

M I N U T E S

SPECIAL COMMITTEE ON WELFARE OVERVIEW

October 29, 1975

Members Present

Representative Richard L. Harper, Chairman
Senator John F. Vermillion, Vice-Chairman
Senator Jim Parrish
Representative Denny D. Burgess
Representative James Holderman

Staff Present

Emalene Correll, Legislative Research Department
Norman Furse, Revisor of Statutes' Office

Others Present

Dr. Robert Harder, Department of Social and Rehabilitation
Services, Topeka, Kansas
Mr. Charles Stevenson, Department of Social and Rehabilitation
Services, Topeka, Kansas
Mr. Peter Rinn, Department of Social and Rehabilitation
Services, Topeka, Kansas
Mr. Fred Holloman, House of Representatives Staff, Topeka,
Kansas
Students from Northwest High School, Shawnee, Kansas

The meeting was called to order at 10:10 a.m. by the
Chairman, Representative Richard L. Harper.

Status Report

Dr. Robert Harder, Department of Social and Rehabilita-
tion Services, gave a fiscal status report.

Attachment 1A - The projected deficit is directly
related to the projected number of persons on ADC. A .05% increase
was projected throughout the year but the increase in November
was 1.2%, which, when compared to past history will tend to in-
fluence the rest of the year. He noted that while the number of
individuals per case is down the number of cases is up and the
administrative effort relates to the number of cases.

Attachment 1B - With the historical data the department has the projected figures will be very close unless there is a change in the economy. Dr. Harder noted that the number of persons is slightly lower than projected but the average grant is slightly higher than projected. He pointed out that GA is having to pick up the cost of foster care and this accounts for most of the increase. Judges are writing orders requiring SRS to pay for foster care without determining whether the person is eligible for public assistance or not. If they are not eligible under ADC, they are put under GA. Instructions have been sent to the field staff telling them not to pay for foster care if they are not eligible under eligibility standards. This will probably lead to judges contacting the Committee members and other legislators. The feeling of SRS is that the juvenile judges should help to see that parents accept their responsibilities in paying for the care of their children to the extent possible. In a few counties the SRS office is notified of a support hearing when the judge holds such a hearing. In some cases parents are paying part of the cost of supporting a child sent by the court to an out-of-the-home facility. Otherwise the average grant would be higher than it is.

Staff noted that other alternatives are available to the judges since they can draw on county general funds. It was pointed out that judges say this is impractical because the county commissioners will not make county general funds available for this purpose.

Attachment 1C - Dr. Harder stated that in October they will not be breaking even and it is projected that by the end of the year there will be a considerable deficit. Part of this will be because of an increased caseload and higher costs of hospital care since the price lid has been removed. The largest increase is in the number of SSI recipients which reflects people becoming more aware of this program. There is no significant movement in from other states.

Dr. Harder noted that in Kansas we are operating a total program, and the optional programs are running about \$52.4 million. The legislature could decide to drop some of the optional programs. He noted that the optional nursing home program runs about \$34 million and the optional prescription drug program runs about \$8 or \$9 million. One half the money for these programs is state money. He stated that to drop a program, there would need to be a three-way agreement between the department, the Governor and the Legislature. Obviously dropping a program would create a public relations problem.

In answer to a question, Dr. Harder stated that about one half the people are on a medical assistance only basis.

In answer to questions, Dr. Harder stated that optional services are not a factor in meeting maintenance of effort requirements; last year there was a \$3 million deficit in the medical assistance program and they anticipate at least a \$5 to \$7 million deficit this year; Kansas offered all of these optional services

before Title XIX but, prior to the reorganization, part of the cost was paid by the county; eligibility standards are set by the state and become a part of the state plan, and if the state plan is approved the federal government pays 54¢ of each dollar spent. SSI recipients also are eligible for medical assistance if they make application.

Attachment 3 - Dr. Harder noted that in Kansas there are still a significant number of people living below the poverty level, as determined by the Department of Commerce. At present this is about \$5,000 for a family of four in an urban area and includes food, shelter and clothing.

Questions were raised about the food stamp program. Dr. Harder stated that anyone eligible for ADC or GA is automatically eligible for food stamps. Eligibility for others is based on income, and persons who are above the poverty level i.e., the working poor who can add food stamps to their earnings.

It was noted that in the nursing home area, federal regulations are increasing the costs at the same time there is a tightening down on what can be paid for services. Dr. Harder pointed out that federal nursing home regulations are based on, and appropriated for, nursing homes in larger metropolitan areas. It is difficult to get the federal agencies to understand that we are operating small homes in a rural area. Rules and regulations do not take into account the size of the home. Homes do not have to meet federal requirements unless they want to take medicare and medicaid patients, but over one-half the beds are utilized by persons receiving assistance under these programs.

Attachment 4 - This represents information requested by the Committee. The funds are used primarily to provide day care services.

In answer to questions, Dr. Harder stated that this does include providing day care services for working mothers whose children are on ADC. Previously, day care costs were included as part of the overall payment to ADC mothers. He pointed out that it is not the mother, but her children who are eligible for assistance. Therefore, it is important that the mother be educated and trained for the labor market before the children reach 18 if she is to be independent, rather than going on general assistance at that time. Kansas runs about one-half the national average of people on assistance. This is due in part to the department's consistent policy for recommending that recipients be educated and trained.

In answer to questions, Dr. Harder stated that the average length of time on ADC is three years and three months. One-fourth to one-third of the recipients are on ADC for 18 months or less.

Staff referred to a U.S. Supreme Court case raising the issue of whether or not a person could receive either unemployment or public assistance or both. Dr. Harder stated

the decision was that a person who was eligible could choose either, but not both. He stated they had written the Kansas delegation urging that unemployment pay the first dollars and public assistance be supplemental. What fiscal impact this will have on public assistance is unknown. If most people would elect to draw public assistance it could come to about \$2 million. However, some people will not accept public assistance and others would not be eligible. For instance, if they have been working, they may own their home or an insurance policy with a face value of \$1,000.

Attachment 5 - These funds are used primarily for homemaker and chore service. The attached map shows a comparison of the counties.

Attachment 6 - This shows the anticipated expenditures by major service for Title XX.

The meeting was recessed for lunch at 12:00 noon and was reconvened by the chairman at 1:20 p.m.

