments*  
7 *thereto.*

8 (D) *This section shall be enforced without regard to race, religion,*  
9 *gender, ethnicity or national origin. Any person who is a resident of this*  
10 *state shall have standing in any court of record to bring suit against any*  
11 *agent or agency of this state or its political subdivisions to remedy any*  
12 *violation of any provision of this section, including an action for man-*  
13 *damus. Courts shall give preference to actions brought under this section*  
14 *over other civil actions or proceedings pending in the court.*

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

22 (3) In addition to the other requirements prescribed under this sub-  
23 section (d), the secretary shall adopt rules and regulations which establish  
24 community work experience program requirements for eligibility for the  
25 receipt of general assistance in any form and which establish penalties to  
26 be imposed when a work assignment under a community work experience  
27 program requirement is not completed without good cause. The secretary  
28 may adopt rules and regulations establishing exemptions from any such  
29 community work experience program requirements. A first time failure  
30 to complete such a work assignment requirement shall result in ineligi-  
31 bility to receive general assistance for a period fixed by such rules and  
32 regulations of not more than three calendar months. A subsequent failure  
33 to complete such a work assignment requirement shall result in a period  
34 fixed by such rules and regulations of ineligibility of not more than six  
35 calendar months.

36 (4) If any person is found guilty of the crime of theft under the pro-  
37 visions of K.S.A. 39-720, and amendments thereto, such person shall  
38 thereby become forever ineligible to receive any form of general assis-  
39 tance under the provisions of this subsection (d) unless the conviction is  
40 the person's first conviction under the provisions of K.S.A. 39-720, and  
41 amendments thereto, or the law of any other state concerning welfare  
42 fraud. First time offenders convicted of a misdemeanor under the pro-  
43 visions of such statute shall become ineligible to receive any form of

1 general assistance for a period of 12 calendar months from the date of  
2 conviction. First time offenders convicted of a felony under the provisions  
3 of such statute shall become ineligible to receive any form of general  
4 assistance for a period of 60 calendar months from the date of conviction.  
5 If any person is found guilty by a court of competent jurisdiction of any  
6 state other than the state of Kansas of a crime involving welfare fraud,  
7 such person shall thereby become forever ineligible to receive any form  
8 of general assistance under the provisions of this subsection (d) unless  
9 the conviction is the person's first conviction under the law of any other  
10 state concerning welfare fraud. First time offenders convicted of a mis-  
11 demeanor under the law of any other state concerning welfare fraud shall  
12 become ineligible to receive any form of general assistance for a period  
13 of 12 calendar months from the date of conviction. First time offenders  
14 convicted of a felony under the law of any other state concerning welfare  
15 fraud shall become ineligible to receive any form of general assistance for  
16 a period of 60 calendar months from the date of conviction.

17 (e) *Requirements for medical assistance for which federal moneys or*  
18 *state moneys or both are expended.* (1) When the secretary has adopted  
19 a medical care plan under which federal moneys or state moneys or both  
20 are expended, medical assistance in accordance with such plan shall be  
21 granted to any person who is a citizen of the United States or who is an  
22 alien lawfully admitted to the United States and who is residing in the  
23 state of Kansas, whose resources and income do not exceed the levels  
24 prescribed by the secretary. In determining the need of an individual, the  
25 secretary may provide for income and resource exemptions and protected  
26 income and resource levels. Resources from inheritance shall be counted.  
27 A disclaimer of an inheritance pursuant to K.S.A. 59-2291, and amend-  
28 ments thereto, shall constitute a transfer of resources. The secretary shall  
29 exempt principal and interest held in irrevocable trust pursuant to sub-  
30 section (c) of K.S.A. 16-303, and amendments thereto, from the eligibility  
31 requirements of applicants for and recipients of medical assistance. Such  
32 assistance shall be known as medical assistance.

33 (2) For the purposes of medical assistance eligibility determinations  
34 on or after July 1, 2004, if an applicant or recipient owns property in joint  
35 tenancy with some other party and the applicant or recipient of medical  
36 assistance has restricted or conditioned their interest in such property to  
37 a specific and discrete property interest less than 100%, then such des-  
38 ignation will cause the full value of the property to be considered an  
39 available resource to the applicant or recipient.

