

# STATE OF KANSAS



## ***TEMPORARY ASSISTANCE FOR NEEDY FAMILIES STATE PLAN***

**Effective October 1, 2017**

***Submitted Pursuant to Public Law 104-193  
The Personal Responsibility and Work Opportunity  
Reconciliation Act of 1996***



## **Kansas Temporary Assistance for Needy Families Program State Plan**

The Temporary Assistance for Needy Families (TANF) program is administered by the Kansas Department for Children and Families (DCF), Family Services Division. The agency's mission is to protect children, promote healthy families and encourage personal responsibility. The agency's objectives follow:

- Strengthen families
- Safely reduce the number of children in care
- Promote employment
- Exercise responsible stewardship of public resources
- Build public/private partnerships

The TANF program is State-administered and available in all political subdivisions of the state. The regulations, policies and procedures for the administration of the TANF program are promulgated at the DCF Administration level and implemented by field staff in the local offices.

### ***Part 1. TANF Program Descriptions***

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#### **TANF Cash Assistance**

TANF Purpose: 1  
Funding: TANF and State Maintenance of Effort

The purpose of this program is to provide temporary cash assistance to low-income families with at least one child in the home. The child may be an unborn baby or a child under age 18. The child may also be temporarily absent out of the home for up to 180 days, if the intent is for the child to return to the home. Cash assistance payments are made through Electronic Benefit Transfer (EBT). Eligibility for TANF is limited to those families whose income is less than 30 percent of the Federal Poverty Level. Eligibility, benefit standards and time limits are detailed in Appendix 1.

#### **TANF Non-Recurrent Expenditures**

TANF Purpose: 1  
Funding: TANF

Kansas provides a diversion (non-recurrent) payment for qualifying families in lieu of cash assistance. It is designed to assist a family in overcoming a short-term obstacle to employment with the goal of avoiding long-term dependence.

In addition, Kansas provided a gift card benefit to TANF and food assistance families during the short timeframe of the implementation of the new eligibility system. This benefit allowed Kansas to support low-income families while the KAECSES eligibility system was being converted to the new Kansas Eligibility and Enforcement (KEES).

#### **Family Preservation**

TANF Purpose: 1  
Funding: TANF and State Maintenance of Effort

Family Preservation Services are intensive in-home services offered to families who are in imminent danger of having a child come into the custody of the State and removed from their home unless the family can make the changes necessary to provide adequate care and safety. Families must be below 244 percent of the Federal Poverty Level (FPL) to qualify for this program. Services assist the family in identifying and understanding the problems within the family that place a child at risk of out-of-home placement and assists them in finding ways to change how the family unit functions. It is the expectation that the delivery of services will decrease the number of children placed in foster care and maintain intact troubled families without additional costly services. There are no work requirements for program recipients. Examples of the services provided for family preservation include the following:

- In-home family therapy
- Individual therapy
- Case management
- Custody supervision
- Parenting education
- Homemaker education
- Advocacy
- Attendant care
- Respite care

#### **Four-Year-Old At-Risk Program**

TANF Purpose: 1  
Funding: State Maintenance of Effort

This program provides early childhood education programs for four-year-old, at-risk children. The objectives of this program are to help preschool children acquire the tools necessary to successfully transition to kindergarten, increase parent participation during the elementary years, reduce the number of at-risk children retained in grade during their primary school years and reduce the number of at-risk children who are referred for special education evaluations.

The Four-Year-old, At-Risk program is available for families who meet one of the following criteria:

- Below 130 percent of the FPL
- The custodial parent is unmarried
- At least one parent was a teen when the child was born
- The child was referred by DCF, Prevention and Protection Services (PPS)
- At least one parent lacks a high school diploma or GED
- The child is developmentally or academically delayed, based on validated assessment
- The child has limited English proficiency

#### **Kansas Early Head Start**

TANF Purpose: 1 and 3  
Funding: TANF

The Kansas Early Head Start (KEHS) program provides early, continuous, intensive and comprehensive child development and family support services to families, pregnant women and children. Services provided include, but are not limited to: promoting healthy prenatal outcomes for pregnant women; aiding in-school readiness by enhancing children's physical, mental and oral health, nutrition, early childhood education, financial literacy, family engagement and strengthening, marriage education and job training. These services are to be provided through home visits with home-based providers. KEHS grantees are required to

ensure their program is supportive and nurturing of families and responds to their needs. Care given must meet the needs of the individual child and be sensitive to the cultural, linguistic and familial needs. The KEHS program provides direct services to families with incomes below 100 percent of the FPL. Ten percent of the enrollment is reserved for children with special needs. Services to special-needs children are not limited to families with incomes below 100 percent of poverty.

### **TANF Employment Services**

TANF Purpose: 2  
Funding: TANF and State Maintenance of Effort

TANF provides employment preparation services to TANF cash assistance recipients and to former TANF recipients during the 12-month period following cash assistance. The goal of these services is to provide the opportunities for TANF recipients to advance in the labor market and reach self-reliance. Kansas is committed to helping welfare recipients remove employment barriers, improve their employment histories, and improve the quality of their jobs. The expectation is that adults will be engaged in full-time unsubsidized employment before their 24-month TANF time limit expires.

All adult TANF recipients, except those with a child less than two months of age and those needed in the home to care for a disabled household member, must meet work requirements to continue receiving cash assistance for their family. Recipients are placed in assignments that best address individual needs. Minimum weekly requirements are 20 or 30 hours in a one-adult household, depending on whether there is a child under the age of six. Minimum weekly requirements are 35 or 55 hours in two-adult households, depending on whether State-subsidized child care is provided. The maximum assignment is 40 hours per week per individual. Applicants are required to complete a self-assessment and an orientation. Participants will be engaged in work as soon as they are determined ready through the employment assessment process, but not later than three months (nonconsecutive) after the initial receipt of TANF cash assistance.

Kansas opts out of the Community Service Option, which requires a parent or caretaker receiving TANF assistance to participate in community service employment after receiving such assistance for a period of two months.

Kansas opts out of the Family Violence Option and will continue to count the months of assistance in the 24-month time limit. However, individuals who need an extension of time to overcome the effects of domestic violence or sexual assault may remain on assistance up to 36 months.

Employment preparation services include job search, job-readiness activities, job-retention activities, education, job-skills training, case management, supervised community service and work experience. Supportive services are also available to TANF recipients and former TANF recipients transitioning to employment. These services include transportation, child care and special services allowance as well as case management, contracted employment services, a work-retention payment, education and training. Eligibility for Employment Services is limited to those families whose income is less than 30 percent of the Federal Poverty Level.. TANF Employment Services are detailed in Appendix 2.

### **State Earned Income Tax Credits**

TANF Purpose: 2  
Funding: State Maintenance of Effort

Kansas provides a State earned income tax credit (EITC) to low-income families who meet the eligibility guidelines for the federal earned income tax credit. The State EITC is based on a percentage of the federal earned income tax credit. This tax credit serves as an incentive for adults to work and helps reduce welfare dependency. The State claims Maintenance of Effort (MOE) from the amount of the State EITC, which is

refunded to families, less the estimated portion that is subject to State debt setoff. EITC is limited to working families with low to moderate income levels, based on Internal Revenue Service tax rates.

