



Reprinted  
April 13, 2021

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## ENGROSSED HOUSE BILL No. 1009

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DIGEST OF HB 1009 (Updated April 12, 2021 5:55 pm - DI 104)

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

**Synopsis:** TANF program. Provides that beginning January 1, 2022, for purposes of the Temporary Assistance for Needy Families (TANF) program, income earned by a certain individual in the household who is participating in or pursuing a postsecondary degree, workforce certificate, pre-apprenticeship, or apprenticeship may not disqualify an eligible household from receiving benefits, and may not be considered in determining the amount of assistance. Sets the income eligibility (Continued next page)

**Effective:** July 1, 2021; January 1, 2022; July 1, 2023.

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### Goodrich, DeVon, Ledbetter, Pryor

(SENATE SPONSORS — FORD JON, CRANE, GROOMS, KOCH,  
RANDOLPH LONNIE M)

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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.

February 16, 2021, amended, reported — Do Pass.

February 18, 2021, read second time, ordered engrossed. Engrossed.

February 22, 2021, read third time, passed. Yeas 93, nays 1.

SENATE ACTION

February 24, 2021, read first time and referred to Committee on Family and Children Services.

March 22, 2021, reported favorably — Do Pass; reassigned to Committee on Appropriations.

April 8, 2021, amended, reported favorably — Do Pass.

April 12, 2021, read second time, amended, ordered engrossed.

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EH 1009—LS 7316/DI 104



## Digest Continued

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 beginning July 1, 2023. Requires the payments to be annually adjusted using the Social Security cost of living adjustment rate beginning July 1, 2023, 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. 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.

**EH 1009—LS 7316/DI 104**



Reprinted  
April 13, 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.

## ENGROSSED HOUSE BILL No. 1009

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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, 2022]: 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, 2022]: 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, 2022]: Sec. 1.7. (a) The division shall, until June 30,**  
 16 **2023, 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, 2023, 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, 2023, 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:

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

12 SECTION 5. IC 12-14-2-1.5 IS ADDED TO THE INDIANA CODE  
13 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
14 JANUARY 1, 2022]: **Sec. 1.5. After a household has been  
15 determined to be eligible for assistance under this article,  
16 additional annual income of up to fifteen thousand dollars  
17 (\$15,000) earned in the household may not be considered as  
18 changing eligibility status if the additional annual income is earned  
19 by an individual who:**

20 **(1) resides in the household;**

21 **(2) is less than twenty-four (24) years of age; and**

22 **(3) earns the additional annual income while the individual is  
23 a student participating in or pursuing:**

24 **(A) a postsecondary degree;**

25 **(B) a workforce certificate;**

26 **(C) a pre-apprenticeship; or**

27 **(D) an apprenticeship.**

28 SECTION 6. IC 12-14-2-3, AS AMENDED BY P.L.14-2020,  
29 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
30 JANUARY 1, 2022]: Sec. 3. (a) Except as provided in subsection (b),  
31 when determining the amount of assistance, an accounting must be  
32 taken of any income or property of the child that the child may receive  
33 from another source.

34 (b) The following may not be considered as income or property of  
35 the child when determining the amount of assistance for the child:

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

39 (2) A Holocaust victim's settlement payment received by the child  
40 or a member of the child's family.

41 (3) Money earned by the child or a member of the child's family  
42 as a student participating in:



- 1 (A) a paid internship;  
 2 (B) a work based learning course (as defined in  
 3 IC 20-43-8-0.7); or  
 4 (C) paid postsecondary work experience that allows the  
 5 individual to apply for a related apprenticeship (as defined by  
 6 IC 20-43-8-0.3).
- 7 **(4) Annual income of up to fifteen thousand dollars (\$15,000)**  
 8 **that is earned by an individual in the child's household, if the**  
 9 **income is earned by an individual who:**
- 10 (A) resides in the household;  
 11 (B) is less than twenty-four (24) years of age; and  
 12 (C) earns the additional annual income while the  
 13 individual is a student participating in or pursuing:  
 14 (i) a postsecondary degree;  
 15 (ii) a workforce certificate;  
 16 (iii) a pre-apprenticeship; or  
 17 (iv) an apprenticeship.