Bill to Comply with Title IV-D

Staff distributed copies of the proposed bill (Attachment 7) and reviewed what the federal law requires of the state.

New Sections 1 and 2 - The need for New Section 1 was questioned. Staff pointed out it serves an identification purpose and is a reference point for the rest of the bill. It was also noted that if, in several years, someone were to say the secretary had not carried out this duty as he should, he could say that there was no law requiring it. It was pointed out that this is redundant because of an existing statute requiring the secretary to meet the requirements of the Social Security Act. A suggestion was made to delete Section 1 and include a reference to the Social Security Act in Section 2. Mr. Rinn, Department of Social and Rehabilitation Services, stated SRS thinks they need some legislation to carry out the federal mandate but he felt these sections would not be needed except for a reference point. They would not object to their deletion.

A motion was made and seconded to delete New Section 1; to rewrite the introduction to New Section 2 so it is clear that the bill ties in with Title IV-D of the Social Security Act; to delete New Section 2(a) through (d); and to renumber the remaining sections and subsections. Motion carried.

Staff noted that New Section 2(1) is not required by the federal act but it seems a logical outgrowth to require coordination. This applies both to those eligible for public assistance and those electing to use this service.

A question was raised as to whether New Section 2(m) restricted this authority to ADC and was therefore too restrictive. Staff noted this applies to Title IV-D only but they did not feel it would preclude accepting assignments in other cases.

Mr. Rinn stated that if over the next few years the program was expanded to include GA cases, there would be no problem including them. He noted it is their contention they probably have the right to enter into assignments. However, to make sure they have the authority they would like the section included.

New Section 2(n) is necessary to tie the rules and regulations down to the specific act being dealt with and the effective date of the act. The Secretary has broad powers but they may be so broad they are not constitutional and therefore he is hesitant to act.

A question was raised as to where this would leave the Secretary if the federal regulations were changed on August 1, 1976. Staff noted this is always a problem. In other instances legislative committees have generally felt it should be tied down in some way. Staff recommended it be tied down for constitutional reasons. If the words "in effect" were deleted, it could raise a constitutional question. It was noted the problem could be solved by deleting all after "act". By consensus all after "act" in line 4 of New Section 2(n) is to be deleted.

Section 3 - The underlined paragraph differs from the language of the federal act which refers only to accrued rights. Staff noted, however, that they have been told this has been interpreted to mean present and future rights so the bill was drafted in this way.

New Section 4 - This section is not absolutely necessary since it sets out in the statute a procedure that would have to be followed in any case. However, it would provide guidelines for the Secretary and would provide that the court could make payment without a hearing which might be a savings.

New Section 5 - The federal law would not necessarily require that the location and support agency bring the action but it does require that the state provide in its plan some way to determine paternity. SRS is performing these functions now so they are included in the bill

Subsection (b) was included to centralize function and coordination. It was noted that in some cases the interest of the state and those of the other parties involved, especially the child, might not coincide and this would place anyone carrying out these duties in a difficult situation. It was noted that the language used would allow that in these cases and, in any other cases where the court deemed it appropriate, independent counsel could be appointed.

Subsection (d) - It was noted that this is a problem in cases where the money is coming directly from the absent parent but is not a problem in cases where the money is coming from the court. Staff felt that this section was not necessary then. By consensus New Section 5(d) is to be deleted.

By consensus, staff is to reconcile subsection (c) and (e) into one section since it appears the same section was picked up twice.

Staff noted that New Sections 4 and 5 may not be necessary. This is now being worked out between SRS and the courts and if the Department is not having any problems, it could be left out. Some states have spelled it out and this would tie it down by statute. Staff was instructed to discuss these two sections with SRS staff and to report to the Committee.

New Section 6 - This section relates to the availability of services and fees to be charged for such services. Alternative B which includes part of what is in the regulations, was included since Alternate A is so broad. The question is how much specificity is wanted in the fee area and whether or not a maximum should be set on the fees that can be collected.

A question was raised about the person who is on assistance other than ADC and might come under this. It was noted that if there was a set fee they would have to be charged. An option might be to have a sliding fee scale. Fees and costs were both included since after July 1, 1976, there will be no federal participation in non-ADC cases. The feeling was expressed that A should be adopted since it gives the Secretary more flexibility.

A motion was made and seconded that Alternate A be adopted. Motion carried.

New Section 7 - This is the language used for fee funds and the last sentence keys it into Title IV-D. A question was raised as to whether a special fund would have to be established for non-ADC cases since it would not be tied to appropriations. Staff is to discuss this with SRS staff and report to the Committee.

Section 8 - Subsection (d) - The way the present law reads, assignments cannot be collected through garnishment of wages. The last sentence of this subsection makes an exception so they can be collected this way. A motion was made and seconded that Section 8(d) be left in as written. Motion carried.

New Section 5 - It was noted that this section raises the policy question of where responsibility for representation shall lie. One problem under the current law is that although the county attorney is required to represent SRS in cases filed in his county, practically it does not work. In cases where they negotiate a contract with the county attorney, the county attorney does not have more power but if SRS withdraws from the contract it means the county attorney no longer gets federal money for expenses in these cases.

In answer to questions, Dr. Harder noted they will not have to increase their legal staff to handle location and support cases as long as they can sign contracts to cover the major areas;

this will have an impact on the court system but it will help the ADC program; it is cost efficient for SRS to use their own attorneys; if this program follows the usual pattern, it will start slowly, pick up and then level off; there is no way to measure the non-ADC load yet; the service must be provided for anyone making application.

Staff was authorized to change this section so that SRS could use their own attorneys, county attorneys or contract with the Attorney General to provide attorneys.

Other Policy Decisions

There is no civil procedure available now to bring a civil action for support unless the individuals have an agreement or separate maintenance decree. This creates some problems with SRS getting support payments and may raise problems in terms of this act.

Mr. Rinn noted that some groups, i.e., 16 and 17-year-olds, "fall through the cracks." Location and collection is a civil matter and it is stretching the criminal law to use it to collect child support. They feel it would be more clear if there was a civil action to establish a court order outside of divorce proceedings or criminal actions.

The feeling was expressed that this might be desirable but it is not under the jurisdiction of this Committee.

It was noted this could be done by providing that support rights between spouses or between parent and child can be determined by the court in a civil action as in divorce cases and provide that it be enforced as it is in divorce cases.