### **Child Care Assistance for TANF Families**

TANF Purpose: 2  
Funding: State Maintenance of Effort

Child care is provided to TANF families as a support service to enable the adult to participate in work activities or education/training. State expenditures for TANF families receiving child care assistance are claimed toward the State MOE. Child care for TANF families is limited to those whose income is less than 30 percent of the Federal Poverty Level.

### **Child Care Assistance for Employed Families**

TANF Purpose: 2  
Funding: TANF and State Maintenance of Effort

The Child Care for Employed Families program provides financial assistance to families to assist with child care costs. Families must show a need for child care, such as employment, education or training. Families must be below 185 percent of the FPL to qualify for this program. The Child Care for Employed Families program promotes family economic self-reliance and helps children succeed in school and in life through affordable, high-quality early care and education and after school programs.

### **Substance Abuse Case Management**

TANF Purpose: 2  
Funding: TANF

This program includes expenditures for screening, assessment, multi-disciplinary care management and individualized care coordination for TANF participants with substance abuse issues. This program is designed to assist those with substance abuse issues to maintain sobriety in order to reduce barriers to employment and increase family stability.

### **Communities In Schools of Mid-America**

TANF Purpose: 3  
Funding: TANF

Communities In Schools of Mid-America provides case management services to at-risk students, with a focus on improving academics, behavior, attendance and graduation rates. Services provided will meet TANF purpose 3 to prevent and reduce the incidence of out-of-wedlock pregnancies by providing intervention and improved life prospects for students who show evidence of failing, dropping out or engaging in negative behaviors that can lead to dependency, out-of-wedlock births, imprisonment, and/or other undesirable outcomes that may result in the detriment and impoverishment of youth.

### **Communities In Schools of Mid-America Child Well-Being**

TANF Purpose: 3  
Funding: TANF

The Communities In Schools of Mid-America Child Well-Being (CIS of Mid-America Child Well-Being) model focuses on increasing family strengths and stability by engaging parents/guardians (with special effort to

those who are the most difficult to engage) and providing integrated student supports to children. CIS Site Coordinators serve as a bridge between the school and businesses, faith groups and other agencies to mobilize local resources to bring an array of needed services to students and families.

### **Jobs for America’s Graduates**

TANF Purpose: 3  
Funding: TANF

The Jobs for America’s Graduates – Kansas (JAG-K) program helps students at risk of failing in school, provides an avenue for achieving academically and assists students in ultimately earning recognized credentials that will make it possible for them to exit school and enter post-secondary education and/or the workforce. Services provided meet TANF purpose 3 (to prevent and reduce the incidence of out-of-wedlock pregnancies) by providing intervention and improved life prospects for students who show evidence of failing, dropping out or engaging in negative behaviors that can lead to dependency, out-of-wedlock births, imprisonment, and/or other undesirable outcomes that may result in the detriment and impoverishment of youth. Eligible participants must face at least three designated barriers to success which include academic, personal, environmental or economic barriers.

### **Kansas Reading Roadmap**

TANF Purpose: 3  
Funding: TANF

The fundamental goal of the Kansas Reading Roadmap is to improve the percentage of fourth graders reading at grade level. Approximately \$10 million is committed to this program. Early literacy problems become more pronounced in middle and high school. Research reveals that academic failure leads to other social problems, creating a high correlation between early elementary reading problems and the eventual dropping out of high school, teen pregnancy and involvement with the juvenile and adult corrections systems. This initiative brings together a coordinated framework of targeted interventions proven to meet individualized needs. It is structured to include different levels of intervention based on students’ individual needs. It starts with a limited intervention and progresses to a more intensive level, as appropriate, for the child’s success. At least 45 rural sites and 10 urban sites participate. The grant also includes funds for an evaluation.

### **Accelerating Opportunities – Kansas**

TANF Purpose: 2  
Funding: TANF

Accelerating Opportunities – Kansas (AO-K) is a career pathway program designed to deliver career and technical education simultaneously with adult basic skills or remedial instruction. Students complete short-term certificate programs aligned with labor market needs, leading to industry-endorsed credentials and immediate jobs. JAG-K graduates are eligible for extended training for marketable skills through the Kansas Board of Regents Community Colleges and Technical Schools. By providing post-secondary education with supportive services through the AO-K model, JAG-K graduates will continue to achieve success. These career-related activities are designed to improve employment readiness.

### **Project Impact**

TANF Purpose: 3  
Funding: TANF

The Project IMPACT Youth Action Network targets 700 primarily black, Hispanic and multiracial youth, aged 14-17 years, who reside in the state’s most high-risk/low-protective counties, defined as those with 12 or

more combined risk and protective factors. These issues range from early initiation into and favorable attitudes toward antisocial behavior and drug use to gang involvement, to a variety of family challenges. These factors also include academic failure, low school commitment, and the stress of living in at-risk communities. The purpose of Project IMPACT Leadership programs is to decrease the risk factors (drop-out rates, out-of-wedlock births, negative contact with the juvenile justice system) and increase protective factors (graduation, fewer out-of-wedlock births, no contact with the criminal justice system), thereby meeting TANF purpose 3.

**e.p.i.c.skillz**

TANF Purpose: 3  
Funding: TANF

The e.p.i.c.skillz program is an expanded learning opportunity for middle school students offering an alternative pathway to earning high school credit. The program is designed to build workforce skills, promote innovative thinking, increase engagement and incentivize experiential learning for at-risk youth. Students in Kansas Digital Badging and Credentialing System (KDBCS) build essential skills for college and career readiness through hands-on learning activities in and out of the classroom. The program's name "e.p.i.c.skillz," reflects an effort to appeal to the target-age group. This effort targets schools in rural Kansas and in need of those dropout prevention services and programming for at-risk students.

**Kansas Parent Education Program (KPEP)**

TANF Purpose: 3  
Funding: TANF

The Kansas Parent Education Program (KPEP) is an evidence-based parenting education and family support model serving families throughout pregnancy until their child is 72 months. Families receive personal visits typically in their homes from certified parent educators; group connections; developmental, health, hearing and vision screenings; and linkages with community resources. The model has four goals: to increase parent knowledge of early childhood development and improve parenting practices; provide early detection of developmental delays and health issues; prevent child abuse and neglect; and increase children's school readiness and success. It is adaptable to the needs of diverse families, cultures and special populations.

**Early Learning Kansas (ELK)**

TANF Purpose: 3  
Funding: TANF

The overarching focus of the Early Learning Kansas (ELK) program is to use research-based and intentional practices to improve the quality of the early learning experiences provided to children participating in the Early Learning Kansas program, resulting in increased readiness for success as they enter kindergarten and the elementary school years. The model has four components, each of which is based upon research and evidence, and has been shown to support quality in early learning and promote later success in school.

- Community Collaboration
- Family Engagement
- High Quality Early Learning Experiences
- Successful Children

**Healthy Families Program**

TANF Purpose: 3

Funding: TANF

This subprogram provides grants to fund early childhood home visitation programs, beginning at birth and continuing to age three or five. The purpose of this grant is to promote child well-being by strengthening families. Intensive home visitations are part of this program. Services are limited to families whose income is less than 200% of the FPL.