40 (3) Resources from trusts shall be considered when determining el-  
41 igibility of a trust beneficiary for medical assistance. Medical assistance is  
42 to be secondary to all resources, including trusts, that may be available  
43 to an applicant or recipient of medical assistance. If a trust has discre-

1 tionary language, the trust shall be considered to be an available resource  
2 to the extent, using the full extent of discretion, the trustee may make  
3 any of the income or principal available to the applicant or recipient of  
4 medical assistance. Any such discretionary trust shall be considered an  
5 available resource unless: (1) The trust is funded exclusively from re-  
6 sources of a person who, at the time of creation of the trust, owed no  
7 duty of support to the applicant or recipient; and (2) the trust contains  
8 specific contemporaneous language that states an intent that the trust be  
9 supplemental to public assistance and the trust makes specific reference  
10 to medicaid, medical assistance or title XIX of the social security act.

11 (4) (A) When an applicant or recipient of medical assistance is a party  
12 to a contract, agreement or accord for personal services being provided  
13 by a nonlicensed individual or provider and such contract, agreement or  
14 accord involves health and welfare monitoring, pharmacy assistance, case  
15 management, communication with medical, health or other professionals,  
16 or other activities related to home health care, long term care, medical  
17 assistance benefits, or other related issues, any moneys paid under such  
18 contract, agreement or accord shall be considered to be an available re-  
19 source unless the following restrictions are met: (i) The contract, agree-  
20 ment or accord must be in writing and executed prior to any services  
21 being provided; (ii) the moneys paid are in direct relationship with the  
22 fair market value of such services being provided by similarly situated and  
23 trained nonlicensed individuals; (iii) if no similarly situated nonlicensed  
24 individuals or situations can be found, the value of services will be based  
25 on federal hourly minimum wage standards; (iv) such individual providing  
26 the services will report all receipts of moneys as income to the appropriate  
27 state and federal governmental revenue agencies; (v) any amounts due  
28 under such contract, agreement or accord shall be paid after the services  
29 are rendered; (vi) the applicant or recipient shall have the power to revoke  
30 the contract, agreement or accord; and (vii) upon the death of the appli-  
31 cant or recipient, the contract, agreement or accord ceases.

32 (B) When an applicant or recipient of medical assistance is a party to  
33 a written contract for personal services being provided by a licensed  
34 health professional or facility and such contract involves health and wel-  
35 fare monitoring, pharmacy assistance, case management, communication  
36 with medical, health or other professionals, or other activities related to  
37 home health care, long term care, medical assistance benefits or other  
38 related issues, any moneys paid in advance of receipt of services for such  
39 contracts shall be considered to be an available resource.

40 (f) *Eligibility for medical assistance of resident receiving medical care*  
41 *outside state.* A person who is receiving medical care including long-term  
42 care outside of Kansas whose health would be endangered by the post-  
43 ponement of medical care until return to the state or by travel to return

1 to Kansas, may be determined eligible for medical assistance if such in-  
2 dividual is a resident of Kansas and all other eligibility factors are met.  
3 Persons who are receiving medical care on an ongoing basis in a long-  
4 term medical care facility in a state other than Kansas and who do not  
5 return to a care facility in Kansas when they are able to do so, shall no  
6 longer be eligible to receive assistance in Kansas unless such medical care  
7 is not available in a comparable facility or program providing such medical  
8 care in Kansas. For persons who are minors or who are under guardi-  
9 anship, the actions of the parent or guardian shall be deemed to be the  
10 actions of the child or ward in determining whether or not the person is  
11 remaining outside the state voluntarily.