Staff was asked to draft a bill for Committee consideration.

Staff stated that the long arm statute allows service of process on those outside of the state. However, the Kansas Supreme Court has held that in support cases filed in Kansas, paternity is not to be considered a tort case so the long arm statute is not applicable. Staff is to draft a bill in this area for Committee consideration.

The federal law specifies that state income records have to be one source for locating parents. Presently the Secretary of Revenue does not have the authority to let SRS see these records. Staff is to draft a bill giving the Secretary of Revenue the authority to show these records to SRS for Committee consideration.

Under the Uniform Reciprocal Enforcement of Support Act a judgment made in another state is enforceable here and vice versa. If another state starts proceedings to establish paternity and the father is living here, the judge could not order support until

paternity is determined. SRS would like legislation providing that a deposition can be taken if a person cannot appear. Staff was asked to draft a bill for Committee consideration.

The next meeting of the Committee will be November 17 and 18, 1975. The Committee will meet in Kansas City on November 17 and legislators from Wyandotte County are to be invited to join the Committee for the tour of facilities. Staff is to notify the Wyandotte County legislators. Staff is to arrange for the meeting. SRS was asked to have someone from their office there for the tour.

The meeting was adjourned at 3:20 p.m.

Prepared by Emalene Correll

Approved by Committee on:

11/18/75
(Date)

ADC Projected Expenditures
1976 Fiscal Year

	<u>Estimated Persons</u>	<u>Actual Persons</u>	<u>Estimated Average Grant</u>	<u>Actual Average Grant</u>	<u>Estimated Total Expenditures</u>	<u>Actual Expenditures</u>	<u>Estimated Balance End of Month</u>	<u>Actual Balance End of Month</u>
July	71,203	71,203	\$73.98	74.45	\$ 5,267,598	5,301,302	\$59,353,353	59,319,649
August	72,778	72,039	74.16	73.92	5,397,216	5,325,078	53,956,137	53,994,571
September	73,571	72,726	74.34	74.48	5,469,268	5,416,616	48,486,869	48,577,955
October	73,785		74.52		5,498,458		42,988,411	
November	74,190		73.40		5,445,852		37,542,559	
December	74,813		74.94		5,606,854		31,935,705	
January	75,938		75.14		5,706,282		26,229,423	
February	76,843		76.70		5,893,771		20,335,652	
March	77,295		75.89		5,865,622		14,470,030	
April	77,312		77.07		5,958,162		8,511,868	
May	77,165		77.24		5,960,540		2,551,328	
June	77,413		77.43		5,993,937		-3,442,609	
TOTAL	902,306		\$75.43		\$68,063,560			

1976 Appropriation \$64,620,951

Persons = July + $\frac{1}{2}\%$ Trend + Seasonal Adjustment. Seasonal Adjustments established on a six-year average.
 Average grant = July + \$.18 per month trend (due to smaller case size) + increased child support payments (\$1.35 per person in Dec. and Jan., and \$2.71 per month Feb. through June).
 Total Expenditures reduced \$96,141 per month starting Nov. due to certain foster care payments funded as social ser

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

GA Projected Expenditures
1976 Fiscal Year

	<u>Estimated Persons</u>	<u>Actual Persons</u>	<u>Estimated Average Grant</u>	<u>Actual Average Grant</u>	<u>Estimated Total Expenditures</u>	<u>Actual Expenditures</u>	<u>Estimated Balance End of Month</u>	<u>Actual Balance End of Month</u>
July	10,315	10,412	\$104.18	104.19	\$ 1,074,592	1,084,806	10,925,349	10,915,135
August	11,289	10,155	104.64	105.27	1,181,281	1,069,066	9,744,068	9,846,069
September	10,870	10,087	105.10	107.37	1,142,437	1,083,025	8,601,631	8,763,044
October	10,406		105.56		1,098,457		7,503,174	
November	10,576		101.47		1,073,161		6,430,013	
December	10,327		101.82		1,051,512		5,378,501	
January	11,484		102.75		1,179,992		4,198,509	
February	11,774		103.31		1,216,421		2,982,088	
March	11,451		103.66		1,186,998		1,795,090	
April	10,928		103.92		1,135,614		659,476	
May	10,356		104.13		1,078,419		-418,943	
June	10,135		104.49		1,059,042		-1,477,985	
TOTAL	129,911		\$103.75		\$13,477,926			

1976 Appropriation \$11,999,941

Persons = July + seasonal adjustment. Seasonal Adjustments established on a six-year average.
 Average Grant = July + \$.46/mo. (2.77 average per year from FY 1976 Budget).
 Total Expenditures reduced \$48,107 per month starting Nov. due to certain foster care payments
 funded as social services.

9/30/75

Medical Projected Expenditures
1976 Fiscal Year

	<u>Estimated Persons</u>	<u>Actual Persons</u>	<u>Estimated Average Payment</u>	<u>Actual Average Payment</u>	<u>Estimated Total Expenditures</u>	<u>Actual Expenditures</u>	<u>Estimated Balance End of Month</u>	<u>Actual, Balance End of Month</u>
July	106,000	107,532	53.30	50.83	5,649,684	5,465,527	101,502,989	101,687,146
August	111,000	117,088	80.44	82.39	8,929,389	9,646,710	92,573,600	92,040,436
September	111,000	113,538	80.44	74.21	8,929,389	8,425,855	83,644,211	83,614,581
October	111,000		80.44		8,929,389		74,714,822	
November	111,000		80.44		8,929,389		65,785,433	
December	111,000		80.44		8,929,389		56,856,044	
January	111,000		80.44		8,929,389		47,926,655	
February	111,000		80.44		8,929,389		38,997,266	
March	111,000		80.44		8,929,389		30,067,877	
April	111,000		80.44		8,929,389		21,138,488	
May	111,000		80.44		8,929,389		12,209,099	
June	116,000		105.25		12,209,099		---	
Total	1,332,000		80.44		107,152,673			

1976 Appropriation as Recommended by the Governor \$107,152,673

KANSAS PUBLIC ASSISTANCE
 Table IF: Foster Care and Adoption Support
 Child-Months and Amounts for Cash and/or Nonmedical Vendor Payments
 Fiscal Year 1975: July 1974 - June 1975

