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Laura Howard, Secretary

Laura Kelly, Governor

December 29, 2020

Clarence H. Carter, Director
Office of Family Assistance
Administration for Children and Families
U.S. Department of Health and Human Services
330 C St. S.W.
Washington, D.C. 20201

Mr. Clarence H. Carter:

Enclosed is the Kansas TANF State Plan effective October 1, 2020.

Any inquiries concerning this document should be addressed to Lucas Osborn, 555 S. Kansas Ave., 4th Floor, Topeka, KS 66603. Lucas can also be reached by phone at 785-296-2968 or by email at Lucas.Osborn@ks.gov.

Sincerely,

Laura Kelly, Governor
State of Kansas

cc: Theresa Renfrow, TANF Program Specialist, Administration for Children and Families, 601 E. 12th St., Room 349, Kansas City, MO 64106

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STATE OF KANSAS



TEMPORARY ASSISTANCE FOR NEEDY FAMILIES STATE PLAN

Effective October 1, 2020

***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

Accelerating Opportunities – Kansas (AO-K)

TANF Purpose: 2
Funding: TANF

Accelerating Opportunities – Kansas is a career pathway program designed to deliver career and technical education concurrently with adult basic skills or remedial instruction. Students complete short-term certificate programs that are aligned with labor market needs and lead to industry-endorsed credentials and immediate jobs. Jobs for America’s Graduates-Kansas (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.

Child Care Assistance for Employed Families

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

The Child Care Assistance for Employed Families program provides financial support to families to assist with child care costs. Families must show a personal need for child care such as employment, education or

training. To qualify for this program, families' income must be below 185 percent of the Federal Poverty Level. The Child Care Assistance 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.

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, education or 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.

Communities in Schools of Mid-America (CIS)

TANF Purpose: 3 and 4
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 pregnancies, imprisonment and/or other undesirable outcomes that may result in the detriment and impoverishment of youth. Services will also meet TANF purpose 4 to encourage the formation and maintenance of two-parent families. This will be achieved by assisting families of the youth served with purpose 3 connect with resources via workshops and toolkits in their communities.

Domestic Violence/Sexual Assault (DV/SA)

TANF Purpose: 2, 3 and 4
Funding: TANF

This program includes expenditures for TANF (purpose 2) and non-TANF (purposes 3 and 4) participants who are survivors of DV/SA. Services provided include safety planning, counseling, mentoring, mediation services, healthy relationship training, conflict-resolution training, financial literacy training, responsible parenting skills and out-of-wedlock pregnancy prevention. Eligibility for TANF participants is limited to those families whose income is less than 30 percent of the Federal Poverty Level.

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 if 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, childcare 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.

Family Preservation

TANF Purpose: 1
Funding: TANF

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 the home unless the family can make the changes necessary to provide the child adequate care and safety. Families must be below 244 percent of the Federal Poverty Level to qualify for TANF funding for Family Preservation. 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 assist participants in finding ways to change how the family unit functions resulting in positive outcomes. 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 participants. Each contracted Family Preservation agency provides Evidence Based Programs under two tiers of services. Tier One is an intensive four to six-week program with a master's-level provider. Tier Two is a three to six-month program with services from a bachelor-level case manager and a family support worker.

Examples of the services provided for family preservation include the following:

- In-home family therapy
- Individual therapy
- Case management
- Custody supervision
- Parenting education
- Advocacy

Family Preservation

TANF Purpose: 3
Funding: TANF

The Family Preservation TANF program provides coaching and support to children and youth between the ages of seven and 18 who are exhibiting behaviors known to lead to truancy or are actively struggling to attend school. Services include mentoring, teaching coping strategies, social skills and approaches to appropriately manage family issues. The program meets TANF purpose 3 by preventing behaviors that can lead to dependency, out-of-wedlock pregnancies, imprisonment or other negative outcomes.

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. Income of eligible families falls below 130 percent of the Federal Poverty Level.