12 (g) *Medical assistance; assignment of rights to medical support and*  
13 *limited power of attorney; recovery from estates of deceased recipients.*  
14 (1) Except as otherwise provided in K.S.A. 39-786 and 39-787, and  
15 amendments thereto, or as otherwise authorized on and after September  
16 30, 1989, under section 303 and amendments thereto of the federal medi-  
17 care catastrophic coverage act of 1988, whichever is applicable, by ap-  
18 plying for or receiving medical assistance under a medical care plan in  
19 which federal funds are expended, any accrued, present or future rights  
20 to support and any rights to payment for medical care from a third party  
21 of an applicant or recipient and any other family member for whom the  
22 applicant is applying shall be deemed to have been assigned to the sec-  
23 retary on behalf of the state. The assignment shall automatically become  
24 effective upon the date of approval for such assistance without the re-  
25 quirement that any document be signed by the applicant or recipient. By  
26 applying for or receiving medical assistance the applicant or recipient is  
27 also deemed to have appointed the secretary, or the secretary's designee,  
28 as an attorney in fact to perform the specific act of negotiating and en-  
29 dorsing all drafts, checks, money orders or other negotiable instruments,  
30 representing payments received by the secretary in behalf of any person  
31 applying for, receiving or having received such assistance. This limited  
32 power of attorney shall be effective from the date the secretary approves  
33 the application for assistance and shall remain in effect until the assign-  
34 ment has been terminated in full. The assignment of any rights to pay-  
35 ment for medical care from a third party under this subsection shall not  
36 prohibit a health care provider from directly billing an insurance carrier  
37 for services rendered if the provider has not submitted a claim covering  
38 such services to the secretary for payment. Support amounts collected on  
39 behalf of persons whose rights to support are assigned to the secretary  
40 only under this subsection and no other shall be distributed pursuant to  
41 subsection (d) of K.S.A. 39-756, and amendments thereto, except that  
42 any amounts designated as medical support shall be retained by the sec-  
43 retary for repayment of the unreimbursed portion of assistance. Amounts

1 collected pursuant to the assignment of rights to payment for medical  
2 care from a third party shall also be retained by the secretary for repay-  
3 ment of the unreimbursed portion of assistance.

4 (2) The amount of any medical assistance paid after June 30, 1992,  
5 under the provisions of subsection (e) is (A) a claim against the property  
6 or any interest therein belonging to and a part of the estate of any de-  
7 ceased recipient or, if there is no estate, the estate of the surviving spouse,  
8 if any, shall be charged for such medical assistance paid to either or both,  
9 and (B) a claim against any funds of such recipient or spouse in any  
10 account under K.S.A. 9-1215, 9-1216, 17-2263, 17-2264, 17-5828 or 17-  
11 5829, and amendments thereto. There shall be no recovery of medical  
12 assistance correctly paid to or on behalf of an individual under subsection  
13 (e) except after the death of the surviving spouse of the individual, if any,  
14 and only at a time when the individual has no surviving child who is under  
15 21 years of age or is blind or permanently and totally disabled. Transfers  
16 of real or personal property by recipients of medical assistance without  
17 adequate consideration are voidable and may be set aside. Except where  
18 there is a surviving spouse, or a surviving child who is under 21 years of  
19 age or is blind or permanently and totally disabled, the amount of any  
20 medical assistance paid under subsection (e) is a claim against the estate  
21 in any guardianship or conservatorship proceeding. The monetary value  
22 of any benefits received by the recipient of such medical assistance under  
23 long-term care insurance, as defined by K.S.A. 40-2227, and amendments  
24 thereto, shall be a credit against the amount of the claim provided for  
25 such medical assistance under this subsection (g). The secretary is au-  
26 thorized to enforce each claim provided for under this subsection (g).  
27 The secretary shall not be required to pursue every claim, but is granted  
28 discretion to determine which claims to pursue. All moneys received by  
29 the secretary from claims under this subsection (g) shall be deposited in  
30 the social welfare fund. The secretary may adopt rules and regulations  
31 for the implementation and administration of the medical assistance re-  
32 covery program under this subsection (g).

33 (3) By applying for or receiving medical assistance under the provi-  
34 sions of article 7 of chapter 39 of the Kansas Statutes Annotated, such  
35 individual or such individual's agent, fiduciary, guardian conservator, rep-  
36 resentative payee or other person acting on behalf of the individual con-  
37 sents to the following definitions of estate and the results therefrom:

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

43 (B) if an individual receives any medical assistance on or after July 1,



1 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,  
2 which forms the basis for a claim under subsection (g)(2), such claim shall  
3 apply to the individual's medical assistance estate. The medical assistance  
4 estate is defined as including all real and personal property and other  
5 assets in which the deceased individual had any legal title or interest  
6 immediately before or at the time of death to the extent of that interest  
7 or title. The medical assistance estate includes, without limitation assets  
8 conveyed to a survivor, heir or assign of the deceased recipient through  
9 joint tenancy, tenancy in common, survivorship, transfer-on-death deed,  
10 payable-on-death contract, life estate, trust, annuities or similar  
11 arrangement.

