

M I N U T E S

SPECIAL COMMITTEE ON WELFARE OVERVIEW

November 17 and 18, 1975

Members Present

Representative Richard Harper, Chairman  
Senator John F. Vermillion, Vice-Chairman  
Senator Jim Parrish  
Representative Denny Burgess (November 18)  
Representative Jim Holderman

Staff Present

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

Others Present

Sally Anderson, Chief, Income Maintenance, Social and Rehabilitation Services, Topeka, Kansas  
Michael Van Landingham, Chief, Income Maintenance, Kansas City, Kansas  
Hilde Farley, Chief of Social Service, Kansas City, Kansas  
Lauren Harrod, Chief of Social Services, Social and Rehabilitation Services, Topeka, Kansas  
James Wann, District Director, Kansas City Social and Rehabilitation Services, Kansas City, Kansas  
Representative Carlos Cooper, Bonner Springs, Kansas  
Representative Norman E. Justice, Kansas City, Kansas  
Fred Holloman, House of Representative Staff, Topeka, Kansas

The meeting was called to order at 10:25 a.m., by the Chairman, Representative Richard Harper in the meeting room of the Kansas City District Office of the Department of Social and Rehabilitation Services. Mr. Wann, Director of the District Office, introduced members of his staff.

Mr. Wann stated the Kansas City office has about 800 applications a month for public assistance, cash grants, medical assistance and food stamp programs. This number has started to increase this year.

In answer to questions, Mr. Wann stated that General Assistance is a state-funded short-term program. Most people in this program are in their twenties or their fifties. Ten to twenty percent are the working poor. It was noted that it takes longer for the working poor to be approved because there are more things to check such as savings account, bank account, home ownership, etc.

Persons approved for General Assistance who are physically able must work out their grant on an hourly basis. There is a range of work available and as much as possible people are matched to a job to which they are assigned. Some former GA clients have been hired by the governmental department or the agency to which they were assigned in the work program.

In answer to a question, Mr. Wann stated that alcohol was a problem among the older recipients on GA. However, he felt that having the alcoholism and drug functions located in the Department of Social and Rehabilitation Services would be helpful in this area.

A cut back in funds for GA would especially affect the person who is disabled but cannot meet the qualifications for SSI. They would become a community responsibility.

The percentage of "professional rip-offs" is very small but in terms of staff morale it is a big problem. It is expensive to weed them out. Mr. Wann explained that the 10 investigators which they previously had in Kansas City may not have saved the state money but they did serve as a deterrent and helped staff morale. Except for one fraud investigator this program has been dropped because of the personnel policy of not replacing people who leave. As people in other positions left, the investigators were shifted to other responsibilities to maintain the assistance programs.

In answer to a question, Mr. Wann stated they can only have an application pending for thirty days and they must do periodic reviews. It is almost impossible to maintain both functions with their current staff.

It was noted that the client can appeal the agency's decision. This is now a quasi-judicial procedure laid out by federal guidelines, with the client able to have legal representation. It was also noted that clients are becoming increasingly aware of their rights.

In cases of criminal fraud there is always restitution. In other cases where there was not an intent to misrepresent, a procedure as set out by statute is initiated to recover assistance paid unlawfully.

A packet of material was distributed which included copies of forms and brochures used by the agency.

The question of why welfare budgets are getting out of line if there are so many federal and state regulations to keep the programs "airtight" was raised. The following reasons were given: reflection of unemployment causing an increased caseload; an increasing demand for skilled labor; recipients have been failed by other institutions in the community; increasing rise in people's expectations; Supreme Court decision that welfare is a right which has affected people's willingness to apply for assistance; changes in the social structure such as families not staying together; rising costs making it impossible for people to manage on low earnings; eligibility requirements for the food stamp program.

It was noted that remedial programs are also offered. These include counseling, GED, educational and training programs.

Questions were raised about the food stamp program. The food stamp program is entirely different from the commodity distribution program which was partially an answer to the problem of an excess of food. The food stamp program is a program for good nutrition and to put money back into the economy.