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

- 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

Generating Opportunities to Attain Lifelong Success (GOALS)

TANF Purpose: 2
Funding: TANF

GOALS is an employment and training program. This voluntary program provides intensive case management services to Supplemental Nutrition Assistance Program (SNAP) recipients up through 130 percent of the Federal Poverty Level based on individual assessments. Services include job search, job readiness training, employment supports, tools, training and educational opportunities, and any additional service designed to promote employment. Services are available to pregnant women and families with a child in the home through age 17, or 18 if in high school. Participating families cannot concurrently receive TANF Cash Assistance or concurrently be eligible for TANF-funded support services.

Healthy Families America Program

TANF Purpose: 4
Funding: TANF

This grant funds an early childhood home visitation program targeting children beginning at birth and continuing to age three. The purpose of this grant is to promote child and family well-being by strengthening families. Intensive home visitations are part of this program. Services are limited to families who are at-risk and low income.

International Rescue Committee (IRC) – Trauma Adapted Family Connections (TA-FC)

TANF Purpose: 4
Funding: TANF

TA-FC is an evidence-based, manualized intervention that addresses trauma that impedes participants' ability to form and maintain health relationships, and helps families achieve and maintain stability. Intervention services target at-risk families and include programming aimed at improving caregiver functioning, positive parenting practices and connections to social supports and community services.

Jobs for America's Graduates – Kansas (JAG-K)

TANF Purpose: 3
Funding: TANF

The JAG-K program helps students at risk of failing in school by providing an avenue for students to achieve academically and by assisting 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 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 pregnancies, imprisonment, or other undesirable outcomes. Eligible participants are at risk for perpetuating a cycle of poverty due to experiencing academic, personal, environmental or economic barriers. Through the JAG-K Transition Services program supports are provided to foster care youth within the schools to increase the likelihood these students successfully complete high school and are prepared to continue their education or enter the workforce.

Kansas Alliance of Boys & Girls Clubs

TANF Purpose: 3
Funding: TANF

The Kansas Alliance of Boys & Girls Clubs provides evidence-based and informed prevention programming in three primary categories: Health & Wellness, Good Character & Citizenship, and Academic Success for the purpose of reducing pre-identified risky behaviors. Expected outcomes of programming are the reduction of unplanned pregnancies, increased academic achievement, and a reduction in the need for future public assistance.

Kansas Early Head Start (KEHS)

TANF Purpose: 1 and 3
Funding: TANF

The KEHS program provides early, continuous, intensive and comprehensive child development and family support services to families, pregnant women and children. Services provided include promoting healthy prenatal outcomes for pregnant women; aiding in-school readiness by enhancing children's physical, non-medical mental and oral health, nutrition, early childhood education; financial literacy, strengthening family engagement; healthy relationship training; job skills training. These services are 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 Federal Poverty Level. 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.

Kansas Preschool Pilot (KPP)

TANF Purpose: 3
Funding: TANF

The overarching focus of KPP is to use research-based and intentional practices to improve the quality of the early learning experiences provided to children participating in the Kansas Early Learning program resulting in increased readiness for success as students 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

KVC Behavioral Healthcare – Project Rise Pilot

TANF Purpose: 3 and 4
Funding: TANF

Project Rise provides services in eight counties in Northeast Kansas. Services focus on engaging at-risk families and improving social and health outcomes associated with poverty including social determinants of health, financial literacy and social support networks. Case management and crisis stabilization services are offered to participating families to increase opportunities for families to experience positive outcomes.

Project IMPACT

TANF Purpose: 3
Funding: TANF

Project IMPACT is specifically designed to identify, cultivate, recruit, retain and graduate multicultural and first-generation students. The program primarily targets high school youth who reside in eight of Kansas’s most high-risk, low-protective counties defined as those with 12 or more combined high-risk and low-protective factors. These defining issues include early initiation into and favorable attitudes toward antisocial behavior, drug use and gang involvement, and 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 is to decrease risk factors: drop-out rates, out-of-wedlock pregnancies, and negative contact with the juvenile justice system, and increase protective factors: high school graduation, fewer out-of-wedlock pregnancies and no contact with the criminal justice system.

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, thereby, reduce dependency on public assistance. 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 level, based on Internal Revenue Service (IRS) tax rates.

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. Income of participants must fall below 30% of the Federal Poverty Level.

