



March 26, 2019

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# ENGROSSED

## SENATE BILL No. 440

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DIGEST OF SB 440 (Updated March 26, 2019 9:47 am - DI 119)

**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 beginning July 1, 2021. 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 beginning January 1, 2020. 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 requiring the division of family resources to apply a percentage reduction to the total needs of TANF applicants and recipients in computing TANF benefits.

**Effective:** July 1, 2019; January 1, 2020.

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**Ford Jon, Grooms, Stoops,  
Ford J.D., Becker, Melton, Kruse,  
Randolph Lonnie M**

(HOUSE SPONSORS — ZIEMKE, CLERE, PFAFF, FRIZZELL)

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

February 18, 2019, amended, reported favorably — Do Pass.

February 21, 2019, read second time, ordered engrossed. Engrossed.

February 25, 2019, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 5, 2019, read first time and referred to Committee on Family, Children and Human Affairs.

March 26, 2019, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

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ES 440—LS 6800/DI 104





March 26, 2019

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.

## ENGROSSED SENATE BILL No. 440

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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 JANUARY 1, 2020]: Sec. 1. (a) Assistance under TANF shall be given  
4 to a dependent child who otherwise qualifies for assistance if the child  
5 is 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 JANUARY 1, 2020]: 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**  
 15 **JANUARY 1, 2020]: Sec. 1.7. (a) The division shall, until June 30,**  
 16 **2021, determine whether an individual is eligible for TANF**  
 17 **assistance based on the individual's amount of need set forth in 470**  
 18 **IAC 10.3-4-3.**

19 (b) After June 30, 2021, assistance under TANF shall be given  
 20 to a dependent child who otherwise qualifies for assistance if the  
 21 child is living in a family home of a person who has a gross income  
 22 that is not more than the following percentages of the federal  
 23 income poverty level:

24 (1) Beginning July 1, 2021, through June 30, 2023, thirty-five  
 25 percent (35%).

26 (2) Beginning July 1, 2023, fifty percent (50%).

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

29 SECTION 4. IC 12-14-2-4.9 IS ADDED TO THE INDIANA CODE  
 30 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
 31 **1, 2019]: Sec. 4.9. The division may adopt emergency rules in the**  
 32 **manner provided under IC 4-22-2-37.1 to implement section 5 of**  
 33 **this chapter. An emergency rule adopted under this section expires**  
 34 **the earlier of:**

35 (1) one (1) year from the date the rule was accepted for filing  
 36 under IC 4-22-2-37.1(e); or

37 (2) June 30, 2020.

38 **This section expires July 1, 2020.**

39 SECTION 5. IC 12-14-2-5 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JANUARY 1, 2020]: Sec. 5. (a) Except as  
 41 provided in sections 5.1 and 5.3 of this chapter **and subject to the**  
 42 **adjustment described in subsection (b), the following apply to the**



1 amount of need recognized and payment made under this chapter:

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

6 (2) The total amount of need recognized and payment made to the  
 7 person essential to the well-being of the dependent child, other  
 8 than for medical expenses, for a calendar month may not exceed  
 9 ~~one two hundred fifty-five dollars (\$155).~~ **forty-eight dollars**  
 10 **(\$248).**

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

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

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

32 SECTION 6. IC 12-14-2-5.1, AS AMENDED BY P.L.153-2011,  
 33 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JANUARY 1, 2020]: Sec. 5.1. (a) Subject to section 5.2 of this chapter,  
 35 a parent or an essential person may not receive payments if the person  
 36 has received assistance under this article during the person's lifetime  
 37 for twenty-four (24) months after June 30, 1995.

38 (b) A family receiving TANF under ~~section 5~~ of this chapter  
 39 remains eligible to receive TANF services, including access to the Title  
 40 IV-D child support enforcement program and the IMPACT (JOBS)  
 41 program, when the family's **applicable amount of need or** income is  
 42 greater than the amount of need ~~recognized~~ **or income eligibility** under



1 ~~section 5 of this chapter, IC 12-14-1-1.7~~, but the family's gross income  
 2 is less than one hundred percent (100%) of the federal income poverty  
 3 level.