### **Domestic Violence/Sexual Assault (DV/SA)**

TANF Purpose: 2, 3 and 4

Funding: TANF

This program includes expenditures for TANF recipients to promote safety planning, mentoring services, healthy relationship training, conflict-resolution training, financial literacy training and responsible parenting skills for DV/SA survivors. Expenditures for non-TANF participants for financial literacy, responsible parenting through education, counseling, mentoring and mediation, conflict resolution, healthy relationship education and skills training, and out-of-wedlock pregnancy prevention, are provided to DV/SA survivors and their families. This is in keeping with TANF purposes 3 and 4.

### **Kansas Alliance of Boys and Girls Club**

TANF Purpose: 3 and 4

Funding: TANF

The Boys & Girls Club provides a comprehensive abstinence-based teen pregnancy prevention and education program to at-risk youth in Hutchinson, Manhattan, Wichita, Topeka, Lawrence, Kansas City, Coffeyville, Ft. Leavenworth, Kickapoo Tribe in Horton, Potawatomi Nation in Mayetta and the Iowa Tribe in White Cloud. Curriculums are utilized to develop skills to resist alcohol, tobacco and other drugs, as well as prevent pregnancy and premature sexual activity through abstinence-based curriculum. Other curriculum includes skill building regarding healthy relationships, career exploration, job-readiness, placement and career decision-making support.

### **Fatherhood and Healthy Families Services**

TANF Purpose: 3 and 4

Funding: TANF

Fatherhood and pro-family services range from targeted interventions to pre-release prisoners and at-risk neighborhoods to marriage education and mentoring to adults and families in poverty. Examples of these services include:

- Healthy Marriage Education provides an array of services to include one-on-one individual and couple support, marriage education and activities to strengthen family bonds and healthy relationships. There are no income eligibility criteria; however, these services are provided to families in poverty.
- Healthy Family Supports provides prevention services to families at risk of their children being removed from their home. Supports include in-home coaching, referral to community-based services/programs and other resources, respite care and other similar services.
- Targeted Support to High Need Populations provides employment, healthy marriage and family relationship training, responsible fatherhood training and positive parenting skills education.
- Assigned volunteer case manager mentors to men receiving assistance from local community agencies. The initiative provides workforce readiness skills, cognitive-skill building, job placement and retention, health and wellness, parenting skills, financial education, literacy and GED.

### **Father Engagement Experience**



TANF Purpose: 4  
Funding: TANF

Father Engagement Experience strategically assists DCF to plan and develop customized goals, objectives and actions around father engagement. Curriculum is designed with the culture of the agency in mind. Staff utilize this curriculum with clients, for the desired goal of increasing father involvement in the lives of their children. Assessment of the program revolves around four categories: 1) Leadership Development; 2) Organizational Development; 3) Program Development; and 4) Community Engagement.

### **TANF Fatherhood Program**

TANF Purpose: 4  
Funding: TANF

Fatherhood and pro-family services range from targeted interventions to pre-release prisoners and at-risk neighborhoods to marriage education and mentoring to adults and families in poverty. The purpose of the fatherhood services is to engage fathers in the lives of their children. DCF has contracted with National Fatherhood Initiative. This contractor is to provide guidance on the father engagement experience to help the agency develop customized goals, objectives and actions around father engagement. This guidance will enable DCF to customize a program to accomplish the DCF goals and objectives related to father engagement.

### **HOPE Mentoring Program**

TANF Purpose: 2, 3 and 4  
Funding: TANF

The HOPE Mentoring program provides pathways for TANF clients to access beneficial resources through the empowerment of a mentoring relationship. The program is designed to increase self-reliance and attain independence in a variety of living situations, including gainful and meaningful employment, responsible and effective parenting; and thriving, healthy families by building one-on-one relationships with the mentee and offer support and friendship to help the mentee reach his/her goals.

### **Urban Scholastic Center (USC)**

TANF Purpose: 3 and 4  
Funding: TANF

The Urban Scholastic Center (USC) serves urban/inner-city children and youth to offer a wide array of services to benefit students grade K-12, including literacy, after school and evening educational programs. USC is actively involved in seven schools in the Kansas City, Kan. school district, along with neighborhood outreach and through special reading programs at the center. USC aims to help increase a child's desire to want to read and develop a love for reading and learning. In addition, USC recruits community leaders to work with people within their own community to make a positive impact and instill a system of values that promotes honorable living, improves students' academic performance, enhances their leadership skills and empowers them to make a positive contribution to the community. The client population that benefits is children from low-income families, primarily urban/inner-city youth K-12<sup>th</sup> grades with the majority within Wyandotte County, Kan. Indigenous leaders also work with the children in various programs.

The grant supports strengthening and preserving families, removes disincentives to marriage and collaboration with community and faith-based organizations.

## Family Emergency Assistance

TANF Purpose: Expenditures authorized solely under prior law  
Funding: TANF

The Kansas Family Emergency Assistance State Plan, effective July 1995, sets out the following eligibility requirements and service limits:

- **Eligibility.** Abuse, neglect and abandonment of a child qualify as emergency situations. Similarly, situations resulting in a child being at risk of transfer of custody, an out-of-home placement, or an institutional placement, qualify as emergencies. In addition, the child must have lived recently with a parent or caretaker. Foster care cases qualify for emergency services. Services and assistance necessary to meet the emergent need are allowable as long as the assistance is not provided under Title IV-E foster care services or Title XIX Medicaid services.
- **Allowable Services for TANF Expenditures.** The following services are provided to children and families:
  - Needs assessment and investigation
  - Shelter, foster care, kinship care, or group residential care for children
  - Emergency shelter
  - Rental assistance (Up to \$400 per month for two months; also, rent deposit up to \$400)
  - Adaptation of client residence
  - Emergency utilities (up to \$500), home repair (up to \$1,000), home furnishings (up to \$1,000), clothing (up to \$250 per person)
  - Other goods and services to meet emergent family needs up to \$1,000
  - Case management, counseling, therapy, in-home intensive family services, parenting education, household management training, family support and development services, child care and respite care, and any other social services necessary to alleviate an emergent situation and maintain a child in the home
- **Duration of Services.** Emergency services are limited to a maximum of 364 days in a 12-month period.

### **Part 2. Fair and Equitable Treatment**

Eligibility for assistance is based on financial and non-financial eligibility guidelines, which are the same statewide. A statewide matrix of benefit levels, as established by Kansas Administrative Regulation, are used to determine the amount of assistance for each eligible family. Eligibility guidelines and benefit levels are published in the Kansas Administrative Regulations and in the Kansas Economic and Employment Services Manual. The manual is available to the public on the internet and is available for review in the DCF offices. Changes to regulations require approval of the State's Rules and Regulations Board, comprised of State representatives and senators, a representative of the Kansas Department of Administration, and the Kansas Attorney General. Regulation changes are published in the *Kansas Register*, announced in an open meeting and held in abeyance for 30 days for comment.

### **Part 3. State Administrative Appeal Process**

Current applicants/recipients, former applicants/recipients or other interested persons (including vendors) who are dissatisfied with any action concerning the furnishing or denial of TANF assistance have the right to conciliation, an administrative review, a fair hearing, and a review by the State Appeals Committee. Once those avenues have been exhausted, the matter may be appealed to the district court. The appeal process is detailed in Appendix 4.

