

SENATE BILL No. 327

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-14; IC 12-15-2-0.5; IC 12-20-6-0.5.

Synopsis: TANF eligibility. Sets the income eligibility requirements for the Temporary Assistance for Needy Families (TANF) program at a specified percentage of the federal income poverty level. Requires the division of family resources (division) 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. Requires the payments to be annually adjusted using the Social Security cost of living adjustment rate, but provides that the total adjustment in a year must be reduced to the extent the adjustment would result in the transfer to the Child Care and Development Fund grant program being less than the maximum allowable transfer under federal law. Authorizes emergency rulemaking concerning the payments. Repeals language regarding: (1) payments for a child born more than 10 months after a family qualifies for assistance; (2) the adoption of rules authorizing certain vouchers; (3) eligibility for child support enforcement services; (4) encouraging a family that receives assistance to receive family planning counseling; and (5) requiring the division to apply a percentage reduction to the total needs of TANF applicants and recipients in computing TANF benefits. Makes conforming changes.

Effective: January 1, 2022 (retroactive); July 1, 2022; July 1, 2023.

Ford Jon

January 11, 2022, read first time and referred to Committee on Family and Children Services.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE BILL No. 327

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.174-2021,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: 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



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

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

7 SECTION 2. IC 12-14-1-1.5, AS AMENDED BY P.L.128-2012,
 8 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2023]: Sec. 1.5. (a) This section does not apply if the:

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

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

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

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

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

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

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

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

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

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

32 (1) not married; or

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

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

42 (c) The assistance for an eligible dependent child and each child of



1 an eligible dependent child as described in subsection (b) shall be
 2 provided to the dependent child's parent, legal guardian, or other adult
 3 relative based on the eligibility of the parent, legal guardian, or other
 4 adult relative to receive assistance under TANF.

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

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

7 (A) has a child; or

8 (B) is pregnant; and

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

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

14 SECTION 3. IC 12-14-1-1.7 IS ADDED TO THE INDIANA CODE
 15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 16 1, 2022]: **Sec. 1.7. (a) The division shall, until June 30, 2023,**
 17 **determine whether an individual is eligible for TANF assistance**
 18 **based on the individual's amount of need set forth in 470**
 19 **IAC 10.3-4-3 (as in effect on January 1, 2022).**

20 (b) After June 30, 2023, a dependent child:

21 (1) who otherwise qualifies for assistance; and

22 (2) lives in the family home of an individual who has a gross
 23 income of not more than sixteen percent (16%) of the federal
 24 income poverty level;

25 is eligible for TANF assistance.

26 SECTION 4. IC 12-14-2-4.9 IS ADDED TO THE INDIANA CODE
 27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 28 1, 2022]: **Sec. 4.9. (a) The division may adopt emergency rules**
 29 **under IC 4-22-2-37.1 to implement section 5 of this chapter. An**
 30 **emergency rule adopted under this section expires on the earlier**
 31 **of:**

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

34 (2) June 30, 2023.

35 (b) This section expires July 1, 2023.

36 SECTION 5. IC 12-14-2-5 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 5. (a) Except as**
 38 **provided in sections section 5.1 and 5.3 of this chapter and subject to**
 39 **the adjustment described in subsection (b), the following apply to**
 40 **the amount of need recognized and payment made under this chapter:**

41 (1) The total amount of need recognized and payment made for a
 42 dependent child, other than for medical expenses, for a calendar



1 month may not exceed ~~one two hundred fifty-five dollars (\$155).~~
 2 **forty-eight dollars (\$248).**

3 (2) The total ~~amount of need recognized and~~ payment made to the
 4 person essential to the well-being of the dependent child, other
 5 than for medical expenses, for a calendar month may not exceed
 6 ~~one two hundred fifty-five dollars (\$155).~~ **forty-eight dollars**
 7 **(\$248).**

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

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

22 **(b) The payment amounts specified in subsection (a) shall be**
 23 **adjusted each year using the Social Security cost of living**
 24 **adjustment rate. However, the total adjustment in a year shall be**
 25 **reduced to the extent that the adjustment would result in the**
 26 **transfer to the Child Care and Development Fund (CCDF) grant**
 27 **program being less than the maximum allowable transfer under**
 28 **federal law.**

29 SECTION 6. IC 12-14-2-5.1, AS AMENDED BY P.L.153-2011,
 30 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2023]: Sec. 5.1. (a) Subject to section 5.2 of this chapter, a
 32 parent or an essential person may not receive payments if the person
 33 has received assistance under this article during the person's lifetime
 34 for twenty-four (24) months after June 30, 1995.

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



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

- 3 (1) the family's **applicable amount of need** or income is greater
4 than the amount of need ~~recognized under section 5 of this~~
5 ~~chapter; or the income eligibility specified in IC 12-14-1-1.7;~~
6 (2) the family's gross income is less than one hundred percent
7 (100%) of the federal income poverty level; and
8 (3) a parent or essential person receiving assistance has
9 employment earnings.