Mr. Wann stated that it takes about one and one half hour for a worker to complete the application process for food stamps. Eighteen people, including five professionals, work full time on this program. He also noted that there have been a lot of complaints about the program and he expects it to be cut back.

Following the intent of Congress, the food stamp program is based on income only and the feeling that no more than 30% of in-hand income should be spent for food. This percentage was established by nutritionists. It was noted the cost of the stamps increases as the level of income increases. This is a federal program which is federally controlled and no regional cost of living index is built into it.

In answer to a question, a staff member stated she felt there was no incentive in the food stamp program for a person to manage money better.

Representative Cooper noted that most of his phone calls centered on emergency cases and complaints from the private sector that the response of SRS in emergency cases was too slow.

Mr. Wann stated they are dealing with two things; the immediate need and the need to be sure the person is qualified to receive aid. There are fiscal sanctions in all of the federally assisted programs. If too many people who are ineligible are found to be receiving assistance, the state is subject to a reduction in federal funds. Emergency cases are usually processed within three days and food stamps can usually be obtained the same day.

The Kansas City district has a pilot program with a bank just down the street under which the bank can issue the allotment of stamps. The bank charges 50¢ per transaction.

He noted that it takes seven to ten days for a check to come from Topeka after a case is approved. The fact that check issuance does not take place within SRS sometimes causes a problem. He also noted that if programs are liberalized, it will be important to adopt the concept of presumptive eligibility for a set period of time. This will be the only way to handle the additional caseload and to avoid the fiscal sanctions.

Mr. Wann noted the statute enabling county commissioners to provide for up to \$100 for an emergency. However, the county commissioners in Wyandotte County have said they were out of the welfare business and they wanted to stay out of it. The only way SRS can reimburse the county commissioners is if the recipient is found eligible for assistance.

Agency staff noted the inter-referral program they have with Catholic Social Services which can help people not eligible for any SRS program or until eligibility is established. In answer to a question, it was noted that most private agencies are now developing guidelines and controls for their programs too.

In answer to questions, Mr. Wann noted that some people will not apply for assistance programs because of pride. This is especially true of the food stamp program in which it is obvious that the client is paying for his food in the store with stamps. The duplication of recipients between Kansas and Missouri was negligible the last time they exchanged tapes.

In answer to a question, Mr. Wann stated that administrative costs which includes anything that does not end up in the recipient's hand is about 6% of the total budget.

The meeting was recessed for lunch and was reconvened at 1:45 p.m. by the Chairman.

Harry Hayes, Director, Services for the Blind, State Department of Social and Rehabilitation Services, explained the programs for the blind stating their goals are to restore sight, prevent blindness and rehabilitation. There are about 5,100 legally blind people in Kansas. About 40 people carry on the various programs of the division. The first step is to help the blind person with his overall functioning. Then, if possible, the program helps place him in the competitive employment market. The division maintains a concession stand program, two sheltered workshops (one in Kansas City and one in Topeka), and 32 home units. They market approximately one million dollars worth of products each year, mostly through contracts with the federal and state governments. Approximately 125 persons are employed in the sheltered workshops

The workshops are used as a stepping stone or training facility and also to provide employment for those who can work but only in a controlled situation. Twenty-five percent of the employees may be sighted and the products still marketed as products made by the blind.

Those in the workshop program average about \$200 per month in wages and \$250 per month in social security. This can be a deterrent to their motivation to find employment in the competitive market.

The Kansas City workshop manufactures bedding primarily and some doormats. The bedding contracts have come primarily from the federal government and this market has decreased significantly. The Topeka workshop manufactures tennis rackets and some of this operation will be moved to Kansas City. However, employees are resisting this change since tennis rackets are on a piece-work basis. The possibility of closing the Kansas City workshop and purchasing service in a workshop in Kansas City, Missouri is being explored. This is a private workshop and can function better than a state agency which has restrictions on contracting and marketing. He noted that in Wichita the agency purchases services from a private workshop and is helping this workshop get matching dollars for another building.

