

HOUSE BILL No. 2032

By Representative Ward

1-18

1 AN ACT concerning social welfare; relating to eligibility requirements for
2 the Kansas program of medical assistance; amending K.S.A. 2012
3 Supp. 39-709 and repealing the existing section.
4

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

6 New Section 1. The changes to law in this act shall be known as the
7 Healthy Kansas Act.

8 Sec. 2. K.S.A. 2012 Supp. 39-709 is hereby amended to read as
9 follows: 39-709. (a) *General eligibility requirements for assistance for*
10 *which federal moneys are expended.* Subject to the additional requirements
11 below, assistance in accordance with plans under which federal moneys
12 are expended may be granted to any needy person who:

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

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

35 (b) *Assistance to families with dependent children.* Assistance may be
36 granted under this act to any dependent child, or relative, subject to the

1 general eligibility requirements as set out in subsection (a), who resides in
2 the state of Kansas or whose parent or other relative with whom the child
3 is living resides in the state of Kansas. Such assistance shall be known as
4 aid to families with dependent children. Where husband and wife are
5 living together both shall register for work under the program
6 requirements for aid to families with dependent children in accordance
7 with criteria and guidelines prescribed by rules and regulations of the
8 secretary.

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

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

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

23 (B) To qualify for general assistance in any form a needy person must
24 be a citizen of the United States or an alien lawfully admitted to the United
25 States and must be residing in the state of Kansas.

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

33 (3) In addition to the other requirements prescribed under this
34 subsection (d), the secretary shall adopt rules and regulations which
35 establish community work experience program requirements for eligibility
36 for the receipt of general assistance in any form and which establish
37 penalties to be imposed when a work assignment under a community work
38 experience program requirement is not completed without good cause. The
39 secretary may adopt rules and regulations establishing exemptions from
40 any such community work experience program requirements. A first time
41 failure to complete such a work assignment requirement shall result in
42 ineligibility to receive general assistance for a period fixed by such rules
43 and regulations of not more than three calendar months. A subsequent

1 failure to complete such a work assignment requirement shall result in a
2 period fixed by such rules and regulations of ineligibility of not more than
3 six calendar months.

4 (4) If any person is found guilty of the crime of theft under the
5 provisions of K.S.A. 39-720, and amendments thereto, such person shall
6 thereby become forever ineligible to receive any form of general
7 assistance under the provisions of this subsection (d) unless the conviction
8 is the person's first conviction under the provisions of K.S.A. 39-720, and
9 amendments thereto, or the law of any other state concerning welfare
10 fraud. First time offenders convicted of a misdemeanor under the
11 provisions of such statute shall become ineligible to receive any form of
12 general assistance for a period of 12 calendar months from the date of
13 conviction. First time offenders convicted of a felony under the provisions
14 of such statute shall become ineligible to receive any form of general
15 assistance for a period of 60 calendar months from the date of conviction.
16 If any person is found guilty by a court of competent jurisdiction of any
17 state other than the state of Kansas of a crime involving welfare fraud,
18 such person shall thereby become forever ineligible to receive any form of
19 general assistance under the provisions of this subsection (d) unless the
20 conviction is the person's first conviction under the law of any other state
21 concerning welfare fraud. First time offenders convicted of a misdemeanor
22 under the law of any other state concerning welfare fraud shall become
23 ineligible to receive any form of general assistance for a period of 12
24 calendar months from the date of conviction. First time offenders
25 convicted of a felony under the law of any other state concerning welfare
26 fraud shall become ineligible to receive any form of general assistance for
27 a period of 60 calendar months from the date of conviction.

28 (e) *Requirements for medical assistance for which federal moneys or*
29 *state moneys or both are expended.* (1) When the secretary has adopted a
30 medical care plan under which federal moneys or state moneys or both are
31 expended, medical assistance in accordance with such plan shall be
32 granted to any person who is a citizen of the United States or who is an
33 alien lawfully admitted to the United States and who is residing in the state
34 of Kansas, whose resources and income do not exceed the levels
35 prescribed by the secretary. In determining the need of an individual, the
36 secretary may provide for income and resource exemptions and protected
37 income and resource levels. Resources from inheritance shall be counted.
38 A disclaimer of an inheritance pursuant to K.S.A. 59-2291, and
39 amendments thereto, shall constitute a transfer of resources. The secretary
40 shall exempt principal and interest held in irrevocable trust pursuant to
41 subsection (c) of K.S.A. 16-303, and amendments thereto, from the
42 eligibility requirements of applicants for and recipients of medical
43 assistance. Such assistance shall be known as medical assistance.