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. A qualifying child may be unborn or under age 18 or age 19 if still enrolled in school and making progress toward earning a high school diploma or GED. A qualifying child may also be temporarily absent from 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 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 Employment Services

TANF Purpose: 2
Funding: TANF

TANF provides employment preparation services to TANF cash assistance recipients and to former TANF recipients during the 12-month period following the receipt of 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 TANF 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 lifetime TANF time limit expires.

All adult TANF recipients must meet work requirements to continue receiving cash assistance for their family. Individuals exempt from TANF work related requirements include: a parent or other adult caretaker personally providing care for a child under the age of two months in their TANF household; a person needed to care for a disabled household member; and a person age 16-18 who is not the parent of a child in the home and is pursuing attainment of a high school diploma or equivalent.

TANF recipients are placed in assignments that best address individual needs. Minimum weekly participation requirements for one-adult households are 20 hours for households with a child under the age of six and 30 hours for households with all children over the age of six. Minimum weekly requirements for two-adult households are 35 hours if subsidized child care is utilized and 55 hours for households with all children over the age of six. For two-adult households, the maximum assignment is 40 hours per week per individual. Applicants are required to complete a self-assessment and orientation. Each participant is expected to engage in approved work activities once the results of the initial employment assessment process indicate the participant is prepared to engage, but not later than three months 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 also opts out of the Family Violence Option which allows abuse survivors a waiver from certain program requirements if compliance would place the survivor in jeopardy. Kansas will continue to count the months of assistance that could qualify for such waivers in the 24-month lifetime TANF 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.

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.

Two Parent Family Initiative Programs

TANF Purpose: 3 and 4
Funding: TANF

Connections to Success, The Mirror, Mental Health Association of South Central Kansas and Lawrence Douglas County Public Health provide programming and services to at-risk youth and families across Kansas. This programming includes personal and professional development, education and training. This also includes one on one case management services or referrals to resources for participants who need additional supports to encourage healthy relationships, self-sufficiency and overall family stability.

Urban Scholastic Center (USC)

TANF Purpose: 3 and 4
Funding: TANF

USC serves urban youth in grades K-12 and their families by offering a wide array of programs including financial literacy, after school and evening educational programs, and psychoeducational services and programming. USC is actively involved in several schools and local communities in the Kansas City, KS area and facilitates neighborhood outreach and special reading programs at its facility. USC aims to help increase a child's chances of academic success and to prepare participating students for post-secondary education and career paths.

In addition, USC staff recruit community leaders to work with students within their own community to make a positive impact and instill a system of values that promotes honorable living, improves students' academic performance, enhances students' leadership skills and empowers students to make a positive contribution to the community. USC focuses on providing services for low income families and youth primarily residing in the inner city of Wyandotte County, KS. TANF funding supports strengthening and preserving families, removes disincentives to the formation and maintenance of two-parent families, and encourages collaboration with community and faith-based organizations.

YouThrive

TANF Purpose: 3
Funding: TANF

YouThrive supports youth as they transition from foster care. To assist youth as they transition to adulthood, YouThrive facilitates a process that connects these youth with community families committed to assisting them through mentoring and weekly meetings to maintain contact with the Transition Advocate who provides knowledge and support to the family. Families commit to these mentoring partnerships for a minimum of one year. Youth develop transitional goals including financial literacy and driver's license attainment. YouThrive partners with service providers in the community to assist youth with education, housing and employment opportunities.

Part 2. Fair and Equitable Treatment

Eligibility for assistance is based on financial and non-financial factors that 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 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.

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

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

Part 5. Summary of Activities to Reduce Out-of-Wedlock Pregnancies and Promote Two-Parent Families

The Kansas Alliance of Boys & Girls Clubs provides a comprehensive teen pregnancy prevention and education program to at-risk youth in Hutchinson, Manhattan, Wichita, Topeka, Lawrence and Kansas City. Curricula are designed to assist students in developing skills to resist alcohol, tobacco and other drugs. Programming also addresses pregnancy prevention and the impacts of premature sexual activity. Other curricula target skill building regarding healthy relationships, career exploration, job readiness, placement and career decision-making support. Each of these skills helps reduce the likelihood out-of-wedlock pregnancies.

