



January 11, 2018

SENATE BILL No. 79

DIGEST OF SB 79 (Updated January 9, 2018 3:27 pm - DI mo)

Citations Affected: IC 12-14.

Synopsis: Temporary Assistance for Needy Families (TANF) eligibility. Sets the income eligibility requirements for the Temporary Assistance for Needy Families (TANF) program at not more than 50% of the federal income poverty level. Requires the division of family resources to amend the state TANF plan or take any other action necessary to implement the income requirements. Increases certain payment amounts under the TANF program and requires the payments to be annually adjusted using the Social Security cost of living adjustment rate.

Effective: July 1, 2018.

Stoops

January 3, 2018, read first time and referred to Committee on Rules and Legislative Procedure.

January 10, 2018, amended; reassigned to Committee on Tax and Fiscal Policy.

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January 11, 2018

Second Regular Session 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

SENATE BILL No. 79

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 12-14-1-1, AS AMENDED BY P.L.161-2007,
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 1. (a) Assistance under TANF shall be given to a
4 dependent child who otherwise qualifies for assistance if the child is
5 living in a family home of a person who **meets the income**
6 **requirements set forth in section 1.7 of this chapter and** is:
7 (1) at least eighteen (18) years of age; and
8 (2) the child's relative, including:
9 (A) the child's mother, father, stepmother, stepfather,
10 grandmother, or grandfather; or
11 (B) a relative not listed in clause (A) who has custody of the
12 child.
13 (b) A parent or relative and a dependent child of the parent or
14 relative are not eligible for TANF assistance when the physical custody
15 of the dependent child was obtained for the purpose of establishing
16 TANF eligibility.
17 (c) Except as provided in IC 12-14-28-3.3, a person convicted of a

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1 felony under IC 35-43-5-7 or IC 35-48-4 is not eligible to receive
2 assistance under TANF for ten (10) years after the conviction.

3 (d) The assistance paid to a dependent child under this section may
4 not be affected by the conviction of a parent or an essential person of
5 the dependent child under subsection (c).

6 SECTION 2. IC 12-14-1-1.5, AS AMENDED BY P.L.128-2012,
7 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2018]: Sec. 1.5. (a) This section does not apply if the:

9 (1) dependent child does not have a living parent or legal
10 guardian;

11 (2) whereabouts of the dependent child's parent or legal guardian
12 are unknown;

13 (3) dependent child lived apart from the child's parent or legal
14 guardian for a period of at least one (1) year before either:

15 (A) the birth of the dependent child's child; or

16 (B) the dependent child's application for TANF;

17 (4) dependent child provides proof, and the division agrees, that
18 the physical health or safety of the dependent child or a child of
19 the dependent child would be jeopardized if the dependent child
20 or a child of the dependent child resides with the dependent
21 child's parent, legal guardian, or adult relative; or

22 (5) dependent child is less than eighteen (18) years of age and is
23 not married, but the dependent child or a child of the dependent
24 child:

25 (A) has been alleged or adjudicated a child in need of services
26 under IC 31-34 (or IC 31-6 before its repeal); or

27 (B) has been placed under the wardship or guardianship of the
28 department of child services.

29 (b) Except as provided in subsection (d), a dependent child who is
30 less than eighteen (18) years of age and is:

31 (1) not married; or

32 (2) married but not residing with or receiving support from a
33 spouse;

34 **and meets the income requirements set forth in section 1.7 of this**
35 **chapter** is entitled to assistance under TANF only if the dependent
36 child and any children of the dependent child reside with a parent, a
37 legal guardian, or an adult relative other than a parent or legal guardian
38 of the dependent child. A legal guardian or an adult relative not listed
39 in section 1(a)(2)(A) of this chapter must have custody of the child
40 under a court order.

41 (c) The assistance for an eligible dependent child and each child of
42 an eligible dependent child as described in subsection (b) shall be



1 provided to the dependent child's parent, legal guardian, or other adult
 2 relative based on the eligibility of the parent, legal guardian, or other
 3 adult relative to receive assistance under TANF.