1 (2) For the purposes of medical assistance eligibility determinations
2 on or after July 1, 2004, if an applicant or recipient owns property in joint
3 tenancy with some other party and the applicant or recipient of medical
4 assistance has restricted or conditioned their interest in such property to a
5 specific and discrete property interest less than 100%, then such
6 designation will cause the full value of the property to be considered an
7 available resource to the applicant or recipient. *For the purposes of*
8 *medical assistance eligibility determinations on or after January 1, 2014,*
9 *medical assistance shall also be granted to any adult under 65 years of*
10 *age, not pregnant and whose income does not exceed 133% of the federal*
11 *poverty level, to the extent permitted under the provisions of 42 U.S.C. §*
12 *1396a.*

13 (3) (A) Resources from trusts shall be considered when determining
14 eligibility of a trust beneficiary for medical assistance. Medical assistance
15 is to be secondary to all resources, including trusts, that may be available
16 to an applicant or recipient of medical assistance.

17 (B) If a trust has discretionary language, the trust shall be considered
18 to be an available resource to the extent, using the full extent of discretion,
19 the trustee may make any of the income or principal available to the
20 applicant or recipient of medical assistance. Any such discretionary trust
21 shall be considered an available resource unless: (i) At the time of creation
22 or amendment of the trust, the trust states a clear intent that the trust is
23 supplemental to public assistance; and (ii) the trust: (a) Is funded from
24 resources of a person who, at the time of such funding, owed no duty of
25 support to the applicant or recipient of medical assistance; or (b) is funded
26 not more than nominally from resources of a person while that person
27 owed a duty of support to the applicant or recipient of medical assistance.

28 (C) For the purposes of this paragraph, "public assistance" includes,
29 but is not limited to, medicaid, medical assistance or title XIX of the social
30 security act.

31 (4) (A) When an applicant or recipient of medical assistance is a party
32 to a contract, agreement or accord for personal services being provided by
33 a nonlicensed individual or provider and such contract, agreement or
34 accord involves health and welfare monitoring, pharmacy assistance, case
35 management, communication with medical, health or other professionals,
36 or other activities related to home health care, long term care, medical
37 assistance benefits, or other related issues, any moneys paid under such
38 contract, agreement or accord shall be considered to be an available
39 resource unless the following restrictions are met: (i) The contract,
40 agreement or accord must be in writing and executed prior to any services
41 being provided; (ii) the moneys paid are in direct relationship with the fair
42 market value of such services being provided by similarly situated and
43 trained nonlicensed individuals; (iii) if no similarly situated nonlicensed

1 individuals or situations can be found, the value of services will be based
2 on federal hourly minimum wage standards; (iv) such individual providing
3 the services will report all receipts of moneys as income to the appropriate
4 state and federal governmental revenue agencies; (v) any amounts due
5 under such contract, agreement or accord shall be paid after the services
6 are rendered; (vi) the applicant or recipient shall have the power to revoke
7 the contract, agreement or accord; and (vii) upon the death of the applicant
8 or recipient, the contract, agreement or accord ceases.

9 (B) When an applicant or recipient of medical assistance is a party to
10 a written contract for personal services being provided by a licensed health
11 professional or facility and such contract involves health and welfare
12 monitoring, pharmacy assistance, case management, communication with
13 medical, health or other professionals, or other activities related to home
14 health care, long term care, medical assistance benefits or other related
15 issues, any moneys paid in advance of receipt of services for such
16 contracts shall be considered to be an available resource.

17 (5) Any trust may be amended if such amendment is permitted by the
18 Kansas uniform trust code.

19 (f) *Eligibility for medical assistance of resident receiving medical*
20 *care outside state.* A person who is receiving medical care including long-
21 term care outside of Kansas whose health would be endangered by the
22 postponement of medical care until return to the state or by travel to return
23 to Kansas, may be determined eligible for medical assistance if such
24 individual is a resident of Kansas and all other eligibility factors are met.
25 Persons who are receiving medical care on an ongoing basis in a long-term
26 medical care facility in a state other than Kansas and who do not return to
27 a care facility in Kansas when they are able to do so, shall no longer be
28 eligible to receive assistance in Kansas unless such medical care is not
29 available in a comparable facility or program providing such medical care
30 in Kansas. For persons who are minors or who are under guardianship, the
31 actions of the parent or guardian shall be deemed to be the actions of the
32 child or ward in determining whether or not the person is remaining
33 outside the state voluntarily.