Month and Year	ADC - Foster Care			General Assistance - Foster Care ^{2/}			C&Y - Foster Care			All Foster Care ^{1/}			Adoption Support		
	Child Months	Amount	Average Amount Per Child-Month	Child-Months	Amount	Average Amount Per Child-Month	Child-Months	Amount	Average Amount Per Child-Month	Child-Months	Amount	Average Amount Per Child-Month	Child-Months	Amount	Average Amount Per Child-Month
FY 1975 Total	21,525	\$5,515,101	\$256.22	8,551	\$2,449,079	\$286.41	3,622	\$841,783	\$232.41	33,698	\$8,805,963	\$261.32	711	\$85,991	\$120.94
1975															
June	1,860	505,649	271.85	823	253,008	307.42	299	69,174	231.35	2,982	827,831	277.61	65	8,124	124.98
May	1,825	496,473	272.04	766	224,818	293.50	310	71,800	231.61	2,901	793,091	273.39	64	7,860	122.81
April	1,882	475,659	252.74	767	244,527	318.81	308	67,511	219.19	2,957	787,697	266.38	60	6,738	112.30
March	1,850	511,255	276.35	753	229,884	305.29	300	73,700	245.67	2,903	814,839	280.69	61	7,875	129.10
February	1,828	507,929	277.86	741	224,315	302.72	295	69,433	235.37	2,864	801,677	279.92	61	7,693	126.11
January	1,767	459,334	259.95	714	204,835	286.88	300	71,851	239.50	2,781	736,020	264.66	61	7,550	123.77
1974															
December	1,779	458,968	257.99	722	204,127	282.72	291	72,425	248.88	2,792	735,520	263.44	60	7,532	125.53
November	1,787	444,842	248.93	690	192,775	279.38	288	69,663	241.89	2,765	707,280	255.80	61	6,796	111.41
October	1,791	447,948	250.11	685	191,581	279.68	304	72,380	238.09	2,780	711,909	256.08	57	6,523	114.44
September	1,764	444,312	251.88	646	183,871	284.63	308	76,285	247.68	2,718	704,468	259.19	58	7,106	122.52
August	1,719	404,075	235.06	631	159,038	252.04	312	67,049	214.90	2,662	630,162	236.73	52	6,712	129.08
July	1,673	358,657	214.38	613	136,300	222.35	307	60,512	197.11	2,593	555,469	214.22	51	5,482	107.49

^{1/} Includes ADC-Foster Care, General Assistance Foster Care, and Children and Youth Foster Care. Does not include adoption support.

^{2/} Includes GA needy children.

Five Year Trends in Assistance in Kansas

<u>Fiscal Year</u>	<u>Average Cases Per Month</u>	<u>Average Persons Per Month</u>	<u>Average Grant Per Month Per Case</u>	<u>Total Expenditures</u>
Aid to Dependent Children				
1971	19,571	70,799	\$198.55	\$46,628,907
1972	19,278	74,065	195.43	45,210,077
1973	21,772	71,772	190.31	49,722,486
1974	21,553	67,716	190.74	49,332,202
1975	22,223	67,143	211.49	56,399,961
General Assistance				
1971	5,877	12,339	\$103.52	\$ 7,300,916
1972	5,528	9,840	93.96	6,626,682
1973	5,467	8,548	104.32	6,846,220
1974	4,940	7,260	109.95	6,517,857
1975	5,793	8,818	144.86	10,070,019

10/17/75

LOCATION OF CY DIVISION PURCHASE OF SERVICE FUNDS

Northwest Region

Goodland District	-----	\$ 2,006
Norton District	-----	1,638
Hays District	-----	3,749

Southwest Region

Garden City District	-----	2,967
Liberal District	-----	2,758
Dodge City District	-----	3,848
Great Bend District	-----	2,799
Pratt District	-----	1,753

North Central Region

Concordia District	-----	2,460
Salina District	-----	5,016
Manhattan District	-----	4,591
Junction City District	-----	4,371
Emporia District	-----	3,014

South Central Region

Newton District	-----	3,775
Hutchinson District	-----	4,506
Wichita District	-----	26,054
Wellington District	-----	1,777
El Dorado District	-----	2,990
Winfield District	-----	2,390

Northeast Region

Marysville District	-----	1,490
Hiawatha District	-----	1,930
Atchison District	-----	2,162
Leavenworth District	-----	3,526
Kansas City District	-----	13,964
Topeka District	-----	11,138
Lawrence District	-----	3,323
Olathe District	-----	16,755
Ottawa District	-----	2,427
Osawatomie District	-----	2,139

Southeast Region

Ft. Scott District	-----	1,643
Chanute District	-----	2,022
Pittsburg District	-----	2,006
Columbus District	-----	1,372
Parsons District	-----	1,632
Independence District	-----	2,386

June 19, 1975

Revised 8/12/75 (Hays District Allocation Increased)

Revised 9/25/75 (Junction City District Allocation Increased)

STATE DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES
Division of Social Services
State Office Building
Topeka, Kansas 66612

State Dir. L-1163

October 30, 1975

To: Regional Directors
District Directors
Program Supervisors
Branch Offices

Re: Allocation of Funds for the Purchase of Services in Behalf of Adults
(Code 5)

The Division of Social Services has allocated, by county, \$1,800,367.00 of the Adult Purchase of Service funds. See the attached allocation schedule.

The allocation formula was based on the number of persons in each county who are:

1. 65 years and older who are living at poverty level or below;
2. Receiving SSI;
3. 65 years and older who are receiving Social Security benefits.

You will note that the allocation formula is heavily weighted in favor of the aging, low-income resident. Since the main purpose for the State appropriation was to provide homemaker and chore services to aging and disabled Kansans living on limited incomes, each district (area) shall establish priorities for the use of their allocated funds accordingly. Other purchase of service priorities such as day care for adults, transportation, etc., may be established after the above priorities are met according to local needs.


Each district (area) shall make a genuine effort to obtain donated funds in order to provide services to more applicants.

Each district (area) will be responsible for keeping an accounting system as will be established by Finance, Accounts and Audits. Such system will be mailed in the next week.

Allocations which are not being utilized will be reapportioned to districts (areas) demonstrating the need for more funding.

The guidelines and procedures for donated funds are those described in Secretary's Letter 18.