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#### ***Part 4. Disclosure of Information about Individuals and Families Receiving Assistance***

Rules on the disclosure of information are found in Appendix 5.

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#### ***Part 5. Summary of Activities to Reduce Out-of-Wedlock Births and Promote Marriage***

The Boys & Girls Club provides a comprehensive Teen Pregnancy Prevention and Education program to at-risk youth in Hutchinson, Manhattan, Wichita, Topeka, Lawrence and Kansas City. Curriculums develop skills to resist alcohol, tobacco and other drugs, and as well as pregnancy prevention and premature sexual activity through abstinence-based curriculum. Other curriculum includes skill building regarding healthy relationships, career exploration, job readiness, placement and career decision-making support. Each of these skills help to reduce out-of-wedlock pregnancy.

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#### ***Part 6. Strategies for Reducing Out-of-Wedlock Births, Particularly Teen Pregnancies***

Kansas is directing TANF funds, under TANF Purpose 3 and 4, to programs such as JAG-K, Communities In Schools of Mid America (CIS-Mid America), Kansas Reading Roadmap and the Kansas Alliance for the Boys & Girls Club. These programs focus on high-risk children with the goal of keeping them in school through education, reading at grade level, mentorships and real-life skill building. Children with a high school diploma are less likely to have children out-of-wedlock. Goals for these programs include ninety percent high school graduation rates, 80% positive outcomes (employment, enlistment in military or enrolled in higher education) after graduation, increase in school attendance and academic scores, reduction in school suspensions, increased knowledge of the benefits of sexual abstinence, reduction in contact with the juvenile justice system and many others.

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#### ***Part 7. Strategies to Assist in Employment in Eldercare***

DCF, in partnership with the Kansas Department of Commerce, applied for and received a Health Profession Opportunity grant from the Administration for Children and Families (ACF) in October 2015. This grant, designed to educate and train 500 TANF recipients and other low-income individuals in high-demand occupations in the health care field, is available for up to five years. Kansas Health Professions Opportunity Project (KHPOP) features several innovative elements: career coaches, incentives for GED completers, financial assistance for employers, high-definition video conferencing, Work Opportunity Tax Credit and Federal Bonding. Training is available for a wide variety of fields, beginning with CNAs, CMAs, and continuing up through four years of educational occupations. Training is also available for stackable credentials or licenses, thereby providing ongoing training to eligible participants. By providing these opportunities to Kansans in medical fields, we are opening up employment opportunities to those previously-ignored populations. Kansas is in the forefront of providing skilled medical workers needed for

care in long-term care facilities and in-home care for the elderly. Enrollment in the KHPOP program for fiscal years 2015 through 2017 exceeds 600 students, with 319 students completing courses to receive certifications. A total of 2,939 participants were enrolled in the first KHPOP grant. The partnership between KDOC and DCF continues to provide skilled workers in the fields of Registered Nurses (182), Licensed Practical Nurses (131), Certified Nursing Assistants (249), Home Health Aides (13), and Certified Medical Assistants (26).

### ***Part 8. State Statutory Rape Prevention and Education Program***

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The Kansas Coalition on Domestic Violence and Sexual Assault provides training and technical assistance to local rape crisis centers as well as local police departments upon request. Training may include the issue of statutory rape. Training is provided without distinguishing between genders. The YWCA offers sexual violence prevention programs, which include boys at the Shawnee County Juvenile Detention Center and programs at high schools and middle schools, utilizing *Menswork* curriculum and *Men Can Stop Rape* resource. The Topeka Police Department is creating a training curriculum designed specifically around the issue of statutory rape. This training is available to school resource counselors and other law enforcement offices throughout the State of Kansas. Kansas Annotated Statute 21-3502, Crimes and Punishment also does not distinguish between genders.

## ***Kansas TANF State Plan Certifications***

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I, Phyllis Gilmore, Secretary of the Kansas Department for Children and Families (DCF) hereby certify the following:

- Kansas will operate a Child Support Enforcement program approved under Part D of the State Plan.
- Kansas will operate a foster care and adoption assistance program approved under Part E of the State Plan and will take such actions as necessary to ensure that children receiving assistance under such part are eligible for medical assistance under the Title XIX State Plan.
- DCF will administer and supervise the program under Part A in all political subdivisions of Kansas.
- Local governments and private sector organizations in Kansas have been consulted regarding the plan and design of welfare services in Kansas and have had 45 days to comment on the plan and design of services. The State collaborates with representatives from all relevant State agencies (DCF, Human Resources, Education, Board of Regents, Kansas Department of Commerce and the Kansas Department of Health and Environment), welfare advocates and community partners throughout the year. Substantive State Plan changes are published in the *Kansas Register* with 45 days for public comment. Announcement of the submittal of a revised State Plan was made in the September 2017 *Kansas Register*. No changes have been made to the State Plan since October 2017.
- Kansas will provide each member of an Indian tribe, who is domiciled within Kansas, and ineligible for assistance under a tribal family assistance plan approved under Section 412, with equitable access to assistance under this plan.
- Kansas has established and is enforcing standards and procedures to prevent program fraud and abuse, including enforcing standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks and the use of political patronage.

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**Phyllis Gilmore**  
**Secretary, Kansas Department for Children and Families**

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**Date**

## **Appendix 1: TANF Cash Assistance Eligibility, Benefits, and Time Limits**

**Eligibility.** TANF eligibility is restricted to those families whose resources and countable income do not exceed budgetary standards. In determining countable income, consideration is given to the income of all mandatory filing unit members, including parents, stepparents and cohabiting partners of the legally-responsible adult in the home and all children of the parents, stepparents and cohabiting partners in the home and their natural or adopted siblings (the income of Social Security recipients is excluded). Other persons in a household may be included at the household's discretion if they are related by blood or marriage within the degree of relationship specified in the Kansas Economic and Employment Services Manual (KEESM) or a legal guardian, conservator or custodian. If included, their income and resources are also considered. All school-age children, between the ages of seven and 18, must be enrolled in school, including home schooling, for the family to be eligible for assistance.

- **Persons Moving to Kansas from Another State.** Persons moving to Kansas from another state will be treated no differently than Kansas residents. They will be eligible for the same benefits and services. Their need and payment standards will be identical to those of other Kansas residents in the same county with the same household size.
- **Assistance for Immigrants.** Kansas will provide TANF-funded assistance to all qualified aliens allowed by the Personal Responsibility and Work Opportunity Reconciliation Act. Non-excepted qualified aliens arriving on or after Aug 22, 1996, are barred from receiving TANF assistance for their first five years in the United States. Once the five-year bar has expired, those qualified aliens will be eligible for TANF-funded assistance. Eligible non-citizens will have eligibility and benefits determined in the same manner as citizens.
- **Drug-related Felonies.** Any person convicted on or after July 1, 2013 of a state or federal felony offense, which includes an element of the offense of manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog is ineligible for TANF for five years from the date of the conviction for a first offense. Second offenses occurring after July 1, 2013 are ineligible for TANF for their lifetime.
- **Drug Testing.** The Kansas legislature passed legislation mandating suspicion-based drug testing for applicants and recipients when there appears to be unlawful use of a controlled substance or controlled substance analog. This statute was implemented on July 1, 2014. The definition of a controlled substance and the list of such substances, is defined in K.S.A. 65-4105 and 65-4107. The definition of a controlled substance analog is that which is intended for human consumption, has a chemical structure of which is substantially similar to the chemical structure of a controlled substance and that has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to a controlled substance. Penalties for those who test positive for unlawful use of a controlled substance or controlled substance analog are:
  - For first failures, ineligibility for the individual results until substance abuse treatment and a skills-training course is complete.
  - For second failures, there is one year of ineligibility, and the individual must undergo substance abuse treatment and a skills-training course.
  - For third or subsequent failures, there is lifetime ineligibility for TANF assistance for the individual.
  - Penalties for refusals to test are:

1. Individuals who refuse to submit to drug testing will be ineligible for TANF for six months for the first refusal.
2. For second refusals, the individual will be ineligible for TANF for 12 months.
3. For third refusals, there is lifetime ineligibility for TANF.