18 SECTION 7. IC 12-14-2-5 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. (a) Except as  
 20 provided in sections 5.1 and 5.3 of this chapter **and subject to the**  
 21 **adjustment described in subsection (b)**, the following apply to the  
 22 ~~amount of need recognized and~~ payment made under this chapter:

- 23 (1) The total ~~amount of need recognized and~~ payment made for a  
 24 dependent child, other than for medical expenses, for a calendar  
 25 month may not exceed ~~one two hundred fifty-five dollars (\$155);~~  
 26 **forty-eight dollars (\$248).**
- 27 (2) The total ~~amount of need recognized and~~ payment made to the  
 28 person essential to the well-being of the dependent child, other  
 29 than for medical expenses, for a calendar month may not exceed  
 30 ~~one two hundred fifty-five dollars (\$155);~~ **forty-eight dollars**  
 31 **(\$248).**
- 32 (3) The total ~~amount of need recognized and~~ payment made to  
 33 one (1) dependent child and to the person essential to the  
 34 well-being of the dependent child, other than for medical  
 35 expenses, for a calendar month may not exceed ~~two four hundred~~  
 36 ~~fifty-five dollars (\$255);~~ **nine dollars (\$409).**
- 37 (4) If there is more than one (1) dependent child in the same  
 38 home, the total ~~amount of need recognized and~~ payment made,  
 39 other than for medical expenses, for a calendar month may not  
 40 exceed ~~sixty-five one hundred four dollars (\$65)~~ **(\$104)** for each  
 41 additional child and, if the second parent of the child is  
 42 incapacitated and is living in the home, the ~~amount of need~~



1            ~~recognized and~~ payment made may not exceed ~~sixty-five one~~  
 2            **hundred four** dollars ~~(\$65)~~ **(\$104)** for the benefit of the  
 3            incapacitated parent.

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

11           SECTION 8. IC 12-14-2-5.1, AS AMENDED BY P.L.153-2011,  
 12           SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13           JULY 1, 2023]: Sec. 5.1. (a) Subject to section 5.2 of this chapter, a  
 14           parent or an essential person may not receive payments if the person  
 15           has received assistance under this article during the person's lifetime  
 16           for twenty-four (24) months after June 30, 1995.

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

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

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

34           SECTION 9. IC 12-14-2-5.3, AS AMENDED BY P.L.156-2020,  
 35           SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36           JULY 1, 2023]: Sec. 5.3. (a) This section does not apply to a dependent  
 37           child:

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





1 TANF assistance.

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

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

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

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

15 SECTION 10. IC 12-14-2-9 IS REPEALED [EFFECTIVE  
16 JANUARY 1, 2022]. ~~Sec. 9: The division shall apply a percentage  
17 reduction of ninety percent (90%) to the total needs of TANF  
18 applicants and recipients in computing the TANF benefits payable.~~

19 SECTION 11. IC 12-14-2-23, AS AMENDED BY P.L.130-2018,  
20 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2023]: Sec. 23. (a) This section applies only to a person's  
22 eligibility for assistance under section 5.1 of this chapter.

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

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

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

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

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

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



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

6 (1) whether to grant an exemption;

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

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

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

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

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

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



## 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.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, 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 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 28, begin a new paragraph and insert:

"SECTION 1. IC 6-3.1-21-6, AS AMENDED BY P.L.214-2018(ss), SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: Sec. 6. (a) Except as provided by subsections (b), (d), and (e), an individual who is eligible for an earned income tax credit under Section 32 of the Internal Revenue Code as it existed before being amended by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312), is eligible for a credit under this chapter equal to ~~nine percent (9%)~~ **ten percent (10%)** of the amount of the federal earned income tax credit

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that the individual:

- (1) is eligible to receive in the taxable year; and
- (2) claimed for the taxable year;

under Section 32 of the Internal Revenue Code as it existed before being amended by the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312).

(b) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the amount of the credit is equal to the product of:

- (1) the amount determined under subsection (a); multiplied by
- (2) the quotient of the taxpayer's income taxable in Indiana divided by the taxpayer's total income.

(c) If the credit amount exceeds the taxpayer's adjusted gross income tax liability for the taxable year, the excess shall be refunded to the taxpayer.

(d) If a taxpayer properly elects to determine the taxpayer's earned income in accordance with the federal Bipartisan Budget Act of 2018 for purposes of the credit under Section 32 of the Internal Revenue Code for a taxable year beginning after December 31, 2016, the election shall be treated as being made for purposes of the credit under this chapter.

(e) The minimum earned income amounts and phaseout threshold amounts for the credit under this section are subject to the same cost of living adjustments provided in the Internal Revenue Code."

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

Page 4, line 6, reset in roman "or".

Page 4, delete lines 10 through 13.