34 (g) *Medical assistance; assignment of rights to medical support and*
35 *limited power of attorney; recovery from estates of deceased recipients.* (1)
36 Except as otherwise provided in K.S.A. 39-786 and 39-787, and
37 amendments thereto, or as otherwise authorized on and after September
38 30, 1989, under section 303 ~~and amendments thereto~~ of the federal
39 medicare catastrophic coverage act of 1988, whichever is applicable, by
40 applying for or receiving medical assistance under a medical care plan in
41 which federal funds are expended, any accrued, present or future rights to
42 support and any rights to payment for medical care from a third party of an
43 applicant or recipient and any other family member for whom the

1 applicant is applying shall be deemed to have been assigned to the
2 secretary on behalf of the state. The assignment shall automatically
3 become effective upon the date of approval for such assistance without the
4 requirement that any document be signed by the applicant or recipient. By
5 applying for or receiving medical assistance the applicant or recipient is
6 also deemed to have appointed the secretary, or the secretary's designee, as
7 an attorney in fact to perform the specific act of negotiating and endorsing
8 all drafts, checks, money orders or other negotiable instruments,
9 representing payments received by the secretary in behalf of any person
10 applying for, receiving or having received such assistance. This limited
11 power of attorney shall be effective from the date the secretary approves
12 the application for assistance and shall remain in effect until the
13 assignment has been terminated in full. The assignment of any rights to
14 payment for medical care from a third party under this subsection shall not
15 prohibit a health care provider from directly billing an insurance carrier for
16 services rendered if the provider has not submitted a claim covering such
17 services to the secretary for payment. Support amounts collected on behalf
18 of persons whose rights to support are assigned to the secretary only under
19 this subsection and no other shall be distributed pursuant to subsection (d)
20 of K.S.A. 39-756, and amendments thereto, except that any amounts
21 designated as medical support shall be retained by the secretary for
22 repayment of the unreimbursed portion of assistance. Amounts collected
23 pursuant to the assignment of rights to payment for medical care from a
24 third party shall also be retained by the secretary for repayment of the
25 unreimbursed portion of assistance.

26 (2) The amount of any medical assistance paid after June 30, 1992,
27 under the provisions of subsection (e) is (A) a claim against the property or
28 any interest therein belonging to and a part of the estate of any deceased
29 recipient or, if there is no estate, the estate of the surviving spouse, if any,
30 shall be charged for such medical assistance paid to either or both, and (B)
31 a claim against any funds of such recipient or spouse in any account under
32 K.S.A. 9-1215, 9-1216, 17-2263, 17-2264, 17-5828 or 17-5829, and
33 amendments thereto. There shall be no recovery of medical assistance
34 correctly paid to or on behalf of an individual under subsection (e) except
35 after the death of the surviving spouse of the individual, if any, and only at
36 a time when the individual has no surviving child who is under 21 years of
37 age or is blind or permanently and totally disabled. Transfers of real or
38 personal property by recipients of medical assistance without adequate
39 consideration are voidable and may be set aside. Except where there is a
40 surviving spouse, or a surviving child who is under 21 years of age or is
41 blind or permanently and totally disabled, the amount of any medical
42 assistance paid under subsection (e) is a claim against the estate in any
43 guardianship or conservatorship proceeding. The monetary value of any

1 benefits received by the recipient of such medical assistance under long-
2 term care insurance, as defined by K.S.A. 40-2227, and amendments
3 thereto, shall be a credit against the amount of the claim provided for such
4 medical assistance under this subsection (g). The secretary is authorized to
5 enforce each claim provided for under this subsection (g). The secretary
6 shall not be required to pursue every claim, but is granted discretion to
7 determine which claims to pursue. All moneys received by the secretary
8 from claims under this subsection (g) shall be deposited in the social
9 welfare fund. The secretary may adopt rules and regulations for the
10 implementation and administration of the medical assistance recovery
11 program under this subsection (g).