Sincerely yours,


William E. Richards, Sr.
Director of Social Services

WER:jcm
Attachment

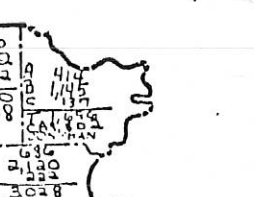
ADULT SERVICES

COUNTY ALLOCATION

Allen	\$21,646	Ellsworth	\$ 8,207	Lincoln	\$ 8,305	Republic	\$ 14,646
Anderson	\$12,033	Finney	\$ 9,750	Linn	\$13,981	Rice	\$ 16,432
Atchison	\$17,501	Ford	\$16,669	Logan	\$ 3,213	Riley	\$ 17,461
Barber	\$ 9,600	Franklin	\$21,611	Lyon	\$24,293	Rooks	\$ 8,854
Barton	\$21,403	Geary	\$10,519	McPherson	\$27,241	Rush	\$ 6,560
Bourbon	\$21,761	Gove	\$ 3,115	Marion	\$19,860	Russell	\$ 9,143
Brown	\$18,438	Graham	\$ 3,259	Marshall	\$20,218	Saline	\$ 29,963
Butler	\$28,443	Grant	\$ 1,936	Meade	\$ 3,629	Scott	\$ 3,242
Chase	\$ 6,542	Gray	\$ 3,907	Miami	\$21,755	Sedgwick	\$174,845
Chautauqua	\$ 6,889	Greeley	\$ 1,288	Mitchell	\$10,409	Seward	\$ 6,149
Cherokee	\$23,969	Greenwood	\$14,172	Montgomery	\$50,638	Shawnee	\$103,311
Cheyenne	\$ 4,751	Hamilton	\$ 2,757	Morris	\$ 8,750	Sheridan	\$ 2,918
Clark	\$ 4,652	Harper	\$12,467	Morton	\$ 1,820	Sherman	\$ 5,115
Clay	\$14,178	Harvey	\$26,090	Nemaha	\$13,005	Smith	\$ 11,531
Cloud	\$18,796	Haskell	\$ 1,445	Neosho	\$23,744	Stafford	\$ 7,381
Coffey	\$13,253	Hodgeman	\$ 2,502	Ness	\$ 5,912	Stanton	\$ 797
Comanche	\$ 4,040	Jackson	\$13,819	Norton	\$10,473	Stevens	\$ 1,583
Cowley	\$42,228	Jefferson	\$14,172	Osage	\$17,519	Sumner	\$ 26,206
Crawford	\$45,985	Jewell	\$10,299	Osborne	\$10,982	Thomas	\$ 5,797
Decatur	\$ 6,190	Johnson	\$74,220	Ottawa	\$ 9,034	Trego	\$ 4,335
Dickinson	\$26,466	Kearny	\$ 1,866	Pawnee	\$ 8,381	Wabaunsee	\$ 9,831
Doniphan	\$ 9,802	Kingman	\$ 9,571	Phillips	\$ 9,704	Wallace	\$ 1,664
Douglas	\$25,033	Kiowa	\$ 4,930	Pottawatomie	\$13,496	Washington	\$ 12,548
Edwards	\$ 5,976	Labette	\$32,084	Pratt	\$13,346	Wichita	\$ 1,537
Elk	\$ 7,438	Lane	\$ 2,537	Rawlins	\$ 4,207	Wilson	\$ 17,750
Ellis	\$11,912	Leavenworth	\$30,264	Reno	\$54,123	Woodson	\$ 8,698
						Wyandotte	\$121,651

KANSAS

A 173 B 585 C 64 T 822 CA 4,751	A 143 B 559 C 26 T 728 CA 4,207	A 323 B 694 C 54 T 1,071 CA 6,190	A 508 B 1,129 C 175 T 1,812 CA 10,473	A 413 B 1,153 C 133 T 1,679 CA 9,704	A 605 B 1,212 C 108 T 1,925 CA 11,531	A 571 B 1,110 C 101 T 1,782 CA 10,291	A 867 B 1,524 C 143 T 2,534 CA 14,646	A 590 B 1,454 C 122 T 2,171 CA 13,548	A 938 B 2,344 C 207 T 3,498 CA 20,218	A 531 B 1,561 C 158 T 2,250 CA 13,005	A 896 B 1,892 C 42 T 1,945 CA 18,438
A 179 B 655 C 51 T 885 CA 5,115	A 195 B 759 C 49 T 1,003 CA 5,797	A 132 B 341 C 32 T 505 CA 2,918	A 166 B 350 C 48 T 564 CA 3,259	A 412 B 1,038 C 82 T 1,532 CA 8,854	A 539 B 1,271 C 90 T 1,900 CA 14,982	A 476 B 1,216 C 89 T 1,781 CA 10,409	A 1,159 B 1,837 C 256 T 3,252 CA 18,796	A 664 B 1,661 C 128 T 2,453 CA 14,178	A 603 B 1,586 C 118 T 2,335 CA 13,496	A 740 B 1,473 C 178 T 2,391 CA 13,819	A 896 B 1,892 C 42 T 1,945 CA 18,438
A 62 B 211 C 15 T 288 CA 1,664	A 92 B 439 C 25 T 556 CA 3,213	A 93 B 418 C 28 T 539 CA 3,115	A 124 B 588 C 38 T 750 CA 4,335	A 262 B 1,628 C 171 T 2,061 CA 11,912	A 407 B 1,060 C 115 T 1,582 CA 9,143	A 410 B 971 C 56 T 1,437 CA 8,305	A 486 B 994 C 83 T 1,563 CA 9,034	A 818 B 3,250 C 416 T 5,184 CA 29,963	A 1,278 B 3,066 C 235 T 4,579 CA 26,466	A 586 B 1,063 C 52 T 1,701 CA 9,831	A 935 B 1,960 C 136 T 3,031 CA 17,519
A 22 B 173 C 23 T 223 CA 1,288	A 26 B 217 C 23 T 266 CA 1,537	A 98 B 431 C 32 T 561 CA 3,242	A 68 B 360 C 11 T 439 CA 2,537	A 268 B 719 C 36 T 1,023 CA 5,912	A 267 B 801 C 69 T 1,135 CA 6,560	A 810 B 2,818 C 75 T 3,703 CA 21,403	A 422 B 923 C 75 T 1,420 CA 8,207	A 453 B 3,117 C 143 T 4,713 CA 27,241	A 944 B 2,314 C 178 T 3,436 CA 19,860	A 420 B 911 C 103 T 1,434 CA 8,758	A 726 B 3,177 C 300 T 4,203 CA 24,293
A 113 B 341 C 23 T 477 CA 2,757	A 28 B 272 C 23 T 323 CA 1,866	A 284 B 1,250 C 153 T 1,687 CA 9,750	A 51 B 361 C 21 T 433 CA 2,502	A 398 B 779 C 74 T 1,450 CA 9,381	A 350 B 622 C 183 T 1,155 CA 5,976	A 799 B 1,447 C 65 T 2,309 CA 13,346	A 444 B 1,146 C 66 T 1,656 CA 8,571	A 1,193 B 3,126 C 193 T 4,512 CA 24,090	A 1,273 B 3,472 C 176 T 4,921 CA 28,443	A 669 B 1,594 C 189 T 2,452 CA 14,172	A 533 B 877 C 95 T 1,505 CA 8,698
A 24 B 109 C 12 T 138 CA 797	A 38 B 278 C 12 T 335 CA 1,936	A 48 B 185 C 17 T 250 CA 1,445	A 145 B 484 C 47 T 676 CA 3,907	A 666 B 2,067 C 151 T 2,884 CA 16,669	A 788 B 588 C 39 T 853 CA 4,930	A 510 B 929 C 222 T 1,661 CA 7,600	A 444 B 1,146 C 66 T 1,656 CA 8,571	A 5,007 B 23,167 C 3,816 T 30,250 CA 174,845	A 1,273 B 3,472 C 176 T 4,921 CA 28,443	A 406 B 779 C 103 T 1,288 CA 7,438	A 900 B 1,923 C 248 T 3,071 CA 17,750
A 40 B 249 C 26 T 315 CA 1,820	A 61 B 193 C 20 T 274 CA 1,583	A 150 B 797 C 117 T 1,064 CA 6,149	A 138 B 466 C 30 T 628 CA 3,629	A 296 B 487 C 22 T 805 CA 4,652	A 188 B 468 C 33 T 689 CA 4,040	A 510 B 929 C 222 T 1,661 CA 7,600	A 621 B 1,442 C 74 T 2,137 CA 12,467	A 1,218 B 3,036 C 250 T 4,534 CA 26,206	A 2,161 B 4,506 C 639 T 7,306 CA 42,228	A 406 B 779 C 103 T 1,288 CA 7,438	A 3,071 B 17,750 C 248 T 21,769 CA 114,969