12 (4) The secretary of social and rehabilitation services or the secre-  
13 tary's designee is authorized to file and enforce a lien against the real  
14 property of a recipient of medical assistance in certain situations, subject  
15 to all prior liens of record. The lien must be filed in the office of the  
16 register of deeds of the county where the real property is located and  
17 must contain the legal description of all real property in the county subject  
18 to the lien. This lien is for payments of medical assistance made by the  
19 department of social and rehabilitation services to the recipient who is an  
20 inpatient in a nursing home or other medical institution. Such lien may  
21 be filed only after notice and an opportunity for a hearing has been given.  
22 Such lien may be enforced only upon competent medical testimony that  
23 the recipient cannot reasonably be expected to be discharged and re-  
24 turned home. A six-month period of compensated inpatient care at a  
25 nursing home, nursing homes or other medical institution shall constitute  
26 a determination by the department of social and rehabilitation services  
27 that the recipient cannot reasonably be expected to be discharged and  
28 returned home. To return home means the recipient leaves the nursing  
29 or medical facility and resides in the home on which the lien has been  
30 placed for a period of at least 90 days without being readmitted as an  
31 inpatient to a nursing or medical facility. The amount of the lien shall be  
32 for the amount of assistance paid by the department of social and reha-  
33 bilitation services after the expiration of six months from the date the  
34 recipient became eligible for compensated inpatient care at a nursing  
35 home, nursing homes or other medical institution until the time of the  
36 filing of the lien and for any amount paid thereafter for such medical  
37 assistance to the recipient.

38 (5) The lien filed by the secretary or the secretary's designee for med-  
39 ical assistance correctly received may be enforced before or after the  
40 death of the recipient by the filing of an action to foreclose such lien in  
41 the Kansas district court or through an estate probate court action in the  
42 county where the real property of the recipient is located. However, it  
43 may be enforced only:

- 1 (A) After the death of the surviving spouse of the recipient;  
2 (B) when there is no child of the recipient, natural or adopted, who  
3 is 20 years of age or less residing in the home;  
4 (C) when there is no adult child of the recipient, natural or adopted,  
5 who is blind or disabled residing in the home; or  
6 (D) when no brother or sister of the recipient is lawfully residing in  
7 the home, who has resided there for at least one year immediately before  
8 the date of the recipient's admission to the nursing or medical facility,  
9 and has resided there on a continuous basis since that time.
- 10 (6) The lien remains on the property even after a transfer of the title  
11 by conveyance, sale, succession, inheritance or will unless one of the fol-  
12 lowing events occur:
- 13 (A) The lien is satisfied. The recipient, the heirs, personal represen-  
14 tative or assigns of the recipient may discharge such lien at any time by  
15 paying the amount of the lien to the secretary or the secretary's designee;  
16 (B) The lien is terminated by foreclosure of prior lien of record or  
17 settlement action taken in lieu of foreclosure;  
18 (C) the value of the real property is consumed by the lien, at which  
19 time the secretary or the secretary's designee may force the sale for the  
20 real property to satisfy the lien; or  
21 (D) after a lien is filed against the real property, it will be dissolved  
22 if the recipient leaves the nursing or medical facility and resides in the  
23 property to which the lien is attached for a period of more than 90 days  
24 without being readmitted as an inpatient to a nursing or medical facility,  
25 even though there may have been no reasonable expectation that this  
26 would occur. If the recipient is readmitted to a nursing or medical facility  
27 during this period, and does return home after being released, another  
28 90 days must be completed before the lien can be dissolved.
- 29 (7) If the secretary of social and rehabilitation services or the secre-  
30 tary's designee has not filed an action to foreclose the lien in the Kansas  
31 district court in the county where the real property is located within 10  
32 years from the date of the filing of the lien, then the lien shall become  
33 dormant, and shall cease to operate as a lien on the real estate of the  
34 recipient. Such dormant lien may be revived in the same manner as a  
35 dormant judgment lien is revived under K.S.A. 60-2403 *et seq.*, and  
36 amendments thereto.
- 37 (h) *Placement under code for care of children or juvenile offenders*  
38 *code; assignment of support rights and limited power of attorney.* In any  
39 case in which the secretary of social and rehabilitation services pays for  
40 the expenses of care and custody of a child pursuant to K.S.A. 38-1501  
41 *et seq.* or 38-1601 *et seq.*, and amendments thereto, including the ex-  
42 penses of any foster care placement, an assignment of all past, present  
43 and future support rights of the child in custody possessed by either

