

HOUSE BILL No. 2381

By Committee on Federal and State Affairs

2-19

Proposed Amendments for HB No. 2381
House Committee on Commerce,
Labor and Economic Development
Prepared by: Chuck Reimer
Office of Revisor of Statutes
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AN ACT concerning social welfare; Kansas department for children and families; eligibility requirements for assistance; amending K.S.A. 17-2263, 17-5828, 39-709b, 59-1301 and 59-3504 and K.S.A. 2014 Supp. 9-1215, 9-1216, 16-311, 17-2264, 17-5829, 39-702, 39-709, 39-709c, 39-753, 39-756a, 59-2222, 59-2247, 59-2801 and 59-3086 and repealing the existing sections; also repealing K.S.A. 39-7,101, 39-7,106, 39-7,107, 39-7,110 and 75-5364 and K.S.A. 2014 Supp. 39-7,102, 39-7,103, 39-7,104, 39-7,105, 39-7,108, 39-7,109 and 39-7,122.

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

Section 1. K.S.A. 2014 Supp. 9-1215 is hereby amended to read as follows: 9-1215. Subject to the provisions of this section and K.S.A. 9-1216, and amendments thereto, an individual adult or minor, hereafter referred to as the owner, may enter into a written contract with any bank located in this state providing that the balance of the owner's deposit account, or the balance of the owner's legal share of a deposit account, at the time of death of the owner shall be made payable on the death of the owner to one or more persons or, if the persons predecease the owner, to another person or persons, hereafter referred to as the beneficiary or beneficiaries. If any beneficiary is a minor at the time the account, or any portion of the account, becomes payable to the beneficiary and the balance, or portion of the balance, exceeds the amount specified by K.S.A. 59-3053, and amendments thereto, the moneys shall be payable only to a conservator of the minor beneficiary.

Transfers pursuant to this section shall not be considered testamentary or be invalidated due to nonconformity with the provisions of chapter 59 of the Kansas Statutes Annotated, and amendments thereto.

Every contract authorized by this section shall be considered to contain a right on the part of the owner during the owner's lifetime both to withdraw funds on deposit in the account in the manner provided in the contract, in whole or in part, as though no beneficiary has been named, and to change the designation of beneficiary. The interest of the beneficiary shall be considered not to vest until the death of the owner and, if there is a claim pursuant to ~~subsection (e)~~ of K.S.A. 39-709, and amendments thereto, until such claim is satisfied.

No change in the designation of the beneficiary shall be valid unless

1 residence maintained by one or more of such relatives as their own home.
2 ~~The secretary may adopt rules and regulations which extend the~~
3 ~~deprivation requirement under this definition to include being deprived of~~
4 ~~parental or guardian support or care by reason of the unemployment of a~~
5 ~~parent or guardian. The term "dependent children" also includes children~~
6 ~~who would meet the foregoing requirements except for their removal from~~
7 ~~the home of a relative as a result of judicial determination to the effect that~~
8 ~~continuation therein would be contrary to the welfare of such children, for~~
9 ~~whose placement and care the secretary is responsible, who have been~~
10 ~~placed in a foster family home or child care institution as a result of such~~
11 ~~determination and who received aid to dependent children in or for the~~
12 ~~month in which court proceedings leading to such determination were~~
13 ~~initiated, or would have received such aid in or for such month if~~
14 ~~application had been made thereby, or in the case of a child who had been~~
15 ~~living with a relative specified above within six months prior to the month~~
16 ~~in which such proceedings were initiated, would have received such aid in~~
17 ~~or for such month if in such month such child had been living with and~~
18 ~~removed from the home of such a relative and application had been made~~
19 ~~therefor.~~
20 (h) "The blind" means not only those who are totally and permanently
21 devoid of vision, but also those persons whose vision is so defective as to
22 prevent the performance of ordinary activities for which eyesight is
23 essential.