A. Number of People 65 yrs. + over Income less than poverty level
 B. Number of People 65 yrs. + over receiving Social Security

C. Number of people receiving SSI
 T. Total of A, B, C
 CA County Allocation

Anticipated Expenditures by Major Service, FY 1976

<u>Service</u>	<u>Anticipated Expenditures</u> <u>July 1, 1975 to June 30, 1976</u>			<u>Actual Expenditures to Date</u> <u>July 1, 1975 to September 30, 1975</u>		
	<u>Total</u>	<u>Purchased</u>	<u>Direct</u>	<u>Total</u>	<u>Purchased</u>	<u>Direct</u>
Chore	\$ 2,120,200	\$1,897,000	\$ 223,200	\$ 37,619	\$ -	\$ 37,619
Homemaker	2,703,280	2,404,720	298,560	50,158	-	50,158
Supportive	5,389,880	403,000	4,986,880	825,522	-	825,522
Day Care	11,036,833	9,390,549	1,646,284	1,241,900	970,209	271,691
Employment-Habil- tation-Rehabilitation	6,752,076	5,715,041	1,037,035	559,439	388,065	171,374
Family Planning	514,360	1,000	513,360	85,998	311	85,687
Meal Services	52,160	41,000	11,160	2,090	-	2,090
Legal	117,800	63,100	54,700	8,360	-	8,360
Transportation	1,199,760	781,260	418,500	69,853	885	68,968
Residential	5,144,352	2,913,232	2,231,120	529,654	159,736	369,918
I and R	240,000	-	240,000	39,709	-	39,709
EPSDT	959,760	-	959,760	158,835	-	158,835
Total	\$36,230,461	\$23,609,902	\$12,620,559	\$3,609,137	\$1,519,206	\$2,089,931

____ BILL NO. ____

By Special Committee on Welfare Overview

Re Proposal No. 61

AN ACT concerning the secretary of social and rehabilitation services; relating to parent locator, support collection and paternity determination services; providing for assignment to the secretary of certain rights to support; amending K. S. A. 39-709 and K. S. A. 1975 Supp. 60-2310 and repealing the existing sections.

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

New Section 1. The secretary of social and rehabilitation services shall establish a single organizational unit within the department of social and rehabilitation services for the purpose of providing support collection, parent locator and paternity determination services.

New Sec. 2. The secretary of social and rehabilitation services shall:

(a) Develop a state plan for child support as required by part D of title IV of the federal social security act (42 U.S.C. § 651 et seq.) and shall submit such plan to the federal department of health, education and welfare for approval under such act.

(b) Act for the state in any negotiations relative to the submission and approval of the plan and make arrangements as may be necessary to secure for the state the benefits of the provisions of such federal act relating to child support programs.

(c) Make all reports required by law to be made to the federal department of health, education and welfare.

(d) Receive and expend funds made available by the government of the United States, the state of Kansas or any other financial source for the purpose of carrying out the provisions

of this act.

(e) Initiate and maintain legal actions necessary to implement the provisions of this act.

(f) Enter into contracts or agreements necessary to administer this act.

(g) Maintain and operate a central registry, within the organizational unit of the department of social and rehabilitation services responsible under this act for providing child support services, for the location of absent parents.

(h) Develop guidelines for coordinating activities of any governmental department, board, commission, bureau or agency in providing information necessary for the location of absent parents.

(i) Coordinate any activity on a state level in searching for an absent parent.

(j) Assist in the location of an absent parent or any other person who has an obligation to support the child of the resident parent.

(k) Assist in establishing paternity and in securing and enforcing court orders for support.

(l) Utilize, in appropriate cases, support enforcement and collection and location services available through the federal department of health, education and welfare, including the services of federal courts, the federal parent locator services and the treasury department, if authorized or required by federal law.