4 (d) This subsection applies to the parent of:

5 (1) a dependent child who has never married and who:

6 (A) has a child; or

7 (B) is pregnant; and

8 (2) a dependent child who has never married and is adjudicated
 9 to be the father of a child.

10 The parent of a dependent child described in subdivision (1) or (2) is
 11 financially responsible for the care of a child of the dependent child
 12 until the dependent child becomes eighteen (18) years of age.

13 SECTION 3. IC 12-14-1-1.7 IS ADDED TO THE INDIANA CODE
 14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 15 1, 2018]: **Sec. 1.7. (a) Assistance under TANF shall be given to a
 16 dependent child who otherwise qualifies for assistance if the child
 17 is living in a family home of a person who has a countable income
 18 that is not more than fifty percent (50%) of the federal income
 19 poverty level.**

20 **(b) The division shall amend the state TANF plan or take any
 21 other action necessary to implement this section.**

22 SECTION 4. IC 12-14-2-5 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 5. (a) Except as
 24 provided in sections 5.1 and 5.3 of this chapter and subject to the
 25 adjustment described in subsection (b), the following apply to the
 26 amount of need recognized and payment made under this chapter:**

27 (1) The total ~~amount of need recognized and~~ payment made for a
 28 dependent child, other than for medical expenses, for a calendar
 29 month may not exceed ~~one two hundred fifty-five dollars (\$155);~~
 30 **thirty-six dollars (\$236).**

31 (2) The total ~~amount of need recognized and~~ payment made to the
 32 person essential to the well-being of the dependent child, other
 33 than for medical expenses, for a calendar month may not exceed
 34 ~~one two hundred fifty-five dollars (\$155);~~ **thirty-six dollars**
 35 **(\$236).**

36 (3) The total ~~amount of need recognized and~~ payment made to
 37 one (1) dependent child and to the person essential to the
 38 well-being of the dependent child, other than for medical
 39 expenses, for a calendar month may not exceed ~~two three~~
 40 ~~hundred fifty-five dollars (\$255);~~ **eighty-nine dollars (\$389).**

41 (4) If there is more than one (1) dependent child in the same
 42 home, the total ~~amount of need recognized and~~ payment made,



1 other than for medical expenses, for a calendar month may not
 2 exceed ~~sixty-five~~ **ninety-nine** dollars ~~(\$65)~~ **(\$99)** for each
 3 additional child and, if the second parent of the child is
 4 incapacitated and is living in the home, the ~~amount of need~~
 5 ~~recognized and~~ payment made may not exceed ~~sixty-five~~
 6 **ninety-nine** dollars ~~(\$65)~~ **(\$99)** for the benefit of the
 7 incapacitated parent.

8 **(b) The payment amounts specified in subsection (a) shall be**
 9 **adjusted each year using the Social Security cost of living**
 10 **adjustment rate.**

11 SECTION 5. IC 12-14-2-5.1, AS AMENDED BY P.L.153-2011,
 12 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2018]: Sec. 5.1. (a) Subject to section 5.2 of this chapter, a
 14 parent or an essential person may not receive payments if the person
 15 has received assistance under this article during the person's lifetime
 16 for twenty-four (24) months after June 30, 1995.

17 (b) A family receiving TANF under ~~section 5 of this chapter~~
 18 remains eligible to receive TANF services, including access to the Title
 19 IV-D child support enforcement program and the IMPACT (JOBS)
 20 program, when the family's income is greater than the ~~amount of need~~
 21 ~~recognized eligibility~~ under ~~section 5 of this chapter~~, **IC 12-14-1-1.7**,
 22 but the family's gross income is less than one hundred percent (100%)
 23 of the federal income poverty level.