10 SECTION 7. IC 12-14-2-5.3 IS REPEALED [EFFECTIVE
11 JANUARY 1, 2022 (RETROACTIVE)]. ~~Sec. 5.3: (a) This section does~~
12 ~~not apply to a dependent child:~~

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

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

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

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

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

32 SECTION 8. IC 12-14-2-9 IS REPEALED [EFFECTIVE JULY 1,
33 2023]. ~~Sec. 9: The division shall apply a percentage reduction of ninety~~
34 ~~percent (90%) to the total needs of TANF applicants and recipients in~~
35 ~~computing the TANF benefits payable.~~

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

- 42 (1) Develop an individual self-sufficiency plan with other family



- 1 members and a caseworker.
- 2 (2) Accept any reasonable employment as soon as it becomes
- 3 available.
- 4 (3) Agree to a loss of assistance, including TANF assistance
- 5 under this article, if convicted of a felony under IC 35-43-5 for
- 6 fraud relating to Medicaid or public relief or assistance for ten
- 7 (10) years after the conviction.
- 8 (4) ~~Subject to section 5.3 of this chapter,~~ Understand that
- 9 additional TANF assistance under this article will not be available
- 10 for a child born more than ten (10) months after the person
- 11 qualifies for assistance.
- 12 (5) Accept responsibility for ensuring that each child of the
- 13 person receives all appropriate vaccinations against disease at an
- 14 appropriate age.
- 15 (6) If the person is less than eighteen (18) years of age and is a
- 16 parent, live with the person's parents, legal guardian, or an adult
- 17 relative other than a parent or legal guardian in order to receive
- 18 public assistance.
- 19 (7) Subject to IC 12-8-1.5-11 and section 5.1 of this chapter,
- 20 agree to accept assistance for not more than twenty-four (24)
- 21 months under the TANF program (IC 12-14).
- 22 (8) Be available for and actively seek and maintain employment.
- 23 (9) Participate in any training program required by the division.
- 24 (10) Accept responsibility for ensuring that the person and each
- 25 child of the person attend school until the person and each child
- 26 of the person graduate from high school or attain a high school
- 27 equivalency certificate (as defined in IC 12-14-5-2).
- 28 (11) Raise the person's children in a safe, secure home.
- 29 (12) Agree not to abuse illegal drugs or other substances that
- 30 would interfere with the person's ability to attain self-sufficiency.
- 31 (b) Except as provided in subsection (c), assistance under the TANF
- 32 program shall be withheld or denied to a person who does not fulfill the
- 33 requirements of the personal responsibility agreement under subsection
- 34 (a).
- 35 (c) A person who is granted an exemption under section 23 of this
- 36 chapter may be excused from specific provisions of the personal
- 37 responsibility agreement as determined by the director.
- 38 SECTION 10. IC 12-14-2-23, AS AMENDED BY P.L.130-2018,
- 39 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 40 JULY 1, 2023]: Sec. 23. (a) This section applies only to a person's
- 41 eligibility for assistance under section 5.1 of this chapter.
- 42 (b) As used in this section, "school" means a program resulting in



1 high school graduation.

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

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

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

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

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

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

25 (1) whether to grant an exemption;

26 (2) the length of an exemption, if granted, subject to subsection
27 (f); and

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

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

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

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

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

41 SECTION 11. IC 12-15-2-0.5, AS AMENDED BY P.L.160-2012,
42 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JANUARY 1, 2022 (RETROACTIVE)]; Sec. 0.5. (a) This section
 2 applies to a person who qualifies for assistance:

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

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

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

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

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

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

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

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

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

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

18 ~~(7) (6) IC 12-14-2-17.~~

19 ~~(8) (7) IC 12-14-2-18.~~

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

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

22 ~~(11) (10) IC 12-14-2-24.~~

23 ~~(12) (11) IC 12-14-2-25.~~

24 ~~(13) (12) IC 12-14-2-26.~~

25 ~~(14) (13) IC 12-14-2.5.~~

26 ~~(15) (14) IC 12-14-5.5.~~

27 ~~(16) (15) Section 21 of this chapter.~~

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

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

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

41 (d) A township trustee shall not extend aid to an applicant or to a
 42 member of an applicant's household if the applicant or the member of



1 the applicant's household has been convicted of an offense under
2 IC 35-43-5 concerning fraud relating to Medicaid or public relief or
3 assistance as follows:
4 (1) If the conviction is a misdemeanor, a township trustee shall
5 not extend aid to the applicant or the member of the applicant's
6 household for one (1) year after the conviction.
7 (2) If the conviction is a felony, a township trustee shall not
8 extend aid to the applicant or the member of the applicant's
9 household for ten (10) years after the conviction.
10 **SECTION 13. An emergency is declared for this act.**

