

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 265

AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 12-14-1-1, AS AMENDED BY P.L.83-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) Assistance under TANF shall be given to a dependent child who otherwise qualifies for assistance if the child is living in a family home of a person who **meets the income requirements set forth in section 1.7 of this chapter and is:**

- (1) at least eighteen (18) years of age; and
- (2) the child's relative, including:
 - (A) the child's mother, father, stepmother, stepfather, grandmother, or grandfather; or
 - (B) a relative not listed in clause (A) who has custody of the child.

(b) A TANF assistance group that has qualified for and is receiving assistance under TANF does not cease to qualify for assistance under TANF due solely to an increase in the value of the resources of the TANF assistance group so long as the resources of the TANF assistance group are valued at not more than ten thousand dollars (\$10,000).

(c) A parent or relative and a dependent child of the parent or relative are not eligible for TANF assistance when the physical custody of the dependent child was obtained for the purpose of establishing TANF eligibility.

(d) Except as provided in IC 12-14-28-3.3, a person convicted of a

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felony under IC 35-43-5 relating to public relief or assistance fraud or IC 35-48-4 is not eligible to receive assistance under TANF for ten (10) years after the conviction.

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

(f) Assistance under TANF shall be given to a woman who:

(1) is pregnant at the time an application for assistance is filed; and

(2) meets the income requirements set forth in section 1.7 of this chapter.

SECTION 2. IC 12-14-1-1.5, AS AMENDED BY P.L.128-2012, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1.5. (a) This section does not apply if the:

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

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

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

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

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

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

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

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

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

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

(1) not married; or

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

and meets the income requirements set forth in section 1.7 of this chapter is entitled to assistance under TANF only if the dependent child and any children of the dependent child reside with a parent, a



legal guardian, or an adult relative other than a parent or legal guardian of the dependent child. A legal guardian or an adult relative not listed in section 1(a)(2)(A) of this chapter must have custody of the child under a court order.

(c) The assistance for an eligible dependent child and each child of an eligible dependent child as described in subsection (b) shall be provided to the dependent child's parent, legal guardian, or other adult relative based on the eligibility of the parent, legal guardian, or other adult relative to receive assistance under TANF.

(d) This subsection applies to the parent of:

- (1) a dependent child who has never married and who:
 - (A) has a child; or
 - (B) is pregnant; and
- (2) a dependent child who has never married and is adjudicated to be the father of a child.

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

SECTION 3. IC 12-14-1-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1.7. (a) The division shall, before July 1, 2025, determine whether an individual is eligible for TANF assistance based on the individual's amount of need set forth in 470 IAC 10.3-4-3 (as in effect on January 1, 2022).

(b) After June 30, 2025, and before July 1, 2027, a dependent child or a woman described in section 1(f) of this chapter who:

- (1) otherwise qualifies for assistance; and**
- (2) is part of an assistance group that has a gross income that is not more than thirty-five (35%) percent of the federal income poverty level;**

is eligible for TANF assistance.

(c) After June 30, 2027, a dependent child or a woman described in section 1(f) of this chapter who:

- (1) otherwise qualifies for assistance; and**
- (2) is part of an assistance group that has a gross income that is not more than fifty (50%) percent of the federal income poverty level;**

is eligible for TANF assistance.

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

SECTION 4. IC 12-14-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. An application for



a dependent child under this article, **or for a woman described in section 1(f) of this chapter**, must be made to the county office of the county where the dependent child **or woman** resides.

SECTION 5. IC 12-14-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. An application must meet the following conditions:

- (1) Be in writing.
- (2) Be made in the manner and upon the form required by the division.
- (3) Be made and verified by the oath of the parent or guardian of the dependent child or another person standing in loco parentis to the dependent child, **or, in the case of an application made by a woman described in section 1(f) of this chapter, by the woman making the application.**
- (4) Contain the age and residence of the child **or, in the case of a woman described in section 1(f) of this chapter, the length of the woman's pregnancy at the time of application**, and any information required by rules adopted under IC 4-22-2 by the director of the division.
- (5) Contain a notice that, if the application is approved and assistance is granted, the applicant's signature on the application assigns the applicant's right to:
 - (A) accrued;
 - (B) present; and
 - (C) pending;

support payments to the agency of the state responsible for administering Title IV-D of the federal Social Security Act.

SECTION 6. IC 12-14-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. (a) Whenever the county office receives:

- (1) notification of the dependency of a child; or
- (2) an application for assistance;

an investigation and record shall promptly be made of the circumstances of the child to determine the dependency of the child **or a woman described in section 1(f) of this chapter**, the facts supporting the application made under this article, and other information required by rules adopted under IC 4-22-2 by the director of the division.

