

Kansas Administrative Regulations

Kansas Department for Children and Families

Article 7.—Appeals, Fair Hearings and TAF/GA Disqualification Hearings

30-7-65. Notice to recipients of intended action.

(a) (1) "Adequate notice" means a written notice that includes a statement of what action the agency intends to take, the reasons for the intended agency action, the specific policies supporting the action, an explanation of the individual's right to request a fair hearing, and the circumstances under which assistance is continued if a hearing is requested.

(2) "Timely" means that the notice is mailed at least 10 days before the date upon which the action would become effective. Saturdays, Sundays, and legal holidays shall be counted as part of the 10-day period.

(b) When the agency intends to take action to discontinue, terminate, suspend, or reduce assistance, timely and adequate notice shall be given by the agency, except as set forth in subsection (c) of this regulation.

(c) Under the following circumstances, timely notice shall not be required, but an adequate notice shall be sent by the agency not later than the date of action:

(1) when the agency has factual information confirming the death of a recipient or of the TAF payee and there is no relative available to serve as a new payee;

(2) when the agency receives a clear written statement signed by a recipient indicating that the recipient no longer wishes assistance;

(3) when the recipient provides written information to the agency that requires termination or reduction of assistance, and the recipient has indicated, in writing, an understanding that termination or reduction of assistance will be the consequence of supplying the information;

(4) when the recipient has been admitted or committed to an institution and further payments to that individual are not authorized by program regulations as long as the person resides in the institution;

(5) when the recipient has been placed in skilled nursing care, intermediate care or long-term hospitalization;

(6) when the recipient's whereabouts are unknown and agency mail directed to the recipient has been returned by the post office indicating no known forwarding address. However, the check shall be made available to the recipient if the recipient's whereabouts become known during the payment period covered by a returned check;

(7) when the agency has established that a recipient has been accepted for assistance in a new jurisdiction;

(8) when a child is removed from the home as a result of a judicial determination or voluntarily placed in foster care by the child's legal guardian;

(9) when a change in the level of medical care is prescribed by the recipient-patient's physician;

(10) when a special allowance granted for a specific period is terminated and the recipient was informed in writing at the time the allowance was granted that it would automatically terminate at the end of the specified period;

(11) when the agency takes action because of information the recipient furnished in a monthly status report or because the recipient has failed to submit a complete or a timely monthly status report without good cause; or

(12) when the recipient is disqualified due to fraud in one of the following ways:

(A) by a court of appropriate jurisdiction;

(B) by an administrative disqualification hearing process in accordance with K.A.R. 30-7-102; or

(C) through a waiver of an administrative disqualification hearing in accordance with K.A.R. 30-7-103.

(d) This regulation shall take effect on and after March 1, 1997.

(Authorized by K.S.A. 75-3304; implementing K.S.A. 75-3306; effective July 1, 1989; amended July 1, 1991; amended Jan. 1, 1997; amended March 1, 1997.)

***** Authenticated Kansas Administrative Regulation *****