12 (3) By applying for or receiving medical assistance under the
13 provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, such
14 individual or such individual's agent, fiduciary, guardian, conservator,
15 representative payee or other person acting on behalf of the individual
16 consents to the following definitions of estate and the results therefrom:

17 (A) If an individual receives any medical assistance before July 1,
18 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,
19 which forms the basis for a claim under subsection (g)(2), such claim is
20 limited to the individual's probatable estate as defined by applicable law;
21 and

22 (B) if an individual receives any medical assistance on or after July 1,
23 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,
24 *and amendments thereto*, which forms the basis for a claim under
25 subsection (g)(2), such claim shall apply to the individual's medical
26 assistance estate. The medical assistance estate is defined as including all
27 real and personal property and other assets in which the deceased
28 individual had any legal title or interest immediately before or at the time
29 of death to the extent of that interest or title. The medical assistance estate
30 includes, without limitation assets conveyed to a survivor, heir or assign of
31 the deceased recipient through joint tenancy, tenancy in common,
32 survivorship, transfer-on-death deed, payable-on-death contract, life estate,
33 trust, annuities or similar arrangement.

34 (4) The secretary of social and rehabilitation services or the
35 secretary's designee is authorized to file and enforce a lien against the real
36 property of a recipient of medical assistance in certain situations, subject
37 to all prior liens of record. The lien must be filed in the office of the
38 register of deeds of the county where the real property is located and must
39 contain the legal description of all real property in the county subject to the
40 lien. This lien is for payments of medical assistance made by the
41 department of social and rehabilitation services to the recipient who is an
42 inpatient in a nursing home or other medical institution. Such lien may be
43 filed only after notice and an opportunity for a hearing has been given.

1 Such lien may be enforced only upon competent medical testimony that
2 the recipient cannot reasonably be expected to be discharged and returned
3 home. A six-month period of compensated inpatient care at a nursing
4 home, nursing homes or other medical institution shall constitute a
5 determination by the department of social and rehabilitation services that
6 the recipient cannot reasonably be expected to be discharged and returned
7 home. To return home means the recipient leaves the nursing or medical
8 facility and resides in the home on which the lien has been placed for a
9 period of at least 90 days without being readmitted as an inpatient to a
10 nursing or medical facility. The amount of the lien shall be for the amount
11 of assistance paid by the department of social and rehabilitation services
12 after the expiration of six months from the date the recipient became
13 eligible for compensated inpatient care at a nursing home, nursing homes
14 or other medical institution until the time of the filing of the lien and for
15 any amount paid thereafter for such medical assistance to the recipient.

16 (5) The lien filed by the secretary or the secretary's designee for
17 medical assistance correctly received may be enforced before or after the
18 death of the recipient by the filing of an action to foreclose such lien in the
19 Kansas district court or through an estate probate court action in the
20 county where the real property of the recipient is located. However, it may
21 be enforced only:

22 (A) After the death of the surviving spouse of the recipient;

23 (B) when there is no child of the recipient, natural or adopted, who is
24 20 years of age or less residing in the home;

25 (C) when there is no adult child of the recipient, natural or adopted,
26 who is blind or disabled residing in the home; or

27 (D) when no brother or sister of the recipient is lawfully residing in
28 the home, who has resided there for at least one year immediately before
29 the date of the recipient's admission to the nursing or medical facility, and
30 has resided there on a continuous basis since that time.

31 (6) The lien remains on the property even after a transfer of the title
32 by conveyance, sale, succession, inheritance or will unless one of the
33 following events occur:

34 (A) The lien is satisfied. The recipient, the heirs, personal
35 representative or assigns of the recipient may discharge such lien at any
36 time by paying the amount of the lien to the secretary or the secretary's
37 designee;

38 (B) the lien is terminated by foreclosure of prior lien of record or
39 settlement action taken in lieu of foreclosure;

40 (C) the value of the real property is consumed by the lien, at which
41 time the secretary or the secretary's designee may force the sale for the real
42 property to satisfy the lien; or

43 (D) after a lien is filed against the real property, it will be dissolved if

1 the recipient leaves the nursing or medical facility and resides in the
2 property to which the lien is attached for a period of more than 90 days
3 without being readmitted as an inpatient to a nursing or medical facility,
4 even though there may have been no reasonable expectation that this
5 would occur. If the recipient is readmitted to a nursing or medical facility
6 during this period, and does return home after being released, another 90
7 days must be completed before the lien can be dissolved.

