

Kansas Administrative Regulations

Kansas Department for Children and Families

Article 4.—Public Assistance Program

30-4-140. Payments; penalties; enforcement.

(a) Assistance payments shall equal the budgetary deficit, which shall be rounded down to the nearest dollar, except as follows:

(1) Payments for the month of application shall equal the budgetary deficit, which shall be prorated beginning with the date of application through the end of the month. This amount shall be rounded down to the nearest dollar.

(2) A payment shall not be made if the amount of the budgetary deficit is less than \$10.00. If a payment is not made under this paragraph, recipient status shall continue.

(b) Overpayments shall be corrected by the end of the calendar quarter following the calendar quarter in which the overpayment was first identified. Recovery procedures shall not be initiated by the department, pending the disposition of a welfare fraud referral. Overpayments may be recovered by voluntary repayment, administrative recoupment, or legal action. The assistance payment shall be reduced for recoupment as follows:

(1) For fraud claims, by the greater of 20 percent of the household's monthly benefit or \$10.00 per month; and

(2) for non-fraud claims, by the greater of 10 percent of the household's monthly benefit or \$10.00 per month.

(c) Disqualification penalties.

Each individual who is found to have committed fraud in the temporary assistance for needy families (TANF) program, either through an administrative disqualification hearing or by a court of appropriate jurisdiction, or who has signed either a waiver of right to an administrative disqualification hearing or a disqualification consent agreement in any case referred for prosecution, shall be ineligible for assistance, along with all adult household members. For the TANF program, each child shall also be ineligible if living in a household with a disqualified adult until the child moves into another qualified

household, becomes an adult, or is able to act on that individual's own behalf. A protective payee shall be named pursuant to K.S.A. 39-709(b)(12)(A), and amendments thereto.

(Authorized by K.S.A. 2018 Supp. 39-708c; implementing K.S.A. 2018 Supp. 39-708c, 39-719b; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended, T-83-38, Nov. 23, 1982; amended, T-84-8, April 1, 1983; amended May 1, 1983; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended July 1, 1989; amended May 1, 1992; amended March 1, 1997; amended July 1, 1998; amended, May 3, 2019.)

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