In answer to questions, Mr. Hayes stated it is costing 30¢ to 54¢ on each dollar to provide wages for those in the workshops. This amount is tax sheltered which makes some clients reluctant to try to enter the competitive market where they may not make as much. The division has discussed making it mandatory for a person to attempt working in the job market after being in the workshop for a specified period of time. If a person tries it in the competitive market and cannot make it, the person may come back to the workshop.

Mr. Hayes noted that they now serve the multi-handicapped blind and this has affected programming and expenditures.

In answer to a question, he stated that sighted people are employed in the positions of workshop manager, office clerk, warehouse person and supervisor and trainer on the production line.

Mr. Hayes emphasized that some type of sheltered workshop program is mandatory if a segment of the blind are to be employed. Employment is important if the goal of the program, which is to make as many as possible as self-sufficient as possible, is to be realized.

The Committee then visited the Douglas State Bank which is providing the pilot food stamp issuance program referred to by the SRS district office staff. The bank personnel feel the program is working well although there were some minor problems which had to be worked out in the beginning.

The Committee visited the workshop for the blind in Kansas City next. The workshop manager explained the various operations and emphasized the problem of the decrease in contracts. He explained that personnel are rotated so they will all have some employment during the month.

The Committee toured the work areas where mattress covers, box springs and door mats are made. They were also shown samples of the tennis rackets which are made in the workshop in Topeka.

The last visit was to Catholic Social Services. Mr. Louis Finacharrio presented budget and workload figures. (Attachment No. 1). He noted the problem of increasing caseload and limited funds and emphasized their close working relationship with the district SRS office. He noted that Catholic Social Services provides work opportunities for general assistance recipients which reduces their expenditures.

He introduced the director of the program who explained the application procedure, the clothing, furniture and food bank, and the guidelines being developed for the program. She emphasized the positive relationship with the district SRS office which means better service for those needing it. She then conducted a tour of the facility.

The meeting was adjourned at 4:55 p.m.

November 18, 1975

The meeting was called to order by the Chairman, Representative Richard Harper at 9:15 a.m.

#### Minutes

The following corrections were made to the minutes of the October meeting: Page 4 under "Bill to Comply With Title IVD", second paragraph, line 7 - changed to read "because of the Social Security Act; and delete everything after "requiring"; page 7, last paragraph - the act referred to should be the "uniform reciprocal enforcement of support act" and the last four words deleted; wording is to be changed to "could not order support until the paternity is determined" and the rest of the sentence deleted.

A motion was made and seconded to approve the minutes as corrected. Motion carried.

Staff noted they will mail the November minutes and if they do not hear to the contrary within ten days will consider them approved.

Committee Report. Staff was instructed to include a detailed summary and explanation of the new federal act. This will be more important since individual copies of the report will be available.

A paragraph or two about the trend in caseload is to be included, noting that both caseload and expenditures are running above what was projected.

Consideration was given to including the Committee's concerns about the food stamp program. It was suggested that the report point out some of the problems the Committee sees with this program and the recommendation that Congress be asked to look at this program and amend the law to tighten eligibility.

After discussion, it was agreed that the report should express the Committee's concern that as tight controls as possible be placed on welfare expenditures and include the philosophy of the Committee that welfare is necessary to help people in need but that it should not grow in such a manner as to stymy incentive of the working people. Specific recommendations to follow are: that the legislature explore ways to increase child support enforcement especially through the new avenue being provided by Title IVD; that prosecution of delinquent fathers be increased; and that the county attorney's role be monitored to see if they are actively seeking child support.

It was noted that since SRS has been in quality control for several years now, one could assume there has been some tightening of control.

Criminal Code Section on Support (Attachment 2). The substantive change in this bill is changing the age of the child from sixteen to eighteen. Other changes are primarily technical changes and clarification. The age change conforms to common law. In answer to a question, staff stated the federal law covers children until the age of majority or until 21 years of age if they are in school. This bill expands parent responsibility under our criminal law.

A motion was made and seconded to approve the bill for introduction and to recommend that it be introduced in the House. Motion carried.

