

SRS Legislative Proposals - 2007 Session

Child Support Enforcement Fee Clarification. This proposed legislation clarifies the Secretary's authority to impose CSE fees, whether or not deducted from support collections, insuring compliance with the Deficit Reduction Act of 2005 (DRA) Public Law 109-171. The DRA requires each State to establish a \$25 annual fee for certain Child Support Enforcement (CSE) cases in which the family has never received Temporary Assistance for Families (TAF) under Title IV-A of the Social Security Act. This "Never TAF" fee must be applied when collections in a case reach \$500 for the year. Federal law requires States to begin applying the "Never TAF" fee effective October 1, 2006. However, states needing legislation to meet the new requirement have a grace period to allow for such enactment before they must come into compliance. In early 2006, federal regulators assured the states that no state would be required to impose this fee before regulations were published interpreting the ambiguous federal statute. Unfortunately, they found it necessary to alter that position in September 2006, much too late for states to reprogram systems or adopt regulations before the October 1 due date. Review of current Kansas law indicates that legislation is necessary to comply with the newly mandated "Never TAF" fee.

Revised Interstate Compact on the Placement of Children. The Interstate Compact for the Placement of Children (ICPC) ensures that children placed across state lines for foster care or adoption are placed with persons who are safe, suitable, and able to provide proper care. It also allows for supervision and services to be arranged and/or provided by the receiving state. The current compact was adopted by Kansas in 1976. Concerns about timeliness, overly broad application, outdated administrative process, and lack of accountability led to a revision of the current ICPC.

The proposed revision of the ICPC will: 1) narrow the types of placements covered, 2) clarify jurisdiction and financial responsibility, 3) provide review process for states or parties unhappy with the receiving state decision, and 4) provide for development of rules in compliance with the Model State Administrative Procedures Act. These changes will provide tools for the collective member states of the Interstate Commission to secure compliance, including technical assistance, mediation, arbitration, and legal action.

In order for the revised ICPC to become effective, at least 35 state legislatures must replace the current compact through enacting legislation. Congress, in HR 5403, has urged states to adopt the revised compact quickly.

Child Support Enforcement Medical Support Changes. This legislation alters the priority of income withholding for a medical support order and clarifies other medical support provisions, insuring compliance with new requirements set forth in the Deficit Reduction Act of 2005.

Needed changes include:

- Clarifying that all IV-D support orders must include group health coverage in certain circumstances;
- Including "access to coverage" as a factor when the court determines which parent shall provide coverage;

- Reordering income withholding priorities as specified in the Notice of Proposed Rule Making (current cash support, medical support premiums, past due cash support); and
- Making technical corrections concerning the National Medical Support Notice and procedures for employers and plan administrators.

Child Support Enforcement Insurance Liens. This bill expands existing administrative child support enforcement remedies by creating procedures to identify and intercept insurance proceeds otherwise payable to support debtors. The bill also amends existing laws to streamline support enforcement procedures and eliminate ambiguities.

Alcohol and Drug Abuse Treatment. There are currently two sets of statutes that apply to alcohol and drug treatment: Alcoholism and Intoxication Treatment enacted in 1972 (K.S.A. 65-4001), and Drug Abuse Treatment Facilities enacted in 1976 (K.S.A. 65-4601). Funding streams are now integrated and alcohol and drug abuse is now treated as one issue/problem. The current statutes do not accurately reflect the current treatment provider system, funding streams, best practices, or philosophy of the Federal agency that provides funding for treatment services. With this legislation, these statutes will be rewritten into one set of statutes.

DUI Fines (K.S.A. 74-7336). Success of the 4th time DUI law has resulted in an increase in the number of offenders being served in treatment services which has placed an additional burden on the administrative and care coordination needs for the system. This legislation increases the percentage of the fines SRS receives for the community alcoholism and intoxication program fund from 2.01 percent to 3.01 percent.

Autism Registry. Due to the drastic increase in diagnosed cases of autism, SRS is planning for an early childhood Autism Medicaid waiver. While planning for an Autism Medicaid Waiver, SRS has identified a need to identify the target population in greater detail in order to provide the most appropriate services and supports to children and their families. Such identification can be accomplished via a statewide Autism Registry. The proposed Autism Registry would operate in a similar fashion as the existing registries that track cancer or childhood immunizations. Physicians trained to diagnose Autism would report the information to the state database and the data would then be available to the appropriate state officials.