(b) The investigation may include a visit to the home of the child and the person who will have the custody of the child during the time assistance is granted.

SECTION 7. IC 12-14-1-8 IS ADDED TO THE INDIANA CODE

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AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. The division may adopt rules under IC 4-22-2 to implement and carry out this article.**

SECTION 8. IC 12-14-2-1, AS AMENDED BY P.L.83-2022, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) After the investigation under IC 12-14-1-6, the county office shall decide the following:

- (1) Whether the child **or woman described in IC 12-14-1-1(f)** is eligible for assistance under this article.
- (2) The amount of assistance.
- (3) The date assistance begins.

(b) The county office may not consider:

- (1) money in an individual development account under IC 4-4-28 that belongs to the child **or woman described in IC 12-14-1-1(f)**, or a member of the child's **or woman's** family;
- (2) the value of the real property that is the child's **or woman's** primary residence;
- (3) twenty thousand dollars (\$20,000) of total equity value (as defined in 470 IAC 10.3-4-2) in motor vehicles that belong to one
 - (1) or more members of the child's **or woman's** family;
 - (4) a Holocaust victim's settlement payment received by the child, **woman described in IC 12-14-1-1(f)**, or a member of the child's **or woman's** family; or
 - (5) money earned by the child, **woman described in IC 12-14-1-1(f)**, or a member of the child's **or woman's** family as a student participating in:
 - (A) a paid internship;
 - (B) a work based learning course (as defined in IC 20-43-8-0.7); or
 - (C) paid postsecondary work experience that allows the individual to apply for a related apprenticeship (as defined by IC 20-43-8-0.3);

when determining whether the individual is eligible for assistance under this article.

SECTION 9. IC 12-14-2-3, AS AMENDED BY P.L.168-2021, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) Except as provided in subsection (b), when determining the amount of assistance, an accounting must be taken of any income or property of the child **or woman described in IC 12-14-1-1(f)** that the child **or woman** may receive from another source.

(b) The following may not be considered as income or property of

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the child **or woman described in IC 12-14-1-1(f)** when determining the amount of assistance for the child:

- (1) Money in an individual development account established under IC 4-4-28 that belongs to a child, **a woman described in IC 12-14-1-1(f)**, or a member of the child's **or woman's** family.
- (2) A Holocaust victim's settlement payment received by the child, **a woman described in IC 12-14-1-1(f)**, or a member of the child's **or woman's** family.
- (3) Money earned by the child, **a woman described in IC 12-14-1-1(f)**, or a member of the child's **or woman's** family as a student participating in:
 - (A) a paid internship;
 - (B) a work based learning course (as defined in IC 20-43-8-0.7); or
 - (C) paid postsecondary work experience that allows the individual to apply for a related apprenticeship (as defined by IC 20-43-8-0.3).
- (4) Annual income of up to fifteen thousand dollars (\$15,000) that is earned by an individual in the child's household **or the household of a woman described in IC 12-14-1-1(f)**, if the income is earned by an individual who:
 - (A) resides in the household;
 - (B) is less than twenty-four (24) years of age; and
 - (C) earns the additional annual income while the individual is a student participating in or pursuing:
 - (i) a postsecondary degree;
 - (ii) a workforce certificate;
 - (iii) a pre-apprenticeship; or
 - (iv) an apprenticeship.

SECTION 10. IC 12-14-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4. The division shall determine the amount of assistance granted for a dependent child **or a woman described in IC 12-14-1-1(f)** considering the following:

- (1) The resources and necessary expenditures of the family.
- (2) The conditions existing in each case and in accordance with the rules adopted under IC 4-22-2 by the director of the division.

However, a Holocaust victim's settlement payment received by the child **or a woman described in IC 12-14-1-1(f)**, or a member of the child's **or woman's** family may not be considered a resource of the family when determining the amount of assistance for the child **or woman**.

SECTION 11. IC 12-14-2-4.9 IS ADDED TO THE INDIANA



CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 4.9. (a) The division may adopt emergency rules under IC 4-22-2-37.1 to implement section 5 of this chapter. An emergency rule adopted under this section expires on the earlier of:**

(1) one (1) year after the date on which the rule was accepted for filing under IC 4-22-2-37.1(e); or

(2) June 30, 2024.

(b) This section expires July 1, 2024.