To regain eligibility after a refusal, an individual must complete drug testing and skills training.

- **Fraud.** Adults who are found to have committed fraud, either through an administration disqualification hearing or by a court of appropriate jurisdiction, or who have signed either a waiver of right to an administrative disqualification hearing or a disqualification consent agreement in cases referred for prosecution, render themselves and all adult household members ineligible to participate in TANF and child care for their lifetime. Households that fail to cooperate in a fraud investigation are ineligible for assistance until cooperation occurs.

**Time Limit.** With the exception of households receiving a diversion payment, eligibility for TANF ceases once one adult in the family has received TANF cash assistance for 24 months, whether or not consecutive. Members of households receiving a diversion payment are limited to a lifetime maximum of 18 months of assistance. Cases that have closed after reaching the 24-month time limit in another state are ineligible for TANF cash assistance in Kansas.

The State will provide hardship exemptions, up to a maximum of 36 months, to the time limit for TANF households based on the following criteria:

- Is a caretaker of a disabled family member living in the household;
- Has a disability that precludes employment on a long-term basis or requires substantial rehabilitation;
- Needs a time-limit extension to overcome the effects of domestic violence/sexual assault;
- Is involved with Prevention and Protection Services (PPS) and has an open social service plan verified by PPS; and
- Is determined by the 24th month to have a hardship other than what is designated in criteria 1– 4.

**Benefit Determination.** Cash payments for persons in their own home are based on standardized allowances for basic needs, such as food, clothing, utilities, household and personal needs and shelter. The amount of direct cash assistance paid to a family is based on the difference between the need standard and countable income. The financial criteria are applicable for both State and federal funding. Changes to income and resource guidelines or the need standards are announced in the Kansas Register with a 30-day period for public comment.

- **Income and Resources.** Certain income and resources are exempt for all assistance plan members, including:

- The home in which the family resides
- Household assets of less than \$2,250
- Educational accounts for minors (529 plans)
- Vehicles where exempt by policy (i.e. used for employment, seeking employment, education or training, or to produce income)
- Household equipment and furnishings in use, personal effects and tools in use
- Earnings of children
- \$90 plus 60 percent of adult recipient's earnings

- Funds in an individual development account (IDA) earmarked for the purpose of post-secondary education, first-time home purchase, business capitalization (as the above are defined in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996), and/or assistive technology
  - Certain annuities when payments are being paid out and counted as income
- **Benefit Structure.** A percentage reduction of the shelter allowance is included in the standard for persons in shared living arrangements. The following table reflects the maximum need and payment standards:

Family Size	Rural County	High Cost Rural County	High Population Counties	High Cost High Population Counties
<b><i>Non-shared Living Arrangements</i></b>				
1	\$224	\$229	\$241	\$267
2	\$309	\$314	\$326	\$352
3	\$386	\$391	\$403	\$429
4	\$454	\$459	\$471	\$497
5 +	Add \$61 for each additional person			
<b><i>Shared Living Arrangements</i></b>				
1	\$168	\$170	\$175	\$186
2	\$263	\$265	\$271	\$284
3	\$349	\$352	\$359	\$375
4	\$421	\$425	\$432	\$449
5 +	Add \$61 for each additional person			

- **Limitations on Use of TANF Cash Assistance.** Kansas has implemented a policy stating no TANF cash assistance may be transacted/used in any retail liquor store, casino, gaming casino, gaming establishment, jewelry store, tattoo parlor, massage parlor, body piercing parlor, spa, nail salon, lingerie shop, tobacco paraphernalia store, vapor cigarette store, psychic or fortune telling business, bail bond company, video arcade, movie theater, swimming pool, cruise ship, theme park, dog or horse racing facility, pari-mutuel facility, or sexually oriented business or any retail establishment that provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, or in any business or retail establishment where minors under age 18 are not permitted. No TANF cash assistance benefits may be used to buy alcohol, cigarettes, tobacco products, lottery tickets, concert tickets, professional or collegiate sporting event tickets or tickets for other entertainment events intended for the general public or sexually oriented adult materials.



No TANF cash assistance shall be used for purchases at points of sale (POS) outside the state of Kansas. The Fraud Navigator will be utilized to block out of state points of sales transactions.

Kansas is contracting with FIS Government Payment Services and its Fraud Navigator Cash Blocking capability. The Fraud Navigator allows for identification of usage by a client and transaction blocking by establishment.

The Fraud Navigator tools are based on:

- Merchant Category Codes (MCC) (liquor stores, casino, etc.);
- ATM Terminal IDs (located in casinos, adult entertainment sites, etc.); and
- Point-of-Sale terminal IDs (liquor store located in a grocery store; the terminal located at the liquor store would be blocked).

The Fraud Navigator also allows for monitoring and reporting on benefits used for restricted transactions.

Cash recipients will continue to have adequate access to benefits. The current Kansas Benefits Card contractor is required to ensure access within 25 miles to any recipient and provide at least one point of access in every county. No transactions will be allowed at Merchant Category Code sites identified as restricted. ATM and POS sites would be utilized to ensure benefit access in remote areas. There is no place in Kansas where there is not adequate access for use of an Kansas Benefits Card, however, we continually monitor if any restrictions placed on benefits adversely affect adequate access to benefits. If an access desert is identified, DCF will resolve on a case-by-case basis.

ATM transactions are assessed a fee of \$1, not including the bank's ATM fee. Clients receive two free POS transactions per month. Additional POS transactions cost an additional 40 cents per transaction. No fees are charged for a cash purchase or for cash back received while making a purchase. Clients may also purchase a money order as a cash purchase or as a separate purchase after receiving cash back from the retailer. A Kansas Benefits Card brochure is provided with each Kansas Benefits Card outlining usage, policy and fees associated with the use of the Kansas Benefits Card.

The Kansas Benefits Card Project Team regularly meets with the vendor to implement the Fraud Navigator software and enforce restrictions placed on benefits. The Kansas Benefits Card Project Team continues to identify and prioritize the best use of these newly-obtained tools.

- ***Child Care Disregards.*** Child care disregards are generally claimed only for the month of application when an eligible working family has already incurred an expense. The State collects no data on the type of child care providers used in these very limited situations. During the period of applicant job search and following approval of assistance, the State pays child care expenses directly and has data available on the types of child care providers used.

