

Session of 2016

SENATE BILL No. 372

By Committee on Public Health and Welfare

1-27

1 AN ACT concerning public assistance; relating to recovery of assistance
2 debt; verification of identity and income; fraud investigations; child
3 care subsidies; work requirements; lifetime benefit limits; amending
4 K.S.A. 39-719b and K.S.A. 2015 Supp. 39-702 and 39-709 and
5 repealing the existing sections.
6

7 WHEREAS, The provisions of this act shall be known as the Kansas
8 hope, opportunity and prosperity for everyone (HOPE) act.

9 Now, therefore:

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

11 Section 1. K.S.A. 2015 Supp. 39-702 is hereby amended to read as
12 follows: 39-702. The following words and phrases when used in this act
13 shall, for the purposes of this act, have the meanings respectively ascribed
14 to them in this section:

15 (a) "Secretary" means the secretary for children and families, unless
16 otherwise specified.

17 (b) "Applicants" means all persons who, as individuals, or in whose
18 behalf requests are made of the secretary for aid or assistance.

19 (c) "Social welfare service" may include such functions as giving
20 assistance, the prevention of public dependency, and promoting the
21 rehabilitation of dependent persons or those who are approaching public
22 dependency.

23 (d) "Assistance" includes such items or functions as the giving or
24 providing of money, food assistance, food, clothing, shelter, medicine or
25 other materials, the giving of any service, including instructive or
26 scientific. The definitions of social welfare service and assistance in this
27 section shall be deemed as partially descriptive and not limiting.

28 (e) "Temporary assistance to needy families" means financial
29 assistance with respect to or on behalf of a dependent child or dependent
30 children and includes financial assistance for any month to meet the needs
31 of the relative or qualifying caretaker with whom any dependent child is
32 living.

33 (f) "Medical assistance" means the payment of all or part of the cost
34 of necessary: (1) Medical, remedial, rehabilitative or preventive care and
35 services which are within the scope of services to be provided under a
36 medical care plan developed by the secretary pursuant to this act and

1 furnished by health care providers who have a current approved provider
2 agreement with the secretary; and (2) transportation to obtain care and
3 services which are within the scope of services to be provided under a
4 medical care plan developed by the secretary pursuant to this act.

5 (g) "Dependent children" means needy children under the age of 18,
6 or who are under the age of 19 and are full-time students in secondary
7 schools or the equivalent educational program who are in the care of a
8 biological or adoptive parent, court appointed guardian, conservator or
9 legal custodian and who are living with any relative, including first
10 cousins, uncles, aunts, and persons of preceding generations are denoted
11 by prefixes of grand, great, or great-great, and including the spouses or
12 former spouses of any persons named in the above groups, in a place of
13 residence maintained by one or more of such relatives as their own home.

14 (h) "The blind" means not only those who are totally and permanently
15 devoid of vision, but also those persons whose vision is so defective as to
16 prevent the performance of ordinary activities for which eyesight is
17 essential.

18 (i) "Recipient" means a person who has received assistance under the
19 terms of this act.

20 (j) "Intake office" means the place where the secretary shall maintain
21 an office for receiving applications.

22 (k) "Adequate consideration" means consideration equal, or
23 reasonably proportioned to the value of that for which it is given.

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

26 (m) "TANF diversion assistance" means a one-time voluntary
27 payment option in lieu of ongoing TANF assistance. The diversion
28 payment is available to applicants who have not received TANF assistance
29 as an adult, and is designed to meet a crisis or emergency hardship that
30 would endanger such applicants' ability to remain employed or to accept
31 an offer of employment. Any household that includes such recipient
32 accepting the diversion payment is ineligible to receive on-going TANF
33 assistance for 12 months after receipt of the diversion payment. Any
34 recipient who receives a diversion payment is limited to ~~42~~ ³⁰ months of
35 TANF cash assistance in a lifetime, unless such recipient shall meet a
36 hardship criteria as defined by the secretary.

37 (n) "Non-cooperation" means the failure of the applicant or recipient
38 to comply with all requirements provided in state and federal law, rules
39 and regulations and agency policy.

40 Sec. 2. K.S.A. 2015 Supp. 39-709 is hereby amended to read as
41 follows: 39-709. (a) *General eligibility requirements for assistance for*
42 *which federal moneys are expended.* Subject to the additional requirements
43 below, assistance in accordance with plans under which federal moneys

1 the applicant or recipient for TANF, child care subsidy or employment
2 services and all individuals living together in which there is a relationship
3 of legal responsibility or a qualifying caretaker relationship. This will
4 include a cohabiting boyfriend or girlfriend living with the person legally
5 responsible for the child. The family group shall not be eligible for TANF
6 if the family group contains at least one adult member who has received
7 TANF, including the federal TANF assistance received in any other state,
8 for ~~36~~ ²⁴ calendar months beginning on and after October 1, 1996, unless the
9 secretary determines a hardship exists and grants an extension allowing
10 receipt of TANF until the ~~48-month~~ ^{36-month} limit is reached. No extension beyond
11 ~~48 months~~ shall be granted. Hardship provisions for a recipient include:

12 (A) Is a caretaker of a disabled family member living in the
13 household;

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

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

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

20 (E) is determined by the ~~36th~~ ^{24th} month to have an extreme hardship other
21 than what is designated in criteria listed in subparagraphs (A) through (E).
22 This determination will be made by the executive review team.

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

34 (A) The applicant can document an existing certification verifying
35 completion of the work program assessment;

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

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

40 (D) the applicant is enrolled in job corps;

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

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

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

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

9 (D) by any adult in the TANF assistance plan when at least one adult
10 has reached the ~~36 months~~ of TANF cash assistance; or

24

11 (E) by any person assigned to a work participation activity for
12 substance use disorders.

13 (6) TANF work experience placements shall be reviewed after 90
14 days and are limited to six months per ~~48-month~~ lifetime limit. A client's
15 progress shall be reviewed prior to each new placement regardless of the
16 length of time they are at the work experience site.

36-month

17 (7) TANF participants with disabilities shall engage in required
18 employment activities to the maximum extent consistent with their
19 abilities. TANF participants shall provide current documentation by a
20 qualified medical practitioner that details the abilities to engage in
21 employment and any limitations in work activities along with the expected
22 duration of such limitations. Disability is defined as a physical or mental
23 impairment constituting or resulting in a substantial impediment to
24 employment for such individual.

25 (8) Non-cooperation is the failure of the applicant or recipient to
26 comply with all requirements provided in state and federal law, federal and
27 state rules and regulations and agency policy. The period of ineligibility
28 for TANF benefits based on non-cooperation with work programs shall be
29 as follows:

30 (A) For a first penalty, three months and full cooperation with work
31 program activities;

32 (B) for a second penalty, six months and full cooperation with work
33 program activities;

34 (C) for a third penalty, one year and full cooperation with work
35 program activities; and

36 (D) for a fourth or subsequent penalty, 10 years.

37 (9) Individuals that have not cooperated with TANF work programs
38 shall be ineligible to participate in the food assistance program. The
39 comparable penalty shall be applied to only the individual in the food
40 assistance program who failed to comply with the TANF work
41 requirement. The agency shall impose the same penalty to the member of
42 the household who failed to comply with TANF requirements. The penalty
43 periods are three months, six months, one year, or 10 years.