Page 4, delete lines 16 through 42, begin a new paragraph and insert:

"SECTION 3. IC 12-14-2-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 1.5. After a household has been determined to be eligible for assistance under this article, additional annual income of up to fifteen thousand dollars (\$15,000) earned in the household may not be considered as changing eligibility status if the additional annual income is earned by an individual who:**

- (1) resides in the household;**
- (2) is less than twenty-four (24) years of age; and**
- (3) earns the additional annual income while the individual is a student participating in or pursuing:**
  - (A) a postsecondary degree;**



- (B) a workforce certificate;**
- (C) a pre-apprenticeship; or**
- (D) an apprenticeship.**

SECTION 4. IC 12-14-2-3, AS AMENDED BY P.L.14-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: 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 that the child may receive from another source.

(b) The following may not be considered as income or property of the child 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 or a member of the child's family.

(2) A Holocaust victim's settlement payment received by the child or a member of the child's family.

(3) Money earned by the child or a member of the child'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, 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."**

Delete pages 5 through 7.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1009 as printed February 9, 2021.)

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BROWN T

Committee Vote: yeas 22, nays 0.

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 COMMITTEE REPORT

Madam President: The Senate Committee on Family and Children Services, to which was referred House Bill No. 1009, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is to HB 1009 as printed February 16, 2021.)

GROOMS, Chairperson

Committee Vote: Yeas 8, Nays 0

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 COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred House Bill No. 1009, 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:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 1. IC 12-14-1-1, AS AMENDED BY P.L.161-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: 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 parent or relative and a dependent child of the parent or relative are not eligible for TANF assistance when the physical custody

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of the dependent child was obtained for the purpose of establishing TANF eligibility.

(c) Except as provided in IC 12-14-28-3.3, a person convicted of a felony under IC 35-43-5-7 or IC 35-48-4 is not eligible to receive assistance under TANF for ten (10) years after the conviction.

(d) 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 (c).

SECTION 2. IC 12-14-1-1.5, AS AMENDED BY P.L.128-2012, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: 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 JANUARY 1, 2022]: **Sec. 1.7. (a) The division shall, until June 30, 2023, 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, 2023, 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 has a gross income that is not more than the following percentages of the federal income poverty level:**

**(1) Beginning July 1, 2023, through June 30, 2024, thirty-five percent (35%).**

**(2) Beginning July 1, 2024, fifty percent (50%).**

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

Page 4, after line 4, begin a new paragraph and insert:

"SECTION 6. IC 12-14-2-4.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **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, 2022.**

**This section expires July 1, 2022.**

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SECTION 7. IC 12-14-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: Sec. 5. **(a)** Except as provided in sections 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, 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 payment amounts specified in subsection (a) shall be adjusted each year using the Social Security cost of living adjustment rate. 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.**

SECTION 8. IC 12-14-2-5.1, AS AMENDED BY P.L.153-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: 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 amount of need or income** is greater than the amount of need ~~recognized or income eligibility~~ 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 amount of need or income** is greater than the amount of need ~~recognized under section 5 of this chapter; or the income eligibility 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 9. IC 12-14-2-5.3, AS AMENDED BY P.L.156-2020, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: 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 10. IC 12-14-2-9 IS REPEALED [EFFECTIVE JANUARY 1, 2022]. ~~Sec. 9. The division shall apply a percentage reduction of ninety percent (90%) to the total needs of TANF~~

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applicants and recipients in computing the TANF benefits payable.

SECTION 11. IC 12-14-2-23, AS AMENDED BY P.L.130-2018, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: 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.

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(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."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to EHB 1009 as printed March 23, 2021.)

MISHLER, Chairperson

Committee Vote: Yeas 12, Nays 0.

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SENATE MOTION

Madam President: I move that Engrossed House Bill 1009 be amended to read as follows:

Page 4, line 13, delete "JULY" and insert "JANUARY 1, 2022]:".

Page 4, line 14, delete "1, 2021]:".

Page 4, line 29, delete "JULY 1, 2021]:" and insert "JANUARY 1, 2022]:".

Page 5, delete lines 17 through 26.

Page 5, line 28, delete "JANUARY 1, 2022]:" and insert "JULY 1, 2023]:".

Page 6, line 22, delete "JANUARY 1, 2022]:" and insert "JULY 1, 2023]:".

Page 7, line 3, delete "JANUARY 1, 2022]:" and insert "JULY 1, 2023]:".

Page 7, line 30, delete "JANUARY 1, 2022]:" and insert "JULY 1, 2023]:".

Re-number all SECTIONS consecutively.

(Reference is to EHB 1009 as printed April 9, 2021.)

FORD JON