Long Arm Statute (Attachment 3). SRS had noted a Kansas Supreme Court decision which stated this statute would not apply in paternity determination cases. In an action for determination

of paternity, a personal issuance of service would be needed. In cases where the woman was a resident of Kansas and the putative father was a resident of another state, personal issuance of service could not be obtained. Staff noted the Shutts case held that an act of sexual intercourse resulting in the birth of a child in Kansas was not a tort act as defined in this statute. Language has been added in subsection 10 to cover this specific cause.

Concern was expressed with putting the total responsibility on the father for support of the child. Staff noted this subsection refers to the father because the mother is known. It was pointed out that in the case of an abandoned baby the identity of the mother may not be known. In answer to a question, staff noted that the language on page 3 refers to support under Article 11, Chapter 38, and would not necessarily refer to the total support of the child.

Amending Article 11, Chapter 38 to include father, mother and SRS was suggested.

After further discussion, consensus was to amend subsection 10, page 3, line 2, by deleting "for the" and "and education of" and inserting "for" after "support"; page 4, by deleting all of line 3 and through the "," in line 4 and inserting in lieu thereof "as provided by law,"; page 4, line 4 by deleting "the other" and inserting in lieu thereof "either".

A motion was made and seconded to approve the bill for introduction and to recommend that it be introduced in the House. It was felt this bill and bill No. 5 RS 1928 should be considered together. Motion carried.

Location and Support. Staff distributed Attachment No. 4, a redraft of a bill considered previously by the Committee, noting the changes requested by the Committee had been made.

Section 2(b). Staff noted that on page 3 "aid to dependent children" should be changed to "aid to families with dependent children" to conform to federal and state statutes.

Attention was called to the fact that on page 4 the bill states a person is to assign accrued, present or future rights as long as he is an applicant or a recipient of aid. This would mean that if a person wanted to assign support rights after he ceased to receive assistance, he would have to reapply under Section 5. A motion was made and seconded to amend the bill on page 4, line 5, by inserting "or until such other time as the secretary and the applicant or recipient may agree" after "aid". Motion carried.



New Section 4. The Department of SRS notified staff they felt the changes made in this section will take care of the problem in bringing an action for support in common law cases.

Concern was expressed that in some instances this section would not be in the best interests of the child. A specific example given was the establishing of paternity in the case of an older child. After discussion of this point, a motion was made and seconded to amend New Section 4 to provide an exception in those instances in which the secretary determines that an assignment need not be made because it is not in the best interest of the child or based on other guidelines in the federal act. Motion carried.

New Section 5. This conforms to requirements of the federal act. Staff noted that it could be broadened to include support rights in general rather than just child support as required by the federal act. Administrative costs in each case would be determined and those costs charged to the specific case, unless otherwise stated in the rules and regulations.

New Section 6. Staff noted that SRS staff had met with fiscal staff and their recommendation was to establish four funds -- two for ADC recovery and two for non-ADC recovery. The purpose of two funds in each category is to provide one fund for that money which goes to the state and is subject to appropriation and another fund for that money collected for payment to the recipient which would be a pass-through fund. This allows for more precise accounting. By appropriation action, monies from the first fund can be transferred to the SRS general fund. In answer to a question, staff stated it is not necessary to include specific language creating the funds. This section would serve as direction to do so.

Staff noted that New Section 6(c) is needed for specificity.

Staff was instructed to include in the report that four funds would be created.

Staff noted that the Committee had considered New Section 7(d) at a previous meeting. The bracketed material would provide the same exemption for non-ADC cases and is included for Committee action on the policy decision.

After a lengthy discussion, a motion was made and seconded to delete the bracketed material page 10, New Section 7(d). Motion carried.

New Section 8. It was pointed out that the Committee is concerned with more than location of parents in this section. Staff suggested changing it to provide information necessary to administer this act. Including "income and property holdings" was questioned since this information could be obtained by the court in proceedings.

Staff noted that rather than attempting to spell out all those the federal act authorizes to have access to parent locator information the bill leaves it up to the secretary to establish access by rules and regulations according to the requirements of the federal act.

By consensus New Section 8(a) is to be amended by deleting "income and property holdings" page 10, line 32, and by deleting all after ",," in line 33 and all of line 34. A motion was made and seconded to include New Section 8 as amended. Motion carried.