(m) Accept, on behalf of the state, assignment of support rights owed to persons applying for or receiving aid to dependent children pursuant to K. S. A. 39-709, as amended.

(n) Adopt rules and regulations necessary to carry out the provisions of this act and to enable the state to meet requirements set forth in part D of title IV of the federal social security act (42 U.S.C. § 651 et seq.) or federal regulations promulgated pursuant to such act in effect on the effective date of this act.

Sec. 3. K. S. A. 39-709 is hereby amended to read as follows: 39-709. ~~(A)~~ (a) General eligibility requirements for assistance for which federal funds are expended. Subject to the additional requirements below, assistance in accordance with plans under which federal funds are expended shall be granted to any needy person who:

(1) Has not sufficient income or resources to provide a reasonable subsistence compatible with decency and health. ~~Provided, Where.~~ Where a husband and wife are living together the combined income or resources of both shall be considered in determining the eligibility of either or both for such assistance. ~~And provided further, That the.~~ The state agency, in determining need of any applicant for or recipient of assistance shall not take into account the financial responsibility of any individual for any applicant or recipient of assistance unless such applicant or recipient is such individual's spouse or such individual's minor child. ~~And provided further, That the.~~ The state agency in determining need of an individual may provide such income and resource exemptions as may be permitted by federal legislation.

(2) ~~is~~ Is a resident of the state of Kansas. ~~Provided, That~~ except that assistance under this act and general assistance shall be provided to any needy person who is living in Kansas and whose residence for assistance cannot be established in another state. ~~Provided, That if.~~ If any person transfers or assigns property without adequate consideration or for the purpose of rendering himself or herself eligible for assistance within the five (5) year period immediately preceding the application, such person shall thereby render himself or herself ineligible to receive assistance for such period of time as the value of the property assigned or transferred, would have reasonably maintained him or her at a standard compatible with decency and health. ~~And provided further, That if.~~ If any person without the consent of the secretary assigns or transfers property without adequate consideration while on the assistance rolls, after

making application for assistance or while receiving assistance, such person shall thereby render himself or herself ineligible to receive assistance for such period of time as the value of the property assigned or transferred, would have reasonably maintained him or her at a standard compatible with decency and health.

~~(B)~~ (b) Additional requirements for assistance to dependent children. Assistance shall be granted under this act to any dependent child, or relative, subject to the general eligibility requirements as set out in ~~subdivision-(A)~~ subsection (a) of this section, who resides in the state of Kansas or whose parent or other relative with whom the child is living resides in the state of Kansas. Such assistance shall be known as aid to dependent children.

In addition to other eligibility requirements, each applicant for or recipient of aid to dependent children who is otherwise eligible for assistance under this section shall be required as a further condition of eligibility for such assistance to assign to the secretary of social and rehabilitation services, on behalf of the state, any accrued, present or future rights to support from any other person such applicant may have in his or her own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid so long as such person is an applicant for or recipient of such aid. If the relative with whom a child is living is found to be ineligible because of failure to comply with the requirements of this paragraph, any aid for which such child is eligible will be provided in the form of protective payments.

~~(C)~~ (c) Eligibility requirements for assistance, the cost of which is not participated in by the federal government. Subject to the additional requirements below, assistance shall be granted to any needy person who does not qualify for financial assistance in a program in which the federal government participates who:

(1) Has not sufficient income or resources to provide a

reasonable subsistence compatible with decency and health. ~~Provided,~~ Where a husband and wife are living together the combined income or resources of both shall be considered in determining the eligibility of either or both for such assistance. ~~And provided further, that the.~~ The state agency in determining need of any applicant for or recipient of assistance shall not take into account the financial responsibility of any individual for any applicant or recipient of assistance unless such applicant or recipient is such individual's spouse or such individual's minor child.

(2) Is a resident of the state of Kansas. ~~Provided, That~~ except that assistance shall be granted to a transient person pending verification of his or her residence, including the cost of return to his or her place of residence, but in no event shall such assistance be given for a period exceeding thirty (30) days in any twelve (12) month period and assistance shall be granted to a nonresident of this state for a period not to exceed sixty (60) days in any twelve (12) month period. ~~Provided, That~~ ~~assistance~~ assistance shall be given under the provisions of this act to any needy child who is a resident of this state or whose mother was a resident of the state immediately preceding the birth of such child, and is living in a suitable foster family home. ~~Provided, That if.~~ If any person transfers or assigns property without adequate consideration or for the purpose of rendering himself or herself eligible for assistance within the ~~five-year~~ five (5) year period immediately preceding the application, such person shall thereby render himself or herself ineligible to receive assistance for such period of time as the value of the property assigned or transferred, would have reasonably maintained him or her at a standard compatible with decency and health. ~~And provided further, that if.~~ If any person without the consent of the secretary assigns or transfers property without adequate consideration while on the assistance rolls, after making application for assistance or while receiving assistance, such person shall thereby render himself or herself ineligible to

receive assistance for such period of time as the value of the property assigned or transferred, would have reasonably maintained him or her at a standard compatible with decency and health. Such assistance shall be known as general assistance.

~~(D)~~ (d) Requirements for medical assistance. Medical assistance, including institutional and noninstitutional care and service in accordance with plans under which federal funds are expended, shall be granted to any person who is a resident of Kansas whose resources and income do not exceed the levels prescribed by the secretary ~~---Provided---~~. The secretary may provide for such deductibles, income and resources exclusions or protected income and resource levels as may be required by the federal social security act and amendments thereto and as may be required by the rules and regulations of the federal department of health, education and welfare. Such assistance shall be known as medical assistance.

[New Sec. 4. (a) If an assignment has been made pursuant to K. S. A. 39-709, as amended, child support payments shall be made to the department of social and rehabilitation services.

(b) If a court has ordered support payments to be made to an applicant for or recipient of financial assistance who has assigned support rights, the secretary of social and rehabilitation services shall file a copy of the assignment with the court ordering the payments. The ^{copy} notice shall include:

(1) A statement that the assignment has been made;

(2) the name of the child and the caretaker for whom support has been ordered by the court;

(3) the number of the case in which support was ordered;
and

(4) a request that the payments ordered be made to the secretary of social and rehabilitation services. Upon receipt of the notice and without a requirement of a hearing, the court shall order that the payments be made to the secretary of social and rehabilitation services.]