24 (c) A recipient family shall receive a cash assistance benefit under
 25 the TANF program of at least ten dollars (\$10) if:

- 26 (1) the family's income is greater than ~~the amount of need~~
 27 ~~recognized under section 5 of this chapter~~, **the income eligibility**
 28 **specified in IC 12-14-1-1.7**;
 29 (2) the family's gross income is less than one hundred percent
 30 (100%) of the federal income poverty level; and
 31 (3) a parent or essential person receiving assistance has
 32 employment earnings.

33 SECTION 6. IC 12-14-2-5.3, AS AMENDED BY P.L.161-2007,
 34 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2018]: Sec. 5.3. (a) This section does not apply to a dependent
 36 child:

- 37 (1) described in section ~~5.1(b)(3) or 5.1(b)(4)~~ **5.1** of this chapter;
 38 (2) who is the firstborn of a child less than eighteen (18) years of
 39 age who is included in a TANF assistance group when the child
 40 becomes a first time minor parent (including all children in the
 41 case of a multiple birth); or
 42 (3) who was conceived in a month the family was not receiving



1 TANF assistance.

2 (b) Except as provided in subsection (c), after July 1, 1995, an
3 additional payment (other than for medical expenses payable under
4 IC 12-15) may not be made for a dependent child who is born more
5 than ten (10) months after the date the family qualifies for assistance
6 under this article.

7 (c) The division may adopt rules under IC 4-22-2 that authorize a
8 voucher for goods and services related to child care that do not exceed
9 one-half (1/2) of the assistance that a dependent child described in
10 subsection (b) would otherwise receive under ~~section 5~~ of this chapter.

11 (d) A dependent child described in subsection (b) is eligible for all
12 child support enforcement services provided in IC 31-25.

13 (e) Families receiving TANF assistance are encouraged to receive
14 family planning counseling.

15 SECTION 7. IC 12-14-2-23 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 23. (a) This section
17 applies only to a person's eligibility for assistance under section 5.1 of
18 this chapter.

19 (b) As used in this section, "school" means a program resulting in
20 high school graduation.

21 (c) Due to extraordinary circumstances, a person who is the parent
22 of a dependent child, an essential person, or a dependent child may
23 apply, in a manner prescribed by the division, for an exemption from
24 the requirements of this chapter if the person can document that the
25 person has complied with the personal responsibility agreement under
26 section 21 of this chapter and the person demonstrates any of the
27 following:

28 (1) The person has a substantial physical or mental disability that
29 prevents the person from obtaining or participating in gainful
30 employment.

31 (2) The person is a minor parent who is in school full time and
32 who has a dependent child.

33 (3) The person is a minor parent who is enrolled full time in an
34 educational program culminating in a high school equivalency
35 certificate and who has a dependent child.

36 A person seeking an exemption under this section must show
37 documentation to the division to substantiate the person's claim for an
38 exemption under subdivision (1), (2), or (3).

39 (d) After receiving an application for exemption from a parent, an
40 essential person, or a dependent child under subsection (c), the division
41 shall investigate and determine if the parent, essential person, or
42 dependent child qualifies for an exemption from this chapter. The



- 1 director shall make a final determination regarding:
2 (1) whether to grant an exemption;
3 (2) the length of an exemption, if granted, subject to subsection
4 (f); and
5 (3) the extent of an exemption, if granted.
6 (e) If the director determines that a parent, an essential person, or a
7 dependent child qualifies for an exemption under this chapter, the
8 parent, essential person, or dependent child is entitled to receive one
9 hundred percent (100%) of the payments that the parent, essential
10 person, or dependent child is entitled to receive under ~~section 5~~ of this
11 chapter, subject to any ratable reduction.
12 (f) An exemption granted under this section may not exceed one (1)
13 year, but may be renewed.
14 (g) The division shall send a report each quarter to the legislative
15 council and the budget committee detailing the number and type of
16 exemptions granted under this section. A report sent under this
17 subsection to the legislative council must be in an electronic format
18 under IC 5-14-6.
19 (h) The division may adopt rules under IC 4-22-2 to carry out this
20 section.



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 79, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Tax and Fiscal Policy.

(Reference is to SB 79 as introduced.)

LONG, Chairperson

