



February 9, 2021

---

---

## HOUSE BILL No. 1009

---

DIGEST OF HB 1009 (Updated February 9, 2021 9:17 am - DI 119)

**Citations Affected:** IC 12-14.

**Synopsis:** TANF program. Exempts from being counted as income in determining eligibility for the Temporary Assistance for Needy Families (TANF) program certain money earned by a child or member of the child's family who is pursuing a postsecondary degree, workforce certificate, pre-apprenticeship, or apprenticeship. Sets the income eligibility requirements for the 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. 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:** Upon passage; July 1, 2021.

---

---

### Goodrich, DeVon, Ledbetter, Pryor

---

---

January 14, 2021, read first time and referred to Committee on Family, Children and Human Affairs.

February 9, 2021, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

---

---

HB 1009—LS 7316/DI 104





February 9, 2021

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## HOUSE BILL No. 1009

---

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, 2021]: 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

**HB 1009—LS 7316/DI 104**



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, 2021]: 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, 2021]: **Sec. 1.7. (a) The division shall, until June 30, 2022,  
 16 determine whether an individual is eligible for TANF assistance  
 17 based on the individual's amount of need set forth in 470  
 18 IAC 10.3-4-3.**

19 **(b) After June 30, 2022, 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, 2022, through June 30, 2024, thirty-five  
 25 percent (35%).**

26 **(2) Beginning July 1, 2024, 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 12-14-2-1, AS AMENDED BY P.L.14-2020,  
 30 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2021]: Sec. 1. (a) After the investigation under IC 12-14-1-6,  
 32 the county office shall decide the following:

33 (1) Whether the child is eligible for assistance under this article.

34 (2) The amount of assistance.

35 (3) The date assistance begins.

36 (b) The county office may not consider:

37 (1) money in an individual development account under IC 4-4-28  
 38 that belongs to the child or a member of the child's family;

39 (2) ten thousand dollars (\$10,000) of equity value (as defined in  
 40 470 IAC 10.1-3-1) in one (1) motor vehicle that belongs to a  
 41 member of the child's family;

42 (3) a Holocaust victim's settlement payment received by the child



1 or a member of the child's family; or

2 (4) money earned by the child or a member of the child's family  
3 as a student participating in **or pursuing:**

4 (A) a paid internship;

5 (B) a work based learning course (as defined in  
6 IC 20-43-8-0.7); ~~or~~

7 (C) paid postsecondary work experience that allows the  
8 individual to apply for a related apprenticeship (as defined by  
9 IC 20-43-8-0.3);

10 **(D) a postsecondary degree;**

11 **(E) a workforce certificate;**

12 **(F) a pre-apprenticeship; or**

13 **(G) an apprenticeship;**

14 when determining whether the ~~child~~ **individual** is eligible for  
15 assistance under this article.

16 SECTION 5. IC 12-14-2-4.9 IS ADDED TO THE INDIANA CODE  
17 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
18 **UPON PASSAGE]: Sec. 4.9. The division may adopt emergency**  
19 **rules in the manner provided under IC 4-22-2-37.1 to implement**  
20 **section 5 of this chapter.**

21 SECTION 6. IC 12-14-2-5 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. **(a)** Except as  
23 provided in sections 5.1 and 5.3 of this chapter **and subject to the**  
24 **adjustment described in subsection (b)**, the following apply to the  
25 ~~amount of need recognized and~~ payment made under this chapter:

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

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

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

40 (4) If there is more than one (1) dependent child in the same  
41 home, the total ~~amount of need recognized and~~ payment made,  
42 other than for medical expenses, for a calendar month may not



1 exceed ~~sixty-five~~ **one hundred four** dollars (~~\$65~~) (**\$104**) for each  
 2 additional child and, if the second parent of the child is  
 3 incapacitated and is living in the home, the ~~amount of need~~  
 4 ~~recognized and~~ payment made may not exceed ~~sixty-five~~ **one**  
 5 **hundred four** dollars (~~\$65~~) (**\$104**) for the benefit of the  
 6 incapacitated parent.

7 **(b) The payment amounts specified in subsection (a) shall be**  
 8 **adjusted each year using the Social Security cost of living**  
 9 **adjustment rate. However, the total adjustment in a year shall be**  
 10 **reduced to the extent that the adjustment would result in the**  
 11 **transfer to the Child Care and Development Fund (CCDF) grant**  
 12 **program being less than the maximum allowable transfer under**  
 13 **federal law.**

14 SECTION 7. IC 12-14-2-5.1, AS AMENDED BY P.L.153-2011,  
 15 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2021]: Sec. 5.1. (a) Subject to section 5.2 of this chapter, a  
 17 parent or an essential person may not receive payments if the person  
 18 has received assistance under this article during the person's lifetime  
 19 for twenty-four (24) months after June 30, 1995.

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

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

- 30 (1) the family's **applicable amount of need or** income is greater  
 31 than the amount of need ~~recognized under section 5 of this~~  
 32 ~~chapter; or the income eligibility specified in IC 12-14-1-1.7;~~  
 33 (2) the family's gross income is less than one hundred percent  
 34 (100%) of the federal income poverty level; and  
 35 (3) a parent or essential person receiving assistance has  
 36 employment earnings.

37 SECTION 8. IC 12-14-2-5.3, AS AMENDED BY P.L.156-2020,  
 38 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2021]: Sec. 5.3. (a) This section does not apply to a dependent  
 40 child:

- 41 (1) who is the firstborn of a child less than eighteen (18) years of  
 42 age who is included in a TANF assistance group when the child



1 becomes a first time minor parent (including all children in the  
2 case of a multiple birth); or

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

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

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

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

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

18 SECTION 9. IC 12-14-2-9 IS REPEALED [EFFECTIVE JULY 1,  
19 2021]. ~~Sec. 9: The division shall apply a percentage reduction of ninety~~  
20 ~~percent (90%) to the total needs of TANF applicants and recipients in~~  
21 ~~computing the TANF benefits payable.~~

22 SECTION 10. IC 12-14-2-23, AS AMENDED BY P.L.130-2018,  
23 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2021]: Sec. 23. (a) This section applies only to a person's  
25 eligibility for assistance under section 5.1 of this chapter.

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

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

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

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

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





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

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

9 (1) whether to grant an exemption;

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

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

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

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

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

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

25 **SECTION 11. An emergency is declared for this act.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1009, 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 4, line 1, after "family;" reset in roman "or".

Page 4, line 3, delete ":" and insert "**or pursuing:**".

Page 4, line 6, strike "or".

Page 4, delete lines 10 through 19, begin a line double block indented and insert:

**"(D) a postsecondary degree;**

**(E) a workforce certificate;**

**(F) a pre-apprenticeship; or**

**(G) an apprenticeship;"**

and when so amended that said bill do pass.

(Reference is to HB 1009 as introduced.)

DEVON

Committee Vote: yeas 10, nays 0.