SECTION 12. IC 12-14-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 5. (a) Except as provided in sections section 5.1 and 5.3 of this chapter and subject to the adjustment described in subsection (b), the following apply to the amount of need recognized and payment made under this chapter:**

(1) The total amount of need recognized and payment made for a dependent child, other than for medical expenses, or a woman described in IC 12-14-1-1(f), for a calendar month may not exceed ~~one two hundred fifty-five dollars (\$155):~~ **forty-eight dollars (\$248).**

(2) The total amount of need recognized and payment made to the person essential to the well-being of the dependent child, other than for medical expenses, for a calendar month may not exceed ~~one two hundred fifty-five dollars (\$155):~~ **forty-eight dollars (\$248).**

(3) The total amount of need recognized and payment made to one (1) dependent child and to the person essential to the well-being of the dependent child, other than for medical expenses, for a calendar month may not exceed ~~two four hundred fifty-five dollars (\$255):~~ **nine dollars (\$409).**

(4) If there is more than one (1) dependent child in the same home, the total amount of need recognized and payment made, other than for medical expenses, for a calendar month may not exceed ~~sixty-five one hundred four dollars (\$65) (\$104)~~ for each additional child and, if the second parent of the child is incapacitated and is living in the home, the amount of need recognized and payment made may not exceed ~~sixty-five one hundred four dollars (\$65) (\$104)~~ for the benefit of the incapacitated parent.

(b) The office of the secretary shall calculate and report to the legislative council, by December 1 of every even-numbered year, the amounts that would result if the amounts described under this section were adjusted each year using the Social Security cost of



living adjustment rate.

SECTION 13. IC 12-14-2-5.1, AS AMENDED BY P.L.153-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 5.1. (a) Subject to section 5.2 of this chapter, a parent or an essential person may not receive payments if the person has received assistance under this article during the person's lifetime for twenty-four (24) months after June 30, 1995.

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

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

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

SECTION 14. IC 12-14-2-5.3 IS REPEALED [EFFECTIVE JANUARY 1, 2022 (RETROACTIVE)]. ~~Sec. 5.3: (a) This section does not apply to a dependent child:~~

- ~~(1) who is the firstborn of a child less than eighteen (18) years of age who is included in a TANF assistance group when the child becomes a first time minor parent (including all children in the case of a multiple birth); or~~
- ~~(2) who was conceived in a month the family was not receiving TANF assistance.~~

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

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

~~(d) A dependent child described in subsection (b) is eligible for all~~



child support enforcement services provided in IC 31-25.

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

SECTION 15. IC 12-14-2-9 IS REPEALED [EFFECTIVE JULY 1, 2023]. ~~Sec. 9: The division shall apply a percentage reduction of ninety percent (90%) to the total needs of TANF applicants and recipients in computing the TANF benefits payable.~~

SECTION 16. IC 12-14-2-21, AS AMENDED BY P.L.174-2021, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022 (RETROACTIVE)]: Sec. 21. (a) A TANF recipient or the parent or essential person of a TANF recipient, if the TANF recipient is less than eighteen (18) years of age, must sign a personal responsibility agreement to do the following:

- (1) Develop an individual self-sufficiency plan with other family members and a caseworker.
- (2) Accept any reasonable employment as soon as it becomes available.
- (3) Agree to a loss of assistance, including TANF assistance under this article, if convicted of a felony under IC 35-43-5 for fraud relating to Medicaid or public relief or assistance for ten (10) years after the conviction.
- ~~(4) Subject to section 5.3 of this chapter, understand that additional TANF assistance under this article will not be available for a child born more than ten (10) months after the person qualifies for assistance.~~
- ~~(5)~~ (4) Accept responsibility for ensuring that each child of the person receives all appropriate vaccinations against disease at an appropriate age.
- ~~(6)~~ (5) If the person is less than eighteen (18) years of age and is a parent, live with the person's parents, legal guardian, or an adult relative other than a parent or legal guardian in order to receive public assistance.
- ~~(7)~~ (6) Subject to IC 12-8-1.5-11 and section 5.1 of this chapter, agree to accept assistance for not more than twenty-four (24) months under the TANF program (IC 12-14).
- ~~(8)~~ (7) Be available for and actively seek and maintain employment.
- ~~(9)~~ (8) Participate in any training program required by the division.
- ~~(10)~~ (9) Accept responsibility for ensuring that the person and each child of the person attend school until the person and each child of the person graduate from high school or attain a high



school equivalency certificate (as defined in IC 12-14-5-2).

~~(H)~~ **(10)** Raise the person's children in a safe, secure home.

~~(I2)~~ **(11)** Agree not to abuse illegal drugs or other substances that would interfere with the person's ability to attain self-sufficiency.

(b) Except as provided in subsection (c), assistance under the TANF program shall be withheld or denied to a person who does not fulfill the requirements of the personal responsibility agreement under subsection (a).

(c) A person who is granted an exemption under section 23 of this chapter may be excused from specific provisions of the personal responsibility agreement as determined by the director.