New Section 9. A motion was made and seconded that the offense be a class C misdemeanor. Motion carried.

A motion was made and seconded that the bill be approved for introduction as amended. Motion carried.

Committee Report. Staff asked that the Committee read the draft of the Committee report critically and send suggestions for changes as soon as possible.

The Chairman thanked the Committee and the staff for their work.

The meeting was adjourned at 12:40 p.m.

Prepared by Emalene Correll

Approved by Committee on:

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(Date)

## \_\_\_\_ BILL NO. \_\_\_\_

By Special Committee on Welfare Overview

Re Proposal No. 61

AN ACT concerning nonsupport of a child or spouse; amending  
K. S. A. 21-3605 and repealing the existing section.

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

Section 1. K. S. A. 21-3605 is hereby amended to read as follows: 21-3605. (1) (a) Nonsupport of a child is a parent's failure, neglect or refusal without lawful excuse to provide for the support and maintenance of his or her child in necessitous circumstances.

(b) As used in this section, "child" means a child under the age of ~~sixteen--(+6)~~ eighteen (18) years, and includes an adopted child or a child born out of wedlock whose parentage has been judicially determined or has been acknowledged in writing by the person to be charged with the support of such child.

(c) At any time before the trial, upon petition and notice, the court, or a judge thereof, may enter such temporary order as may seem just providing for support of such child, and may punish for violation of such order as for contempt.

(d) At any stage of the proceeding, instead of imposing the penalty hereinafter provided, or in addition ~~thereto~~ to such penalty, the court, in its discretion, having regard to the circumstances and to the financial ability or earning capacity of the defendant, shall have the power to make an order which shall be subject to change by the court ~~from-time-to-time~~, as circumstances may require, directing the defendant to pay a certain sum periodically, for a term not exceeding the period during which the obligation to support shall continue, to the guardian, conservator or custodian of said child or to an organization or individual approved by the court as trustee; and shall also have

the power to release the defendant from custody on probation for the period so fixed, upon his or her entering into a recognizance, with or without surety, in such sum as the court or a judge thereof may order and approve. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so, and shall further comply with the terms of such order of support, or of any subsequent modification thereof, then such recognizance shall be void, otherwise the recognizance shall be of full force and effect.

(e) If the court be is satisfied by due proof that at any time during the period while the obligation to support continues the defendant has violated the terms of such order, ~~it~~ the court may forthwith proceed with the trial of the defendant under the original charge, or sentence him or her under the original conviction, or enforce the suspended sentence as the case may be.

(f) A preponderance of the evidence shall be sufficient to prove that the defendant is the father or mother of such child. In no prosecution under this act shall any existing statute or rule of law prohibiting the disclosure of confidential communications between husband and wife apply, and both husband and wife shall be competent witnesses to testify against each other to any and all relevant matters, including the parentage of such child. Proof of the nonsupport of such child in necessitous circumstances or neglect or refusal to provide for the support and maintenance of such child shall be prima facie evidence that such neglect or refusal is willful.

(g) Nonsupport of a child is a class E felony.

(2) (a) Nonsupport of a spouse is an individual's failure without just cause to provide for the support of his or her spouse in necessitous circumstances.

(b) At any time before the trial in a prosecution for non-support of a spouse, upon petition and notice, the court, or a judge thereof, may enter such temporary order as may seem just providing for support of such spouse, and may punish for viola-

tion of such order as for contempt.

(c) At any stage of the proceeding, instead of imposing the penalty hereinafter provided, or in addition ~~thereto~~ to such penalty, the court, in its discretion, having regard to the circumstances and to the financial ability or earning capacity of the defendant, shall have the power to make an order which shall be subject to change by the court ~~from-time-to-time~~, as circumstances may require, directing the defendant to pay a certain sum periodically, for a term not exceeding the period during which the obligation to support shall continue, to the spouse or to the guardian or conservator of said spouse or to an organization or individual approved by the court as trustee; and shall also have the power to release the defendant from custody on probation for the period so fixed, upon his or her entering into a recognizance, with or without surety, in such sum as the court or a judge thereof may order and approve. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so, and shall further comply with the terms of such order of support, or of any subsequent modification thereof, then such recognizance shall be void, otherwise the recognizance shall be of full force and effect.