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

Kansas is directing TANF funds, under TANF purposes 3 and 4, to programs such as JAG-K, Communities in Schools of Mid America (CIS), and the Kansas Alliance for the Boys & Girls Clubs. 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. Individuals with a high school diploma are less likely to have children out-of-wedlock. Goals for these programs include 90 percent high school graduation rates, 80 percent 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, and reduction in contact with the juvenile justice system.

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 TANF recipients, SNAP recipients and other low-income individuals in high-demand occupations in the healthcare field, is available for up to five years. Kansas Health Profession 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 including CNAs, CMAs and occupations requiring an undergraduate degree. 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 increasing the quality and quantity of employment opportunities for previously marginalized 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.

Part 8. State Statutory Rape Prevention and Education Program

Kansas Coalition Against Sexual & Domestic Violence (KCSDV) provides training and technical assistance to professionals working in an array of disciplines across Kansas including local rape crisis centers and local law enforcement agencies. Training topics include the definition and implications of statutory rape in Kansas. KCSDV works to increase awareness of the personal and societal impacts of sexual and domestic violence.

DCF awards TANF funded grants to domestic violence and sexual assault (DV/SA) agencies throughout the state. These agencies provide training such as Domestic Violence, Human Trafficking, Sexual Assault, and Stalking to law enforcement. They also train on lethality assessments in counties following a lethality assessment protocol that involves contacting the local DV/SA agency when responding to domestic violence and sexual assault related calls. Agencies provide regular trainings to local law enforcement at police academies and, as requested, to counseling and educational systems.

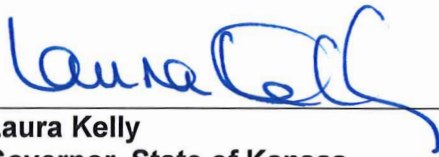
DV/SA agencies make available to educational systems interactive trainings such as Friendship Bill of Rights, Love 'Em or Leave 'Em, and In Their Shoes. These activities require educators to assume the role of students to better understand the pressures and secrets adolescents may keep when in abusive relationships. The trainings, Red Flags of Abusive Personalities and Domestic Violence are appropriately adapted to address individuals with disabilities and are made available to special education departments

within educational systems. Agencies also facilitate discussions with school-aged children and adults of all genders in group sessions on topics including consent and sexual disrespect, statutory rape, enthusiastic yes, threats, manipulation coercion, and birth control sabotage. Birth control sabotage is a pregnancy-promoting behavior of abusive male partners; it is a method of domestic violence and is associated with unwanted pregnancy, particularly in adolescents. Agencies provide relevant information to law enforcement, educational systems, and counseling services regarding Violence Against Women Act protections so that survivors can be made aware of their rights as victims of rape, sexual assault, domestic violence, and stalking. One DV/SA agency facilitates discussions on these topics and more during Monday Meets and Community Conversations broadcasted via Facebook to allow stateside reach.

Kansas TANF State Plan Certifications

I, Laura Kelly, Governor of the State of Kansas, 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 November 2018 *Kansas Register*. No changes have been made to the State Plan since January 2019.
- 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.



Laura Kelly
Governor, State of Kansas

12.31.2020

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 (recipients receiving SSI benefits are 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, the individual is required to participate in substance abuse treatment and a skills-training course. Failure to enroll in substance abuse treatment and skills training will result in ineligibility for the individual until such time cooperation occurs.
 - 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.
- **Temporary Absence.** A child or caretaker who remains part of a household but is, or expected to be, out of the home for 180 consecutive days or less, will, if otherwise eligible, qualify to receive assistance. Individuals out of the home for more than 180 days may remain eligible for assistance if the individual meets good cause requirements as determined by the TANF program manager.

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, unless they meet a hardship as defined in the first four hardships listed below.

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
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Non-shared Living Arrangements

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			

Shared Living Arrangements

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 can be claimed 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. Child care disregards can also be claimed when the cost of the child care exceeds the State's standard rate for the cost of child care. 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. 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 a post-secondary 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.
- 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 Family Median Income of \$70,792 (2016). The Work Incentive Payment will continue to count towards the time limit.

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

- Transportation assistance if employed
- 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 non-medical 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.