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

6 (1) the family's **applicable amount of need** or income is greater  
 7 than the amount of need ~~recognized under section 5 of this~~  
 8 ~~chapter, or the income eligibility specified in IC 12-14-1-1.7;~~

9 (2) the family's gross income is less than one hundred percent  
 10 (100%) of the federal income poverty level; and

11 (3) a parent or essential person receiving assistance has  
 12 employment earnings.

13 SECTION 7. IC 12-14-2-5.3, AS AMENDED BY P.L.161-2007,  
 14 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JANUARY 1, 2020]: Sec. 5.3. (a) This section does not apply to a  
 16 dependent child:

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

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

22 ~~(3) (2) who was conceived in a month the family was not~~  
 23 ~~receiving TANF assistance.~~

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

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

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

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

37 SECTION 8. IC 12-14-2-9 IS REPEALED [EFFECTIVE  
 38 JANUARY 1, 2020]. ~~Sec. 9: The division shall apply a percentage~~  
 39 ~~reduction of ninety percent (90%) to the total needs of TANF~~  
 40 ~~applicants and recipients in computing the TANF benefits payable.~~

41 SECTION 9. IC 12-14-2-23, AS AMENDED BY P.L.130-2018,  
 42 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JANUARY 1, 2020]: Sec. 23. (a) This section applies only to a person's  
2 eligibility for assistance under section 5.1 of this chapter.

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

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

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

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

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

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

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

28 (1) whether to grant an exemption;

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

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

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

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

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

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





1 section.



## COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred Senate Bill No. 440, 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:

Replace the effective dates in SECTIONS 1 through 7 with "[EFFECTIVE JANUARY 1, 2020]".

Page 3, line 17, delete "countable" and insert "**gross**".

Page 3, delete lines 20 through 21.

Page 3, line 22, delete "(2)" and insert "**(1)**".

Page 3, line 24, delete "(3)" and insert "**(2)**".

Page 3, between lines 26 and 27, begin a new paragraph and insert: "SECTION 4. IC 12-14-2-4.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 4.9. The division may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to implement section 5 of this chapter. An emergency rule adopted under this section expires the earlier of:**

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

**(2) June 30, 2020.**

**This section expires July 1, 2020."**

Page 5, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 7. IC 12-14-2-9 IS REPEALED [EFFECTIVE JANUARY 1, 2020]. **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."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 440 as introduced.)

GROOMS, Chairperson

Committee Vote: Yeas 9, Nays 0.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Senate Bill 440, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 15, delete "Assistance" and insert "**The division shall, until June 30, 2021, 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.**

**(b) After June 30, 2021, assistance".**

Page 3, line 20, delete "July 1, 2020," and insert "**July 1, 2021,**".

Page 3, line 20, delete "June 30, 2021," and insert "**June 30, 2023,**".

Page 3, line 22, delete "July 1, 2021," and insert "**July 1, 2023,**".

Page 3, line 23, delete "(b)" and insert "(c)".

Page 4, line 23, after "rate." insert "**However, the total adjustment in a year shall be reduced to the extent that the adjustment would result in the transfer to the Child Care and Development Fund (CCDF) grant program being less than the maximum allowable transfer under federal law.**".

Page 4, line 33, after "family's" insert "**applicable amount of need or**".

Page 4, line 33, reset in roman "the amount of need".

Page 4, line 34, after "recognized" insert "**or income**".

Page 4, line 39, after "family's" insert "**applicable amount of need or**".

Page 4, line 39, reset in roman "the amount of need".

Page 4, line 40, after "chapter;" insert "**or**".

and when so amended that said bill do pass.

(Reference is to SB 440 as printed February 19, 2019.)

FRIZZELL

Committee Vote: yeas 12, nays 0.