24 (i) ~~"General assistance" means financial assistance in which the cost~~
25 ~~of such financial assistance is not participated in by the federal~~
26 ~~government. General assistance may be limited to transitional assistance in~~
27 ~~some instances as specified by rules and regulations adopted by the~~
28 ~~secretary.~~

29 (j) ~~"Recipient" means a person who has received assistance under the~~
30 ~~terms of this act.~~

31 (k)(i) ~~"Inake office" means the place where the secretary shall~~
32 ~~maintain an office for receiving applications.~~

33 (l) ~~"Adequate consideration" means consideration equal, or~~
34 ~~reasonably proportioned to the value of that for which it is given.~~

35 (m) ~~"Transitional assistance" means a form of general assistance in~~
36 ~~which as little financial assistance as one payment may be made during~~
37 ~~each period of 12 consecutive calendar months to an eligible and needy~~
38 ~~person and all other persons for whom such person is legally responsible.~~

39 (n)(i) ~~"Title IV-D" means part D of title IV of the federal social~~
40 ~~security act (42 U.S.C. § 651 et seq.), as in effect on May 1, 1997.~~

41 (m) ~~"TANF diversion" assistance means a one-time voluntary~~
42 ~~payment option in lieu of ongoing TANF assistance. The diversion~~
43 ~~payment is available to applicants who have not received TANF assistance~~

1 is living resides in the state of Kansas. Such assistance shall be known as
2 temporary assistance for needy families. Where the husband and wife or
3 cohabiting partners are living together, both shall register for work under
4 the program requirements for temporary assistance for needy families in
5 accordance with criteria and guidelines prescribed by rules and
6 regulations of the secretary.

7 (1) As used in this subsection, "family group" or "household" means
8 the applicant or recipient for TANF, child care subsidy or employment
9 services and all individuals living together in which there is a relationship
10 of legal responsibility or a qualifying caretaker relationship. This will
11 include a cohabiting boyfriend or girlfriend living with the person legally
12 responsible for the child. The family group contains at least one adult
13 member who has received TANF, including the federal TANF assistance
14 received in any other state, for 48 calendar months beginning on and after
15 October 1, 1996, unless the secretary determines a hardship exists and
16 grants an extension allowing receipt of TANF until the 60-month limit is
17 reached. No extension beyond 60 months shall be granted. Hardship
18 provisions for a recipient include:

19 (A) Is a caretaker of a disabled family member living in the
20 household;

21 (B) has a disability which precludes employment on a long-term
22 basis or requires substantial rehabilitation;

23 (C) needs a time limit extension to overcome the effects of domestic
24 violence/sexual assault;

25 (D) is involved with prevention and protection services (PPS) and
26 has an open social service plan; or

27 (E) is determined by the 48th month to have an extreme hardship
28 other than what is designated in criteria listed in subparagraphs (A)
29 through (E). This determination will be made by the executive review
30 team.

31 (2) All adults applying for TANF shall be required to complete a
32 work program assessment as specified by the Kansas department for
33 children and families, including those who have been disqualified for or
34 denied TANF due to non-cooperation, drug testing requirements or fraud.
35 Adults who are not otherwise eligible for TANF, such as ineligible aliens,
36 relative/non-relative caretakers and adults receiving supplemental security
37 income are not required to complete the assessment process. During the
38 application processing period, applicants must complete at least one
39 module or its equivalent of the work program assessment to be considered
40 eligible for TANF benefits, unless good cause is found to be exempt from
41 the requirements. Good cause exemptions shall only include:

42 (4) The applicant can document an existing certification verifying
43 completion of the work program assessment;

The family group shall not be eligible for TANF if

(B) the applicant has a valid offer of employment or is employed a minimum of 20 hours a week;

(C) the applicant is a parenting teen without a GED or high school diploma;

(D) the applicant is enrolled in job corps;

(E) the applicant is working with a refugee social services agency;

and (F) the applicant has completed the work program assessment within the last 12 months.