SECTION 17. IC 12-14-2-23, AS AMENDED BY P.L.130-2018, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 23. (a) This section applies only to a person's eligibility for assistance under section 5.1 of this chapter.

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

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

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

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

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

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

(d) After receiving an application for exemption from a parent, an essential person, or a dependent child under subsection (c), the division shall investigate and determine if the parent, essential person, or dependent child qualifies for an exemption from this chapter. The director shall make a final determination regarding:

(1) whether to grant an exemption;

(2) the length of an exemption, if granted, subject to subsection



(f); and

(3) the extent of an exemption, if granted.

(e) If the director determines that a parent, an essential person, or a dependent child qualifies for an exemption under this chapter, the parent, essential person, or dependent child is entitled to receive one hundred percent (100%) of the payments that the parent, essential person, or dependent child is entitled to receive under ~~section 5~~ of this chapter, subject to any ratable reduction.

(f) An exemption granted under this section may not exceed one (1) year, but may be renewed.

(g) The division shall publish the number and type of exemptions granted under this section on the division's Internet web site.

(h) The division may adopt rules under IC 4-22-2 to carry out this section.

SECTION 18. IC 12-15-2-0.5, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2023 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022 (RETROACTIVE)]: Sec. 0.5. (a) This section applies to a person who qualifies for assistance:

(1) under sections 13 through 16 of this chapter;

(2) under section 6 of this chapter (**before its expiration**) when the person becomes ineligible for medical assistance under IC 12-14-2-5.1; ~~or IC 12-14-2-5.3~~; or

(3) as an individual with a disability if the person is less than eighteen (18) years of age and otherwise qualifies for assistance.

(b) Notwithstanding any other law, the following may not be construed to limit health care assistance to a person described in subsection (a):

(1) IC 12-8-1.5-12.

(2) IC 12-14-1-1.

(3) IC 12-14-1-1.5.

(4) IC 12-14-2-5.1.

(5) IC 12-14-2-5.2.

~~(6) IC 12-14-2-5.3.~~

~~(7)~~ (6) IC 12-14-2-17.

~~(8)~~ (7) IC 12-14-2-18.

~~(9)~~ (8) IC 12-14-2-20.

~~(10)~~ (9) IC 12-14-2-21.

~~(11)~~ (10) IC 12-14-2-24.

~~(12)~~ (11) IC 12-14-2-25.

~~(13)~~ (12) IC 12-14-2-26.

~~(14)~~ (13) IC 12-14-2.5.

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~~(15)~~ **(14)** IC 12-14-5.5.

~~(16)~~ **(15)** Section 21 of this chapter.

SECTION 19. IC 12-20-6-0.5, AS AMENDED BY P.L.174-2021, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022 (RETROACTIVE)]: Sec. 0.5. (a) As used in this section, "member of the applicant's household" includes any person who lives in the same residence as the applicant.

(b) The township trustee shall determine whether an applicant or a member of the applicant's household has been denied assistance under IC 12-14-1-1, IC 12-14-1-1.5, IC 12-14-2-5.1, ~~IC 12-14-2-5.3~~, IC 12-14-2-18, IC 12-14-2-20, IC 12-14-2-21, IC 12-14-2-24, IC 12-14-2-26, IC 12-14-2.5, or IC 12-14-5.5.

(c) A township trustee has no obligation to extend aid to an applicant or to a member of an applicant's household who has been denied assistance as described in subsection (b).

(d) A township trustee shall not extend aid to an applicant or to a member of an applicant's household if the applicant or the member of the applicant's household has been convicted of an offense under IC 35-43-5 concerning fraud relating to Medicaid or public relief or assistance as follows:

(1) If the conviction is a misdemeanor, a township trustee shall not extend aid to the applicant or the member of the applicant's household for one (1) year after the conviction.

(2) If the conviction is a felony, a township trustee shall not extend aid to the applicant or the member of the applicant's household for ten (10) years after the conviction.

SECTION 20. [EFFECTIVE JANUARY 1, 2022 (RETROACTIVE)] **(a) 470 IAC 10.3-9-2 is void. The publisher of the Indiana Administrative Code and Indiana Register shall remove 470 IAC 10.3-9-2 from the Indiana Administrative Code.**

(b) This SECTION expires December 31, 2023.

SECTION 21. [EFFECTIVE UPON PASSAGE] **(a) Not later than ninety (90) days after the effective date of this act, the family and social services administration shall amend the administrative rules of the family and social services administration in conformance with this act.**

(b) This SECTION expires December 31, 2023.

SECTION 22. **An emergency is declared for this act.**



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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