## Appendix 2: TANF Employment Services

Based on the DCF philosophy that the best way out of poverty is employment, an Employment Services Unit was formed. The unit is within DCF's Economic and Employment Services (EES). Goals are to (1) build a common sense of philosophy and mission, (2) develop a more uniform service model, (3) develop a performance-based contract system, and (4) to modify the applicant job search to be more structured.

The definition of work, support services, transitional services, the consequences for failing work requirements follow. All work activities listed in Section 407 are included in the State's definition of work. Program rules specify staff must assign all participants to a primary component for at least 20 hours per week unless a compelling reason exists not to do so. Staff performance is evaluated based on compliance with this requirement. Management reports to monitor this compliance have been developed. Participants who do not comply with their assigned work activities are sanctioned as described below.

**Definition of Work.** The following activities meet the State's definition of work that are used for federal participation:

- **Unsubsidized Employment:** This activity includes employment that is full or part time, including: self-employment, apprenticeships and internship/practicums that pay a wage or salary.
- **Subsidized Public Employment:** Contracted employment, such as temporary staffing in the public sector, federal work study, Job Corps or Workforce Investment Opportunity Act (WIOA) paid work experience in which the wages are subsidized by TANF or other public funds.
- **Subsidized Private Employment:** Employment in the private sector in which the wages are subsidized by TANF or other public funds. This could include, but is not limited to, work study, WIOA work experience, temporary staffing and other work experience opportunities.
- **Work Experience:** An unpaid, supervised assignment to help the client develop work history, improve work habits and increase self-confidence and esteem. Work experience may occur in the public or private sector. (Displacement policies and procedures are detailed in Appendix 3.)
- **On-the-Job Training:** Paid employment that provides significant and/or additional training in the knowledge and skills necessary to perform one's job. Training would be based on a well-defined plan and may be subsidized or unsubsidized, in either the public or private sector. (Displacement policies and procedures are detailed in Appendix 3.)
- **Supervised Community Service:** Work that is performed for the direct benefit of the community and the individual in a variety of capacities while under supervision. This includes, but is not limited to, AmeriCorps, Volunteers in Service to America (VISTA), faith-based organizations, probation conditions, substance abuse recovery centers, animal shelters, etc.
- **Vocational Education:** Employment training that prepares individuals for employment in current or emerging occupations. This includes, but is not limited to, skill-specific certificate programs, work towards an associate's baccalaureate degree, language instruction, or online distance learning.
- **Job Search/Job-readiness:** The following are considered job search/job readiness for those who are otherwise employable:

- Individual or Group Job Search: Supervised individual job search or workshops designed to build job search competency and support the individual in searching and interviewing for job openings
- Job-readiness: This includes, but is not limited to, community or agency workshops and/or support groups designated to enhance life skills and remove barriers that may prevent obtaining and retaining employment, including rehabilitation activities, such as short-term physical therapy.
- Job-readiness Case Management: One-on-one services to help remove employment barriers and assist the participant in learning and adhering to employers' general expectations.
- Job-skills Training Directly Related to Employment: Training or education that is customized to job-specific skills required by an employer to obtain employment or to adapt to the changing demands of the workplace.
- Education-related to Employment: Education activities that include Adult Basic Education, English as a Second Language and other courses designed to provide knowledge and skills for a specific job.
- Secondary School Attendance: This activity includes participant's efforts toward obtaining a GED and/or completing a high school degree, particularly for those under 20 years of age.

**Support Services.** The following support services are available to persons who are engaged in work or work activities:

- Transportation Assistance. The amount of payment is based on individual need.
- Special Services Allowance. This allowance is used to obtain goods and services needed for employment or participation in a work activity. This includes, but is not limited to, a vehicle purchase, uniforms, tools and car repair.
- Relocation Allowance. Up to \$1,500 is available to pay rent, deposits and moving costs when the move is to accept a verified offer of employment.
- Volunteer Family Mentor. One-on-one support for generalized life management and parenting skills as well as work adjustment services.
- Education/Job Skills Training/Vocational Education Costs. This includes funding for tuition, books, fees, mandatory supplies and uniforms for approved plans.
- The total of the above support services may not exceed \$5,000 per TANF client each 12-month period without the approval of EES supervisors on a case-by-case basis.
- Employment Services. These are case management and contracted job retention services necessary to help an individual retain employment.
- Contracted Employment Services. This is used to provide additional or more intensive education, training and job retention services with contacted providers. Payment for these services shall be made according to the amount authorized in the agreement between the agency and the provider, and are not included in the \$5,000 limit.

- Work Retention Payment. These payments are issued as follows:
  - A \$100 support payment is issued on the client's EBT account after documentation has been received that the TANF benefits have ended due to employment, and the client is eligible for transitional services or the Work Incentive Payment.
  - A \$300 support payment is issued on the client's EBT account after documentation has been received showing that he/she has worked 90 consecutive days from the close of the TANF benefits without a break of more than two working days.
- Child Care. All persons who receive cash assistance or who meet the income eligibility guidelines of the child care subsidy program may receive child care assistance if needed for employment, education or training. For those not on cash assistance, the amount of child care subsidy assistance is determined based on income.
- Work Incentive Payments: Effective Jan. 1, 2009, incentive payments are given to participants, who would otherwise become ineligible for TANF due to excess earned income, during the first five months of their employment. For the Work Incentive Payment, the gross income limit is set at the Kansas median income of \$56,857. The Work Incentive Payment will continue to count towards the 24-month time limit.

**Transitional Services.** TANF offers persons leaving cash assistance the following transitional services for up to 12 months:

- Transportation assistance
- Special Services Allowance (to purchase goods and services necessary for employment)
- Case management services
- Contracted employment services (job retention services necessary to help an individual retain employment)
- All persons who receive cash assistance or who meet the income-eligibility guidelines of the child care subsidy program may receive child care assistance if needed for employment, education or training. For those not receiving cash assistance, the amount of child care subsidy assistance is determined based on income. There is no family share for the first two months after cash assistance ends.

**Failure to Meet Program Requirements.** If a parent refuses to comply with the work activities outlined in his/her self-sufficiency plan or with child support enforcement requirements without good cause, the entire family loses all TANF assistance. Penalties are applied in a tiered manner. The first non-cooperation renders the household ineligible for three months; the second penalty, six months; the third penalty, one year; and the fourth and subsequent penalty, 10 years. The household must cooperate prior to the case reopening for the first, second and third penalties.

To ensure that sanctions and determinations of ineligibility are applied uniformly and appropriately, the following guidelines are applied in all instances of work program and child support enforcement noncooperation:

- There is documented evidence that the person was made aware of the specific participation requirement.
- There is documented evidence that the person was informed of the consequences for failing to meet the specific expectations.

- The expectations are realistic for the person to complete.
- At the point non-cooperation is first reported or discovered, the EES worker checks with PPS to determine if there is any child welfare activity that might support good cause for the parent's failure to meet requirements. If good cause is not established, the EES supervisor reviews the case circumstances before the worker can take final action to apply the penalty.