(d) If the court be is satisfied by due proof that at any time during the period while the obligation to support continues the defendant has violated the terms of such order, ~~it~~ the court may forthwith proceed with the trial of the defendant under the original charge, or sentence him or her under the original conviction, or enforce the suspended sentence as the case may be.

(e) Nonsupport of a spouse is a class E felony.

Sec. 2. K. S. A. 21-3605 is hereby repealed.

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

\_\_\_\_\_ BILL NO. \_\_\_\_\_

By Special Committee on Welfare Overview

AN ACT relating to personal service of summons outside the state; amending K. S. A. 1975 Supp. 60-308 and repealing the existing section.

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

Section 1. K. S. A. 1975 Supp. 60-308 is hereby amended to read as follows: 60-308. (a) Proof and effect. (1) Personal service of summons may be made upon any party outside the state. If upon a person domiciled in this state or upon a person who has submitted to the jurisdiction of the courts of this state, it shall have the force and effect of personal service of summons within this state; otherwise it shall have the force and effect of service by publication.

(2) The service of summons shall be made in like manner as service within this state, by any officer authorized to make service of summons in the state where defendant is served. No order of court is required. An affidavit of the server shall be filed stating the time, manner and place of service. The court may consider the affidavit, or any other competent proofs, in determining whether service has been properly made.

(3) No default shall be entered until the expiration of at least thirty (30) days after service. A default judgment rendered on such service may be set aside only on a showing which would be timely and sufficient to set aside a default judgment rendered on personal service within this state.

(b) Submitting to jurisdiction--process. Any person, whether or not a citizen or resident of this state, who in person or through an agent or instrumentality does any of the acts hereinafter enumerated, thereby submits said person, and, if an individual, his personal representative, to the jurisdiction of the

courts of this state as to any cause of action arising from the doing of any of said acts:

(1) The transaction of any business within this state;

(2) The commission of a tortious act within this state;

(3) The ownership, use, or possession of any real estate situated in this state;

(4) Contracting to insure any person, property or risk located within this state at the time of contracting;

(5) Entering into an express or implied contract, by mail or otherwise, with a resident of this state to be performed in whole or in part by either party in this state;

(6) Acting within this state as director, manager, trustee or other officer of any corporation organized under the laws of or having a place of business within this state, or as executor or administrator of any estate within this state;

(7) Causes injury to persons or property within this state arising out of an act or omission outside of this state by the defendant, provided in addition, that at the time of the injury either (i) the defendant was engaged in solicitation or service activities within this state; or (ii) products, materials or things processed, serviced or manufactured by the defendant anywhere were used or consumed within this state in the ordinary course of trade or use;

(8) Living in the marital relationship within the state notwithstanding subsequent departure from the state, as to all obligations arising for alimony, child support, or property settlement under article 16, if the other party to the marital relationship continues to reside in the state;

(9) Serving as the insurer of any person at the time of any act by such person which is the subject of an action in a court of competent jurisdiction within the state of Kansas which results in judgment being taken against such person;

(10) Performing an act of sexual intercourse which results in the conception and birth of a child within the state, as to a paternity action against a nonresident <sup>to</sup> putative father seeking to

*Parent*  
adjudge such person to be the father of the child and to require  
such person to provide <sup>for</sup> the support and education of the child  
under article 11 of chapter 38 of the Kansas Statutes Annotated,  
or acts amendatory thereof or supplemental thereto, *either*  
if the other  
party to the act of sexual intercourse continues to reside in the  
state.

*as provided by law.*

Service of process upon any person who is subject to the jurisdiction of the courts of this state, as provided in this subsection (b) of this section, may be made by personally serving the summons upon the defendant outside this state, as provided in paragraph (2) of subsection (a) of this section, with the same force and effect as though summons had been personally served within this state, but only causes of action arising from acts enumerated herein may be asserted against a defendant in an action in which jurisdiction over him is based upon this paragraph.

