

Kansas Administrative Regulations

Kansas Department for Children and Families

Article 44.—Support Enforcement

30-44-2. Standardized cost recovery fee.

(a) As used in this regulation, the following definitions shall apply:

(1) "Applicant or recipient" means a person who has applied for or is receiving support enforcement services from the department for children and families pursuant to Part D of Title IV of the federal social security act, 42 U.S.C. § 651 et seq., as amended.

(2) "IV-D case" means a case in which the department for children and families is providing child support services pursuant to Part D of Title IV of the federal social security act, 42 U.S.C. § 651 et seq., as amended.

(3) (A) "Non-PA case" means a case in which the applicant or recipient or the child, as appropriate, has not received and is not currently receiving public assistance from the state of Kansas, including the following:

- (i) Temporary assistance to needy families (TANF), regardless of how designated;
- (ii) medical services;
- (iii) care due to placement under K.S.A. 38-2201 et seq. and K.S.A. 38-2301 et seq., and amendments thereto;
- (iv) care in a state institution, as defined in K.S.A. 59-2006b and amendments thereto;
- (v) supplemental nutrition assistance program (SNAP); and
- (vi) child care assistance.

(B) "Non-PA case" shall also mean, in any IV-D case in which the applicant or recipient or the child previously received but is not currently receiving public assistance from the state of Kansas, that portion of the case not subject to any assignment of support rights for reimbursement of public assistance.

(C) In an interstate IV-D case referred to Kansas by another state, unless the other state clearly designates otherwise, "non-PA case" shall mean a case, or that portion of a case, designated as IV-D non-TANF.

(D) "Non-PA" case shall not include any IV-D case referred to Kansas from a foreign country.

(b) A cost recovery fee may be collected in all non-PA cases. If a fee is required pursuant to subsection (c), the fee shall be retained from support collections made on behalf of the applicant or recipient. If any fee remains unpaid and the applicant or recipient will receive no further support collections in the non-PA case, the fee shall be remitted by the applicant or recipient upon demand.

(c) The fee shall be in an amount equal to the basic rate times the amount of support collections distributed to the applicant or recipient. The date of collection shall determine the applicable basic rate. The basic rate shall be four percent. If the secretary determines that the department for children and families' funds for support enforcement services are sufficient to pay for some or all of the costs associated with all non-PA cases statewide, then the basic rate for all non-PA cases statewide may be reduced by an amount commensurate with the department's available funds or not collected.

(Authorized by and implementing K.S.A. 2015 Supp. 39-756; effective Feb. 6, 1995; amended Jan. 3, 2000; amended Feb.12, 2016.)

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