

Kansas Administrative Regulations

Kansas Department for Children and Families

Article 4.—Public Assistance Program

30-4-50. Assistance eligibility.

(a) General requirements. This regulation shall apply to the TANF and foster care programs except as noted in subsection (b) for TANF. K.A.R. 30-4-51 through 30-4-55 shall apply to all public assistance programs specified in K.A.R. 30-4-34.

(b) Time-limited assistance. A family group shall not be eligible for TANF if at least one of the following conditions is met:

(1) The family group contains at least one adult member who has received TANF, including similar assistance received in any other state, for 24 calendar months beginning on and after October 1, 1996, unless a hardship extension has been granted or certain months of TANF assistance were determined to be an exception and were not counted towards the time limit, allowing receipt of TANF until the 36-month limit is reached. A hardship extension shall be granted under any of the following conditions:

(A) The TANF recipient is a caretaker of a disabled family member living in the household. The nature and duration of the disability shall be verified by a medical professional.

(B) The TANF adult has a disability that precludes employment on a long-term basis or requires substantial rehabilitation. Verification shall be obtained from a medical professional.

(C) The TANF adult needs an extension of the time limit to overcome the effects of domestic violence or sexual assault.

(D) The family is involved with DCF prevention and protection services and has an open social service plan.

(E) A hardship is presented by the family, and a determination is made by a DCF executive review team that an additional 12 months of TANF would benefit the family.

(2) The family group contains at least one adult member who has received a Kansas diversion payment and has received TANF, including assistance similar to TANF in

another state for 18 calendar months beginning on and after October 1, 1996, unless a hardship extension has been granted, allowing receipt of TANF until the 30-month limit is reached.

(3) The family group has received TANF for any 24 calendar months beginning on and after October 1, 1996, during which time one or more adult family members residing in the family group were ineligible due to the provisions of K.A.R. 30-4-54(b), K.A.R. 30-4-140(d), or subsections (c) and (d) of this regulation.

(c) Denial of assistance for fugitive felons and probation and parole violators. Assistance shall not be provided to a fugitive from justice by reason of a felony conviction or charge, or to a person who is violating a condition of probation or parole imposed under federal or state law.

(d) Requirements for special projects. Certain eligibility requirements may be waived by the secretary, and additional eligibility requirements for all, or designated areas, of the state may be adopted by the secretary for the purpose of utilizing special project funds or grants or for the purpose of conducting special demonstration or research projects.

(e) TANF suspicion-based drug testing. Suspicion-based drug testing shall be mandatory for applicants and recipients if there appears to be unlawful use of a controlled substance or controlled substance analog. The definition and list of controlled substances shall be as specified in K.S.A. 39-709(l)(9)(B) and (C), and amendments thereto.

(1) TANF assistance shall not be provided to each individual who meets any of the following conditions:

- (A) Tests positive for illegal drug use;
- (B) fails to complete drug testing; or
- (C) refuses to undergo drug testing.

(2) The periods of ineligibility for each individual who tests positive for illegal drug use shall be as follows:

(A) For the first positive drug test, the individual shall be ineligible until the individual completes substance abuse treatment and the skills training course.

(B) For the second positive drug test, the individual shall be ineligible for one year or shall complete a substance abuse treatment program and the skills training course, whichever is later.

(C) For the third positive drug test, the individual shall be ineligible for that person's lifetime.

(3) The periods of ineligibility for each individual who fails or refuses to complete drug testing shall be as follows:

(A) For the first failure or refusal to complete drug testing, the individual shall be ineligible for six months from the date of failure or refusal. To regain eligibility for TANF, the individual shall undergo drug testing and, if necessary, complete substance abuse treatment and skills training.

(B) For the second failure or refusal to complete drug testing, the individual shall be ineligible for 12 months from the date of failure or refusal. To regain eligibility for TANF, the individual shall undergo drug testing and, if necessary, complete substance abuse treatment and the skills training course.

(C) For any subsequent failure or refusal, the individual shall be ineligible for that person's lifetime.

(4) For each positive test, failure, or refusal to test, a protective payee shall be named for the family group. Each protective payee shall be subject to suspicion-based drug testing.

(Authorized by K.S.A. 2018 Supp. 39-708c; implementing K.S.A. 2018 Supp. 39-708c, K.S.A. 2018 Supp. 39-709, K.S.A. 2018 Supp. 39-709e, and K.S.A. 2018 Supp. 39-719b; effective May 1, 1981; amended May 1, 1983; amended, T-30-7-29-88, July 29, 1988; amended Sept. 26, 1988; amended Oct. 1, 1989; amended, T-30-10-1-96, Oct. 1, 1996; amended Jan. 17, 1997; amended March 1, 1997; amended July 1, 1998; amended Oct. 1, 2000; amended July 1, 2004; amended, May 3, 2019.)

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