Nothing herein contained limits or affects the right to serve any process in any other manner now or hereafter provided by law.

Sec. 2. K. S. A. 1975 Supp. 60-308 is hereby repealed.

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



\_\_\_\_\_ 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; prescribing penalties for certain violations; 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. For the purpose of providing support collection, parent locator and paternity determination services, the secretary of social and rehabilitation services shall:

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

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

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

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

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

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

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

(h) 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.

(i) 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.

(j) 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.

Sec. 2. 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 provide further, That--the.~~ The state agency in determining need of an individual may provide such income and resource exemptions as may be permitted by fed-

eral 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 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. 3. (a) If an assignment of support rights has been made pursuant to K. S. A. 39-709, as amended, 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 notice of the assignment with the court ordering the payments. The 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 until the court receives notification of the termination of the assignment.

New Sec. 4. (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 or an attorney with whom the secretary has entered into a contract or agreement for such services under this act 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, the parties necessary to the proceeding and whether independent counsel should 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 the secretary, and upon notification by the secretary to the court that the assignment is terminated, that payments be made to the person or family.

(d) The provisions 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. 5. The secretary of social and rehabilitation services shall make services required under part D of title IV of the federal social security act (42 U.S.C. § 651 et seq.) and federal regulations promulgated pursuant thereto relating to the location of parents, the establishment of paternity and the enforcement of <sup>child</sup> /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.

New Sec. 6. (a) The secretary of social and rehabilitation services shall remit all moneys received by or for the secretary from the enforcement of rights assigned to the secretary under K. S. A. 39-709, as amended, 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 as follows: (1) Amounts to be distributed pursuant to part D of title IV of the federal social security act (42 U.S.C. § 651 et seq.) to the state shall be credited to the title IV D aid to dependent children fee fund, and 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 desig-

nated by the secretary; and (2) amounts to be distributed pursuant to part D of title IV of the federal social security act (42 U.S.C. § 651 et seq.) to applicants for or recipients of aid under K. S. A. 39-709, as amended, shall be credited to the title IV D aid to dependent children claims fund, and all expenditures from such fund shall be made 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.

(b) The secretary of social and rehabilitation services shall remit all moneys received by or for the secretary under section 5 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 as follows: (1) Amounts to be distributed pursuant to part D of title IV of the federal social security act (42 U.S.C. § 651 et seq.) to the state shall be credited to the title IV D fee fund, and all expenditures from such fund shall be made in accordance with appropriate 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; and (2) amounts to be distributed pursuant to part D of title IV of the federal social security act (42 U.S.C. § 651 et seq.) to persons who under section 5 are eligible for services specified in such section shall be credited to the title IV D claims fund, and all expenditures from such fund shall be made 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.

(c) Moneys shall be deposited in the funds established by subsections (a) and (b) of this section and shall be distributed from such funds in accordance with the provisions of part D of title IV of the federal social security act (42 U.S.C. § 651 et seq.).

Sec. 7. 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 [1, or assignments of child support rights made to the secretary of social and rehabilitation services by persons under section 51.]

(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.

[New Sec. 8. (a) State, county and local units of government, their officers and employees, shall cooperate with the secretary of social and rehabilitation services in locating absent parents and shall on request supply the secretary of social and rehabilitation services with available information about the location [1, income and property holdings] of the absent parent, [notwithstanding any provisions of law requiring such information to be confidential.]

(b) Information received by the secretary of social and

rehabilitation services under this section shall be available upon request to persons authorized to receive such information in accordance with rules and regulations duly adopted by the secretary of social and rehabilitation services.

New Sec. 9. Any person who willfully requests, obtains or seeks to obtain any information available under section 8 under false pretenses or who willfully communicates or seeks to communicate such information to any person except in accordance with the provisions of this act and rules and regulations adopted pursuant thereto shall be guilty of a class \_\_\_\_\_.]

Sec. 10. K. S. A. 39-709 and K. S. A. 1975 Supp. 60-2310 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the statute book.