**Good Cause Criteria.** An individual is deemed to have good cause for failure to meet work-related requirements if the individual presents the following verification:

- The person was exempt at the time of the failure;
- There was no bona fide offer of employment or training;
- The person was incapable of performing the work or training;
- The work or training was dangerous or hazardous according to Occupational Safety and Health Administration (OSHA) standards;
- The payment offered for employment was less than the federal minimum wage;
- Child care or adult day care for an incapacitated family member living in the home was necessary for an individual to participate, such care was not available and the agency failed to provide such care;
- The total daily commuting time exceeded two hours or the community standard, whichever is longer, not including the transporting of a child to and from a child care facility;
- The failure occurred during the two-month postpartum period following pregnancy termination;
- The person was a victim of family violence whereby compliance with program requirements would increase risk of harm for the individual or children in the home; and/or
- The single custodial parent was unable to obtain needed child care for a child under six due to one or more of the following reasons:
  - Unavailability of appropriate child care within a reasonable distance from the individual's home or work site.
    1. Appropriate Child Care: A regulated facility that meets or exceeds minimum licensing and registration regulations. A non-regulated, legally-exempt provider who has completed a Health and Safety Standards Check List CC-1631 and maintains a facility that meets or exceeds minimum standards
    2. Reasonable Distance: Total daily transport time to and from home to the child care provider does not exceed two hours or the community standard, whichever is longer.
  - Unavailability or unsuitability of informal child care by a relative or under other arrangements; care for which DCF would not enter into a provider agreement, including a relative who is unwilling to care for child, age inappropriateness, or documentation of family services/protective services case histories.
  - Unavailability of appropriate and affordable formal child care arrangements (and the agency fails to provide such care); the family has sufficient income or assistance through the child care subsidy program to pay the costs of care

The procedure for determining the unavailability of appropriate child care is based on client self-declaration. DCF requests the help of the appropriate local child care resource and referral network to verify the unavailability of appropriate child care and explores the clients' options with them when it seems prudent to do so.

### **Appendix 3: Work Experience and On-the-Job Training Work Displacement Policy**

DCF is responsible for resolving displacement complaints arising as a result of a TANF recipient's participation in a work experience or on-the-job (OJT) training placement. DCF provides a notice regarding employees' non-displacement rights to all work places that utilize work experience and OJT participants and notifies the workplace that the notice is to be posted in locations where currently-employed staff may review them.

**Grievance Procedures.** Many private employers have established their own employment related grievance procedures, and these procedures are utilized when available. If the employer's procedures do not lead to satisfactory results for the complainant, or if the employer has not developed an employee grievance process, the following grievance procedures are utilized:

- **Step 1:** The complainant may file a written grievance with the DCF Regional Director or designee, requesting an informal resolution, or the complainant may file a written grievance directly to the designated State Hearing Officer. The written grievance shall contain the following information and shall be filed with either the DCF Regional Director or designee if an informal resolution is desired or with a qualified State hearing agency if desiring a formal resolution within 30 working days of the occurrence complained of:
  - Date of occurrence
  - Place of occurrence
  - Time of occurrence
  - Names of witnesses to the occurrence
  - Narrative of occurrence
  - Previous training counseling and discipline related to the occurrence
  - Whether a grievance was pursued through the private employer, and if so, the result and documentation of the result

If the written grievance is filed with the DCF Regional Director or designee, the local office has 14 days from the date the written grievance is received to investigate and provide a written decision to the complainant and responder. If the written grievance is filed with the qualified hearing agency, the grievance will follow the same procedures utilized in Step 2 below.

- **Step 2:** If the decision reached by the DCF Regional Director or designee fails to meet the complainant's satisfaction, the complainant has five days from the receipt of an DCF Regional Director's or designee's decision to request an impartial hearing to appeal the DCF Regional Director or designee's decision. The DCF Regional Director or designee must ensure that an impartial hearing is conducted by a qualified State Hearing Officer within a reasonable amount of time not to exceed 60 days.

If the complainant decides to bypass the informal resolution and desires formal resolution, as stated in Step 1, the grievance must be filed with a qualified State hearing agency within 30 days of occurrence, containing the information outlined in Step 1, and the complainant must receive a hearing within 60 days from the date the complaint is filed.

The State hearing agency will schedule a hearing within 45 days of the receipt of the written grievance or appeal. The complainant and respondent shall receive written notice of the hearing date at least 10 days prior to the hearing. This written notice shall contain the date, time and place of hearing. The hearing shall occur on the record, and the complainant and respondent will have the opportunity to

present evidence, bring witnesses, cross examine witnesses, be represented by counsel and receive a written final decision.

The complainant may request a continuance of the hearing for up to 10-days, but in no instance shall the hearing exceed the 60-day requirement from the original filing of the grievance or the appeal.

The written final decision of the impartial hearing board shall contain findings of fact, supporting evidence and conclusions of law. This written decision shall be issued within 25 days from the hearing date, and in no instance, can exceed 90 days from the date of the originally filed grievance or appeal.

- ***Appeals to the Secretary of Labor:*** Should the decision of the State issued through the qualified hearing board fail to satisfactorily resolve the grievance, the complainant can appeal the State decision to the Office of Administrative Law Judges, U.S. Department of Labor, Vanguard Building, Room 600, 1111 20th St. NW, Washington, D.C. 20036.

This appeal must be filed with the Office of Administrative Law Judges within 20 days of receipt of the State's final decision. The complainant shall send copies of the appeal to the Assistant Secretary for Employment and Training, U.S. Department of Labor, 200 Constitution Ave. NW, Washington, D.C. 20210 and to the Assistant Secretary for Family Support, Department of Health and Human Services, 330 C Street, S.W., Washington, D.C. 20201. The appeal must contain the following:

- The full name, address and telephone number of the complainant
- The provisions of the statute or regulations believed to have been violated
- A copy of the original complaint filed by the complainant with the State
- A copy of the State's findings and decision regarding the appellant's complaint

#### **Appendix 4: State Administrative Appeal Process**

**Appeal Rights/Process.** Current applicants/recipients, former applicants/recipients or other interested persons (including vendors) who are dissatisfied with any action concerning the furnishing or denial of TANF assistance have the right to conciliation, an administrative review, a fair hearing and a review by the State Appeals Committee. Once those avenues have been exhausted, the matter may be appealed to the district court.

**Request for Fair Hearing.** A request for an administrative review must be made within 30 days of the agency decision.

- Every participant is informed in writing of the right to a fair hearing and the method of obtaining such a hearing on the notice of action and at the time of any subsequent action affecting social services.
- A request for a fair hearing must be submitted in writing within 30 days of the agency decision to the Administrative Hearings Section or to the local/regional office.
- The local DCF office must submit to the Administrative Hearings Section an appeal summary within 15 days of the receipt of the request. The summary must set forth the following information:
  - Identifying information, including the participant's name, address, sex, age, members of the household and telephone number;
  - Name(s) and title(s) of local staff who will represent the agency at the hearing;
  - A concise summary stating why the participant is filing a request for a fair hearing;
  - A brief chronological summary of the agency's action(s) in relationship to the participant's request for a fair hearing;
  - A citation of applicable policies relied upon by the local/regional office;
  - A copy of the notice sent to the participant of the decision/action in question; and
  - Copies of applicable correspondence, service plans, etc.
- Services will not be suspended, reduced or discontinued if a fair hearing request is received prior to the effective date of action (but is subject to recovery by the agency if its action is sustained), until an initial decision of the hearing officer is rendered in the matter, unless:
  - The request for a hearing concerns the suspension of program payments to a provider
  - A change (except the matter under appeal) affecting the recipient's service eligibility status occurs while the hearing decision is pending, and the recipient fails to request a hearing after notice of the change.

