



# DCF Legislative Testimony

February 10, 2026

**TESTIMONY OF:** Marc Altenbernt, General Counsel, Department for Children and Families

**TESTIMONY ON:** Oral | Oppose | **HB2731** : Directing the secretary for children and families to contract with the office of the inspector general for the establishment of a fraud detection unit to detect, investigate and assist in prosecuting fraud in the food assistance program.

Chair Averkamp and members of the committee, thank you for the opportunity to submit testimony on HB2731, directing the Department for Children and Families (DCF) to contract with the Office of Inspector General for the establishment of a Supplemental Nutrition Assistance Program (SNAP) fraud detection unit.

DCF's Fraud Investigations Unit aggressively **investigates, detects, prevents** and **prosecutes benefit recipient fraud** in all assistance programs. The unit operates under the DCF Office of General Counsel and partners with the Attorney General's Office of Inspector General (OIG) when applicable for cases involving SNAP, TANF and Child Care fraud. Under this new law, DCF would be required to contract the OIG's office to investigate SNAP Fraud. This would mean the OIG's office would be contractually obligated to investigate, process and report to the DCF Office of General Counsel.

At this time, it is unclear whether federal law allows an independent government agency to act as contracted fraud investigators under the state plan. DCF, as the administering state office, would need permission from federal partners to enter into such an agreement. Both Food Nutrition Services and the Social Security Administration would need to provide permission to the OIG. Previously, the OIG's office has not been able to garner acceptance from the Social Security Administration to access the KEES system where SNAP eligibility case information is stored.

Furthermore, DCF would have oversight of OIG in its SNAP investigation function and would supervise and direct the same, per federal statute. This would conflict with K.S.A. 75-7427(b)(1), which directs all ...related management functions be administered under the direction and supervision of the attorney general. DCF would have oversight of the OIG on SNAP investigations.

DCF would ask the committee to oppose the proposed bill and support the continued practice of DCF fulfilling its federally required fraud investigation activities and partnering with the OIG and the Attorney General's Office for assistance and prosecution. It is unclear at this time if it is federally allowable for an independent government agency to be contracted under the state plan. In addition, FNS and the Social Security Administration would be required to approve the contract.

### RELEVANT STATUTORY FRAMEWORK

#### Supplemental Nutrition Assistance Program (SNAP)

##### 7 C.F.R. § 273.16 Disqualification for intentional Program violation

*"The State agency shall be responsible for investigating any case of alleged intentional Program violation, and ensuring that appropriate cases are acted upon either through administrative disqualification hearings or referral to a court of appropriate jurisdiction in accordance with the procedures outlined in this section...."*

**7 C.F.R. § 272.4(g)**

*“State agencies shall establish and operate fraud detection units in all project areas in which 5,000 or more households participate in the Program. The fraud detection unit shall be responsible for detecting, investigating and assisting in the prosecution of Program fraud and need not be physically located in each 5,000 household “catchment area”. The workers fulfilling this function need not work full-time in fraud detection nor work exclusively on the Program. A written State agency procedure which systematically identifies and refers potential fraud cases to Investigators shall be considered a “detection” activity meeting the requirements of this section. The fraud detection function may be performed by persons not employed by the State agency.”*

**Office of Inspector General**

**KSA 75-7427(b)(1)**

*“The office of inspector general shall be independent and free from political influence and in performing the duties of the office under this section shall conduct investigations, audits, evaluations, inspections and other reviews in accordance with professional standards that relate to the fields of investigation and auditing in government.”*