8 (7) If the secretary of social and rehabilitation services or the
9 secretary's designee has not filed an action to foreclose the lien in the
10 Kansas district court in the county where the real property is located
11 within 10 years from the date of the filing of the lien, then the lien shall
12 become dormant, and shall cease to operate as a lien on the real estate of
13 the recipient. Such dormant lien may be revived in the same manner as a
14 dormant judgment lien is revived under K.S.A. 60-2403 et seq., and
15 amendments thereto.

16 (h) *Placement under the revised Kansas code for care of children or*
17 *revised Kansas juvenile justice code; assignment of support rights and*
18 *limited power of attorney.* In any case in which the secretary of social and
19 rehabilitation services pays for the expenses of care and custody of a child
20 pursuant to K.S.A. 2012 Supp. 38-2201 et seq. or 38-2301 et seq., and
21 amendments thereto, including the expenses of any foster care placement,
22 an assignment of all past, present and future support rights of the child in
23 custody possessed by either parent or other person entitled to receive
24 support payments for the child is, by operation of law, conveyed to the
25 secretary. Such assignment shall become effective upon placement of a
26 child in the custody of the secretary or upon payment of the expenses of
27 care and custody of a child by the secretary without the requirement that
28 any document be signed by the parent or other person entitled to receive
29 support payments for the child. When the secretary pays for the expenses
30 of care and custody of a child or a child is placed in the custody of the
31 secretary, the parent or other person entitled to receive support payments
32 for the child is also deemed to have appointed the secretary, or the
33 secretary's designee, as attorney in fact to perform the specific act of
34 negotiating and endorsing all drafts, checks, money orders or other
35 negotiable instruments representing support payments received by the
36 secretary on behalf of the child. This limited power of attorney shall be
37 effective from the date the assignment to support rights becomes effective
38 and shall remain in effect until the assignment of support rights has been
39 terminated in full.

40 (i) No person who voluntarily quits employment or who is fired from
41 employment due to gross misconduct as defined by rules and regulations
42 of the secretary or who is a fugitive from justice by reason of a felony
43 conviction or charge shall be eligible to receive public assistance benefits

1 in this state. Any recipient of public assistance who fails to timely comply
2 with monthly reporting requirements under criteria and guidelines
3 prescribed by rules and regulations of the secretary shall be subject to a
4 penalty established by the secretary by rules and regulations.

5 (j) If the applicant or recipient of aid to families with dependent
6 children is a mother of the dependent child, as a condition of the mother's
7 eligibility for aid to families with dependent children the mother shall
8 identify by name and, if known, by current address the father of the
9 dependent child except that the secretary may adopt by rules and
10 regulations exceptions to this requirement in cases of undue hardship. Any
11 recipient of aid to families with dependent children who fails to cooperate
12 with requirements relating to child support enforcement under criteria and
13 guidelines prescribed by rules and regulations of the secretary shall be
14 subject to a penalty established by the secretary by rules and regulations
15 which penalty shall progress to ineligibility for the family after three
16 months of noncooperation.

17 (k) By applying for or receiving child care benefits or food stamps,
18 the applicant or recipient shall be deemed to have assigned, pursuant to
19 K.S.A. 39-756, and amendments thereto, to the secretary on behalf of the
20 state only accrued, present or future rights to support from any other
21 person such applicant may have in such person's own behalf or in behalf of
22 any other family member for whom the applicant is applying for or
23 receiving aid. The assignment of support rights shall automatically become
24 effective upon the date of approval for or receipt of such aid without the
25 requirement that any document be signed by the applicant or recipient. By
26 applying for or receiving child care benefits or food stamps, the applicant
27 or recipient is also deemed to have appointed the secretary, or the
28 secretary's designee, as an attorney in fact to perform the specific act of
29 negotiating and endorsing all drafts, checks, money orders or other
30 negotiable instruments representing support payments received by the
31 secretary in behalf of any person applying for, receiving or having
32 received such assistance. This limited power of attorney shall be effective
33 from the date the secretary approves the application for aid and shall
34 remain in effect until the assignment of support rights has been terminated
35 in full. An applicant or recipient who has assigned support rights to the
36 secretary pursuant to this subsection shall cooperate in establishing and
37 enforcing support obligations to the same extent required of applicants for
38 or recipients of aid to families with dependent children.

39 Sec. 3. K.S.A. 2012 Supp. 39-709 is hereby repealed.

40 Sec. 4. This act shall take effect and be in force from and after its
41 publication in the statute book.