In any case where action was taken without timely notice, if the recipient requests a hearing within 10 days of the mailing of the notice of the action, and the agency determines that the action resulted from other than the application of federal or State law or policy or a change in federal or State law, services shall be reinstated and continued until a decision is rendered, except as set forth above.

Recipients are promptly informed in writing if services are to be terminated pending the fair hearing decision.

- The fair hearing decision is implemented on the 18th day following the decision being mailed to the client and local/regional office, unless an application for review is filed by the participant with the State Appeal Committee within the 15-day period unless otherwise advised by counsel. The fair hearing decision shall be automatically stayed until the application for review is disposed.



- When the hearing decision is favorable to the participant, the agency promptly makes corrective payments from the date the incorrect action was taken.
- When the hearing decision upholds agency action, any overpayment made during the fair hearing process is recovered.

### ***Dismissal of Request for Fair Hearing***

Dismissal of a fair hearing request is solely a function and duty of the Administrative Hearing Section.

Dismissal can occur if:

- The request is received more than 30 days from the date of decision or requests for agency action.
- The request is withdrawn by the applicant.
- The request concerns the validity of a federal or State law, regulation.
- An appellant, without good cause, fails to appear (by himself/herself or by an authorized representative) at the hearings scheduled for the appellant.
- The request concerns an issue that the appellant is already raising against the agency in a court of law.
- See *Kansas Administrative Regulations 30-7-64 through 30-7-79*.

## **Appendix 5: Disclosure of Information about Individuals and Families Receiving Assistance**

These rules are found in the Kansas Administrative Regulations 30-4-40.

### **Information to be Safeguarded:**

- Names and addresses, including a list of recipients;
- Information related to the social and economic conditions or circumstances of a particular individual, including wage information obtained from the agency administering the state unemployment compensation laws, the Social Security Administration or the Internal Revenue Service;
- Agency evaluation of information about a particular individual; and
- Medical data, including diagnosis and past history of disease or disability, concerning a particular individual.

### **General Procedures Regarding Disclosure of Information:**

- Determine if the rules and guidelines in this manual section restrict or allow the disclosure of the information.
- Obtain clearance from a supervisor or area director, and/or agency attorney before disclosing information when there is doubt about the legitimacy of its disclosure.
- Temporarily restrict the disclosure of information until:
  - The records can be arranged, so as not to disclose non-requested or other privileged information.
  - Adequate supervision of the record can be provided when the request is for case record inspection or copying.
  - Required or requested clearance or consent to disclose the information has been received.
- Document in the case record what information was disclosed, to whom, and the date of disclosure.

Exception: Information disclosed to DCF employees in the performance of official duties.

### **Case Information Made Available to the Participant:**

Information entered in the case record, unless already purged, is made available for inspection and copying upon request of the participant or the participant's guardians at a time mutually agreeable to the agency and client or guardian, except as set forth below:

- Case information is not disclosed over the telephone.
- Information provided by other DCF programs, such as Supplemental Nutrition Assistance Program, Rehabilitation Services, and Mental Health providers is not made available to the participant.
- Second party information (medical, psychiatric or investigative reports, social histories, summaries, evaluations, school records, etc.) compiled and provided by medical practitioners or non-DCF professionals/agencies and DCF summaries of these documents are not released.
- When a specific request for disclosure of second-party information is received, the participant/guardian is advised that the information must be obtained directly from the practitioner, professional or agency that compiled the information, unless the second party provides DCF with a signed written consent to disclose the information.
- The names and addresses of complainants or informants are not made available to the participant.

### **Case Information Available to DCF Employees:**

Case information is disclosed to DCF employees only when the information is needed in the performance of official duties.

- Information is not disclosed over the phone, unless the caller has adequately identified himself/herself by name, DCF position and place of DCF employment.

- Information concerning a recipient is not disclosed to another DCF employee without the signed written consent of the recipient unless the purpose of such disclosure is connected with the administration of a State or federally-assisted program that provides assistance, in cash or in kind, or services directly to individuals on the basis of need for which the employee is responsible.
- When there is some question as to the disclosure of information to another DCF employee, the question is referred to the DCF Regional Director for clearance.

**Case Information Available to Non-DCF Employees/Sources:**

All case information is disclosed to auditors performing official auditing duties after they have adequately identified themselves by showing official identification credentials.

Information may be disclosed to non-DCF employees/sources (courts, legislators, defense attorneys, prosecuting attorneys, police offices, FBI agents, doctors, service agencies, landlords, creditors, loan agencies, relatives, news media, etc.), if such disclosure is based upon one of the following situations:

- When the participant/guardian consents to disclosure in writing and has been granted access to the information to be disclosed (Exception: information may be disclosed without written consent of the participant/guardian in emergency situations, such as death, confirmed abuse, neglect, exploitation, and accident, if disclosure is deemed to be in the best interest of the participant).
- When the disclosure of information is directly connected to the administration of DCF programs, such as establishing eligibility and providing services, which include obtaining services from non-DCF agencies/individuals through purchase or without cost.

Following are some guidelines for disclosure under this situation:

- Only that information necessary to accomplish the purpose of the disclosure is disclosed.
- Second party information is disclosed only when written, signed permission is obtained from the individual/agency who compiled and submitted the information to DCF.
- Information is disclosed to individuals or representatives of non-DCF welfare agencies or programs only when they give assurances that:
  - The confidential character of the information will be preserved.
  - The information will be used only for the purpose for which it is made available.
  - The standards of confidentiality established by the non-DCF agency/individual requesting the information must be at least equal to those established by DCF itself with regard to information by staff and the provision of office procedures regarding confidentiality. These assurances are provided when there is a service contract with DCF.
  - When disclosure concerns the intent of a participant to commit a crime, such information and the information necessary to prevent the crime is disclosed to the appropriate authorities
  - When the disclosure is directly connected to an investigation, prosecution or civil proceeding conducted in connection with the administration of DCF programs
  - When the disclosure is authorized by a state plan/agreement developed by DCF in accordance with the federal Social Security Act or any other federal programs providing federal financial assistance and services; for example, SSI, OASDI, Title I - Department of Education, federal auditors

**Court Testimony**

If staff members are served with subpoenas or other court orders to produce records and/or testify in court concerning client information that is not authorized to be disclosed, they shall:

- Notify legal staff;
- Appear with the records, subpoenas, if any, at the time and place stated in the subpoena unless otherwise instructed by a DCF attorney;
- Make the following statement (after being sworn in) in response to the first material statement: “The information you seek is confidential and privileged, and I am authorized to disclose that information only upon an order from the court to do so”;
- Provide the court and each attorney with a copy of the statement that also includes, the references; and
- Testify further according to the ruling and instructions of the court.

#### **Unauthorized Disclosure of Confidential Information**

A DCF employee who knowingly discloses confidential information concerning an applicant or recipient (present or past) in violation of the provisions set forth in this section is subject to:

- Appropriate disciplinary action (official reprimand, suspension, demotion, dismissal, etc.).
- Criminal prosecution, and if convicted, may be fined up to \$1,000 and/or sentenced to the county jail for a period not to exceed six months.