

SENATE BILL No. 440

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-14.

Synopsis: TANF eligibility. Sets the income eligibility requirements for the Temporary Assistance for Needy Families (TANF) program at phased in specified percentages 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, 2019.

Ford Jon

January 14, 2019, read first time and referred to Committee on Family and Children Services.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 440

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, 2019]: 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 35-43-5-7 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, 2019]: 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, 2019]: **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 the following percentages of the federal
 19 income poverty level:**

20 (1) **Beginning July 1, 2019, through June 30, 2020, twenty
 21 percent (20%).**

22 (2) **Beginning July 1, 2020, through June 30, 2021, thirty-five
 23 percent (35%).**

24 (3) **Beginning July 1, 2021, fifty percent (50%).**

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

27 SECTION 4. IC 12-14-2-5 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 5. (a) Except as
 29 provided in sections 5.1 and 5.3 of this chapter and subject to the
 30 adjustment described in subsection (b), the following apply to the
 31 amount of need recognized and payment made under this chapter:**

32 (1) The total ~~amount of need recognized and~~ payment made for a
 33 dependent child, other than for medical expenses, for a calendar
 34 month may not exceed ~~one two hundred fifty-five dollars (\$155):~~
 35 **forty-eight dollars (\$248).**

36 (2) The total ~~amount of need recognized and~~ payment made to the
 37 person essential to the well-being of the dependent child, other
 38 than for medical expenses, for a calendar month may not exceed
 39 ~~one two hundred fifty-five dollars (\$155):~~ **forty-eight dollars**
 40 **(\$248).**

41 (3) The total ~~amount of need recognized and~~ payment made to
 42 one (1) dependent child and to the person essential to the



1 well-being of the dependent child, other than for medical
 2 expenses, for a calendar month may not exceed ~~two~~ **four** hundred
 3 ~~fifty-five~~ **dollars (\$409)**.

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

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

16 SECTION 5. IC 12-14-2-5.1, AS AMENDED BY P.L.153-2011,
 17 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2019]: Sec. 5.1. (a) Subject to section 5.2 of this chapter, a
 19 parent or an essential person may not receive payments if the person
 20 has received assistance under this article during the person's lifetime
 21 for twenty-four (24) months after June 30, 1995.

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

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

31 (1) the family's income is greater than ~~the amount of need~~
 32 ~~recognized under section 5 of this chapter~~; **the income eligibility**
 33 **specified in IC 12-14-1-1.7;**

34 (2) the family's gross income is less than one hundred percent
 35 (100%) of the federal income poverty level; and

36 (3) a parent or essential person receiving assistance has
 37 employment earnings.

38 SECTION 6. IC 12-14-2-5.3, AS AMENDED BY P.L.161-2007,
 39 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2019]: Sec. 5.3. (a) This section does not apply to a dependent
 41 child:

42 ~~(1) described in section 5.1(b)(3) or 5.1(b)(4) of this chapter;~~



1 ~~(2)~~ **(1)** who is the firstborn of a child less than eighteen (18) years
2 of age who is included in a TANF assistance group when the child
3 becomes a first time minor parent (including all children in the
4 case of a multiple birth); or

5 ~~(3)~~ **(2)** who was conceived in a month the family was not
6 receiving TANF assistance.

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

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

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

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

20 SECTION 7. IC 12-14-2-23, AS AMENDED BY P.L.130-2018,
21 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2019]: Sec. 23. (a) This section applies only to a person's
23 eligibility for assistance under section 5.1 of this chapter.

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

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

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

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

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

41 A person seeking an exemption under this section must show
42 documentation to the division to substantiate the person's claim for an



- 1 exemption under subdivision (1), (2), or (3).
2 (d) After receiving an application for exemption from a parent, an
3 essential person, or a dependent child under subsection (c), the division
4 shall investigate and determine if the parent, essential person, or
5 dependent child qualifies for an exemption from this chapter. The
6 director shall make a final determination regarding:
7 (1) whether to grant an exemption;
8 (2) the length of an exemption, if granted, subject to subsection
9 (f); and
10 (3) the extent of an exemption, if granted.
11 (e) If the director determines that a parent, an essential person, or a
12 dependent child qualifies for an exemption under this chapter, the
13 parent, essential person, or dependent child is entitled to receive one
14 hundred percent (100%) of the payments that the parent, essential
15 person, or dependent child is entitled to receive under ~~section 5~~ of this
16 chapter, subject to any ratable reduction.
17 (f) An exemption granted under this section may not exceed one (1)
18 year, but may be renewed.
19 (g) The division shall publish the number and type of exemptions
20 granted under this section on the division's Internet web site.
21 (h) The division may adopt rules under IC 4-22-2 to carry out this
22 section.