[New Sec. 5. (a) In cases where the secretary of social and

rehabilitation services has accepted, on behalf of the state, an assignment of support rights from a person applying for or receiving aid to dependent children in accordance with the provisions of K. S. A. 39-709, as amended, the secretary of social and rehabilitation services is authorized to bring a civil action to enforce such support rights and, when appropriate or necessary, to establish the paternity of a child.

(b) The secretary of social and rehabilitation services and the attorney representing him or her shall be deemed to represent the interests of all persons, officials and agencies having an interest in the assignment. The court shall determine, in accordance with applicable provisions of law, whether such person is a necessary party to the proceeding and whether independent counsel need be appointed to represent any party to the assignment or any other person having an interest in the support right.

(c) Any support order made by the court in such a proceeding shall direct that payments be made to the secretary of social and rehabilitation services so long as there is in effect an assignment of support rights to such secretary, and upon notification by such secretary to the court that the assignment is terminated, that payments be made to the person or family.

(d) Any order for support made by the court in such a proceeding shall specify the amount of support to be paid on behalf of the spouse, if any, and the amount to be paid on behalf of each child.

(e) In cases where an order for support has been made and upon notification to the court that an assignment of support rights has thereafter been made to the secretary of social and rehabilitation services, payments pursuant to such order shall be made to the secretary of social and rehabilitation services until the court receives notification of the termination of the assignment.

(f) The provision of this section shall also apply to cases brought in accordance with the provisions of this act involving

persons who are not applicants for or recipients of aid to dependent children.]

New Sec. 6. Alternate A. The secretary of social and rehabilitation services shall make services relating to the location of parents, the establishment of paternity and the enforcement of support obligations available to persons not receiving aid to dependent children upon application by such persons and the payment of a fee established by the secretary of social and rehabilitation services. The amounts collected on behalf of such persons shall be paid to them after first deducting therefrom the costs of providing such services in excess of fees paid by such persons.

Alternate B. The secretary of social and rehabilitation services shall make services relating to the location of parents, the establishment of paternity and the enforcement of support obligations available to persons not receiving aid to dependent children upon application by such persons and the payment of a fee established by the secretary of social and rehabilitation services. The application shall be filed with the secretary of social and rehabilitation services. The secretary of social and rehabilitation services may require an application fee of not more than twenty dollars (\$20) and the secretary of social and rehabilitation services may require additional fees to cover the costs incurred by the department in providing the support collection and paternity determination services. The secretary of social and rehabilitation services shall establish and make available to all applicants for services relating to the location of parents, the establishment of paternity or the enforcement of support obligations a fee schedule. The fee for services relating to the location of parents, the establishment of paternity or the enforcement of support obligations shall be agreed upon in writing by the individual requesting the services. The application fee and the additional fee for services provided may be deducted from the amount of the support money recovered by the secretary of social and rehabilitation services. [The total

amount of fees charged by the secretary of social and rehabilitation services shall not exceed ten percent (10%) of the support money collected by the secretary.]

New Sec. 7. The secretary of social and rehabilitation services shall remit all moneys received by or for the secretary from assignments or fees under this act to the state treasurer at least monthly. Upon receipt of such remittance the state treasurer shall deposit the entire amount thereof in the state treasury and the same shall be credited to the social welfare fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by the secretary. Amounts collected as child support shall be distributed as provided in part D of title IV of the federal social security act (42 U.S.C. § 651 et seq.).

[Sec. 8. K. S. A. 1975 Supp. 60-2310 is hereby amended to read as follows: 60-2310. (a) Definitions. As used in this act and the acts of which this act is amendatory, unless the context otherwise requires, the following words and phrases shall have the meanings respectively ascribed to them herein:

(1) "Earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise;

(2) "Disposable earnings" means that part of the earnings of any individual remaining after the deduction from such earnings of any amounts required by law to be withheld;

(3) "Wage garnishment" means any legal or equitable procedure through which the earnings of any individual are required to be withheld for payment of any debt; and

(4) "Federal minimum hourly wage" means that wage prescribed by subsection (a) (1) of section 6 of the federal fair labor standards act of 1938, and any amendments thereto.

(b) Restriction on wage garnishment. Subject to the provisions of subsection (e) of this section, only the aggregate

disposable earnings of an individual may be subjected to wage garnishment, and the maximum part of such earnings of any wage earning individual which may be subjected to wage garnishment for any workweek or multiple thereof may not exceed either (1) twenty-five percent (25%) of his or her aggregate disposable earnings for that workweek or multiple thereof, or (2) the amount by which his or her aggregate disposable earnings for that workweek or multiple thereof exceed an amount equal to thirty (30) times the federal minimum hourly wage, or equivalent multiple thereof for such longer period, whichever is less. ~~Provided~~. No one creditor may issue more than one garnishment against the earnings of the same judgment debtor during any one month. Nothing in this act shall be construed as charging the plaintiff in any garnishment action with the knowledge of the amount of any defendant's earnings prior to the commencement of such garnishment action.

(c) Sickness preventing work. If any debtor is prevented, on account of being sick, or on account of the sickness of any member of his or her family, from working at his or her regular trade, profession or calling for any period greater than two (2) weeks and this fact is shown by the affidavit of the debtor, the provisions of this section shall not be invoked against any such debtor until after the expiration of two (2) months after his or her recovery from such sickness.

(d) Assignment of account. If any person, firm or corporation sells or assigns his or her account to any person or collecting agency, or sends or delivers the same to any collector or collecting agency for collection, then such person, firm or corporation or the assignees of either shall not have nor be entitled to the benefits of wage garnishment. The provision of this subsection shall not apply to assignments of support rights to the secretary of social and rehabilitation services made by applicants for or recipients of aid to dependent children under subsection (b) of K. S. A. 39-709, as amended.

(e) Exceptions to restrictions on wage garnishment. The

restrictions on the amount of disposable earnings subject to wage garnishment shall not apply in the following instances:

- (1) Any order of any court for the support of any person;
 - (2) Any order of any court of bankruptcy under chapter XIII of the federal bankruptcy act; and
 - (3) Any debt due for any state or federal tax.
- (f) Prohibition on courts. No court of this state may make, execute or enforce any order or process in violation of this section.]

Sec. 9. K. S. A. 39-709 and K. S. A. 1975 Supp. 60-2310 are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the statute book.