(3) The department for children and families shall maintain a sufficient level of dedicated work program staff to enable the agency to conduct work program case management services to TANF recipients in a timely manner and in full accordance with state law and agency policy.

(4) TANF mandatory work program applicants and recipients shall participate in work components that lead to competitive, integrated employment. Components are defined by the federal government as being either primary or secondary. In order to meet federal work participation requirements, households need to meet at least 30 hours of participation per week, at least 20 hours of which need to be primary and at least 10 hours may be secondary components. The following components meet federal definitions of primary hours of participation: Full or part-time employment, apprenticeship, work study, self-employment, job corps, subsidized employment, work experience sites, on-the-job training, supervised community service, vocational education, job search and job readiness. Secondary components include: Job skills training, education directly related to employment such as adult basic education and English as a second language, and completion of a high school diploma or GED.

(5) A parent or other adult caretaker personally providing care for a child under the age of three months in their TANF household is exempt from work participation activities until the month the child turns three months of age. The three-month period is defined as two consecutive months starting with the month after childbirth. The exemption for caring for a child under three months cannot be claimed.

(A) By either parent when two parents are in the home and the household meets the two-parent definition for federal reporting purposes;

(B) by one parent or caretaker when the other parent or caretaker is in the home, and available, capable and suitable to provide care and the household does not meet the two-parent definition for federal reporting purposes;

(C) by a person age 19 or younger when such person is pregnant or a parent of a child in the home and the person does not possess a high school diploma or its equivalent. Such person shall become exempt the month such person turns age 20.

1 support services prior to regaining eligibility;

2 (C) for a third penalty, one year and cooperation with child support
3 services prior to regaining eligibility; and

4 (D) for a fourth penalty, 10 years.

5 (11) Individuals that have not cooperated without good cause with
6 child support services shall be ineligible to participate in the food
7 assistance program. The period of disqualification ends once it has been
8 determined that such individual is cooperating with child support services.

9 (12) Any individual who is found to have committed fraud or is found
10 guilty of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2014
11 Supp. 21-5801, and amendments thereto, in either the TANF or child care
12 program shall render all adults in the family unit ineligible for TANF
13 assistance. Adults in the household who were determined to have
14 committed fraud or were convicted of the crime of theft pursuant to K.S.A.
15 39-720 and K.S.A. 2014 Supp. 21-5801, and amendments thereto, shall
16 render themselves and all adult household members ineligible for their
17 lifetime for TANF, even if fraud was committed in only one program.
18 Households who have been determined to have committed fraud or were
19 convicted of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2014
20 Supp. 21-5801, and amendments thereto, shall be required to name a
21 protective payee as approved by the secretary or the secretary's designee
22 to administer TANF benefits on behalf of the children. No adult in a
23 household may have access to the TANF cash assistance benefit.

24 (13) Food assistance shall not be provided to any person convicted of
25 a felony offense occurring on or after July 1, 2015, which includes as an
26 element of such offense the manufacture, cultivation, distribution,
27 possession or use of a controlled substance or controlled substance
28 analog. For food assistance, the individual shall be permanently
29 disqualified if they have been convicted of a state or federal felony offense
30 involving possession or use of a controlled substance or controlled
31 substance analog.

32 (14) No TANF cash assistance shall be used to purchase ~~items, such~~
33 ~~as~~ alcohol, cigarettes, tobacco products, lottery tickets or sexually
34 oriented adult materials. No TANF cash assistance shall be used in any
35 retail liquor store, casino, gaming establishment, sexually oriented
36 business or any retail establishment which provides adult-oriented
37 entertainment in which performers disrobe or perform in an undolied
38 state for entertainment, or in any business or retail establishment where
39 minors under age 18 are not permitted.

40 (15) The secretary for children and families shall adopt rules and
41 regulations;

42 (A) In determining eligibility for the child care subsidy program,
43 including an income of a cohabiting partner in a child care household;