1 parent or other person entitled to receive support payments for the child  
2 is, by operation of law, conveyed to the secretary. Such assignment shall  
3 become effective upon placement of a child in the custody of the secretary  
4 or upon payment of the expenses of care and custody of a child by the  
5 secretary without the requirement that any document be signed by the  
6 parent or other person entitled to receive support payments for the child.  
7 When the secretary pays for the expenses of care and custody of a child  
8 or a child is placed in the custody of the secretary, the parent or other  
9 person entitled to receive support payments for the child is also deemed  
10 to have appointed the secretary, or the secretary's designee, as attorney  
11 in fact to perform the specific act of negotiating and endorsing all drafts,  
12 checks, money orders or other negotiable instruments representing sup-  
13 port payments received by the secretary on behalf of the child. This lim-  
14 ited power of attorney shall be effective from the date the assignment to  
15 support rights becomes effective and shall remain in effect until the as-  
16 signment of support rights has been terminated in full.

17 (i) No person who voluntarily quits employment or who is fired from  
18 employment due to gross misconduct as defined by rules and regulations  
19 of the secretary or who is a fugitive from justice by reason of a felony  
20 conviction or charge shall be eligible to receive public assistance benefits  
21 in this state. Any recipient of public assistance who fails to timely comply  
22 with monthly reporting requirements under criteria and guidelines pre-  
23 scribed by rules and regulations of the secretary shall be subject to a  
24 penalty established by the secretary by rules and regulations.

25 (j) If the applicant or recipient of aid to families with dependent chil-  
26 dren is a mother of the dependent child, as a condition of the mother's  
27 eligibility for aid to families with dependent children the mother shall  
28 identify by name and, if known, by current address the father of the  
29 dependent child except that the secretary may adopt by rules and regu-  
30 lations exceptions to this requirement in cases of undue hardship. Any  
31 recipient of aid to families with dependent children who fails to cooperate  
32 with requirements relating to child support enforcement under criteria  
33 and guidelines prescribed by rules and regulations of the secretary shall  
34 be subject to a penalty established by the secretary by rules and regula-  
35 tions which penalty shall progress to ineligibility for the family after three  
36 months of noncooperation.

37 (k) By applying for or receiving child care benefits or food stamps,  
38 the applicant or recipient shall be deemed to have assigned, pursuant to  
39 K.S.A. 39-756 and amendments thereto, to the secretary on behalf of the  
40 state only accrued, present or future rights to support from any other  
41 person such applicant may have in such person's own behalf or in behalf  
42 of any other family member for whom the applicant is applying for or  
43 receiving aid. The assignment of support rights shall automatically be-

1 come effective upon the date of approval for or receipt of such aid without  
2 the requirement that any document be signed by the applicant or recip-  
3 ient. By applying for or receiving child care benefits or food stamps, the  
4 applicant or recipient is also deemed to have appointed the secretary, or  
5 the secretary's designee, as an attorney in fact to perform the specific act  
6 of negotiating and endorsing all drafts, checks, money orders or other  
7 negotiable instruments representing support payments received by the  
8 secretary in behalf of any person applying for, receiving or having received  
9 such assistance. This limited power of attorney shall be effective from the  
10 date the secretary approves the application for aid and shall remain in  
11 effect until the assignment of support rights has been terminated in full.  
12 An applicant or recipient who has assigned support rights to the secretary  
13 pursuant to this subsection shall cooperate in establishing and enforcing  
14 support obligations to the same extent required of applicants for or re-  
15 cipients of aid to families with dependent children.

16 Sec. 2. K.S.A. 2005 Supp. 39-709 is hereby repealed.

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