



February 25, 1999

# HOUSE BILL No. 1004

DIGEST OF HB 1004 (Updated February 24, 1999 9:45 am - DI 73)

**Citations Affected:** IC 6-3.5; IC 12-7; IC 12-13; IC 12-14; IC 12-17; IC 12-19; IC 31-9; IC 31-31; IC 31-34; IC 31-37; IC 31-40; IC 36-2; noncode.

**Synopsis:** Children's services. Repeals provisions concerning approval of tax levies for county family and children's funds. Changes the budgeting process for county family and children's funds. Repeals provisions concerning county reimbursement for a portion of state payments of Title IV-A assistance. Provides that under a schedule agreed to by the division of family and children and a county executive, the amounts deposited in a county welfare fund for destitute children or other child welfare services shall be transferred to the county family and children's fund before July 1, 2000. Provides that under a schedule agreed to by the division of family and children and a county executive, the amounts deposited in a county welfare fund for AFDC cash assistance shall be transferred to the county family and children's fund on July 1, 2000. Provides that on June 30, 2001, the family and children's fund established in each county is abolished and that after  
(Continued next page)

**Effective:** Upon passage; July 1, 1999; January 1, 2000; June 30, 2000.

**Bauer**

January 27, 1999, read first time and referred to Committee on Ways and Means.  
February 24, 1999, amended, reported — Do Pass.

HB 1004—LS 8215/DI 73+



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June 30, 2001, the division of family and children shall pay for the programs, services, and activities that were paid from the county family and children's fund. Provides that the division of family and children shall reimburse each county for 100% of the proportionate share of operating costs of the county auditor and county treasurer for the support of the county family and children's fund. Allows the division of family and children to establish a children's services incentive program to provide incentives for county offices to improve children's services and contain costs relating to expenditures from county family and children's funds. Provides that for a tax increment financing district in which: (1) the holders of bonds or other contractual obligations received a pledge before July 1, 1999, of tax increment revenues to repay any part of the bonds or other contractual obligation after December 31, 1999; and (2) the elimination of a county welfare fund property tax levy, a county welfare administration fund property tax levy, or a county family and children's fund property tax levy adversely affects the ability of the allocation area to repay those bonds or obligations, the governing body of the allocation area may: (1) after a hearing, impose a special assessment on the owners of property that is located in an allocation area; (2) deny all or a portion of the additional credit allowed in the district; or (3) use any tax increment revenues that are in excess of: (A) the amount pledged to pay the principal and interest of obligations; and (B) any amounts used to provide debt service reserve for obligations payable from tax increment revenues or other revenues. Changes the duties of county early intervention teams. Makes changes to the provisions concerning reimbursement to county offices of family and children or the division of family and children for costs incurred in the removal of a child from the child's home and the placement of the child in a child caring institution, foster family home, or other home. Allows the division of family and children to contract with county prosecutors or attorneys for the enforcement and collection of parental reimbursement obligations. Provides that any fee payable to a prosecutor under such a contract shall be deposited in the county general fund and credited to a prosecutor's child services collections account. Provides that a prosecutor may use money in this account, without appropriation, only for the purpose of supporting and enhancing the functions of the prosecutor in enforcement and collection of parental obligations to reimburse the county family and children's fund. Specifies that expenses for juvenile detention facilities shall be paid from county general funds. Provides that the provisions concerning county early intervention teams do not expire December 31, 1999. Provides that the calculation used in determining the CAGIT certified shares that are distributed to a county includes the property taxes imposed by the county in 1999 for welfare purposes. Provides that the calculation used in determining the COIT distributive shares that are distributed to a county includes the property taxes imposed by the county in 1999 for welfare purposes. Provides that the calculation used in determining the CEDIT certified distribution that is distributed to a county includes the property taxes imposed by the county in 1999 for welfare purposes.

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February 25, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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## HOUSE BILL No. 1004

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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 6-3.5-1.1-15 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 15. (a) As used  
3 in this section, "attributed levy" of a civil taxing unit means the sum of:  
4 (1) the ad valorem property tax levy of the civil taxing unit that is  
5 currently being collected at the time the allocation is made; plus  
6 (2) the current ad valorem property tax levy of any special taxing  
7 district, authority, board, or other entity formed to discharge  
8 governmental services or functions on behalf of or ordinarily  
9 attributable to the civil taxing unit; plus  
10 (3) the amount of federal revenue sharing funds and certified  
11 shares that were used by the civil taxing unit (or any special  
12 taxing district, authority, board, or other entity formed to  
13 discharge governmental services or functions on behalf of or  
14 ordinarily attributable to the civil taxing unit) to reduce its ad  
15 valorem property tax levies below the limits imposed by

HB 1004—LS 8215/DI 73+



1 IC 6-1.1-18.5; **plus**

2 **(4) in the case of a county, an amount equal to the property**  
 3 **taxes imposed by the county in 1999 for the county's welfare**  
 4 **fund, welfare administration fund, and family and children's**  
 5 **fund.**

6 (b) The part of a county's certified distribution that is to be used as  
 7 certified shares shall be allocated only among the county's civil taxing  
 8 units. Each civil taxing unit of a county is entitled to receive a  
 9 percentage of the certified shares to be distributed in the county equal  
 10 to the ratio of its attributed levy to the total attributed levies of all civil  
 11 taxing units of the county.

12 (c) The local government tax control board established by  
 13 IC 6-1.1-18.5-11 shall determine the attributed levies of civil taxing  
 14 units that are entitled to receive certified shares during a calendar year.  
 15 If the ad valorem property tax levy of any special taxing district,  
 16 authority, board, or other entity is attributed to another civil taxing unit  
 17 under subsection (b)(2), then the special taxing district, authority,  
 18 board, or other entity shall not be treated as having an attributed levy  
 19 of its own. The local government tax control board shall certify the  
 20 attributed levy amounts to the appropriate county auditor. The county  
 21 auditor shall then allocate the certified shares among the civil taxing  
 22 units of his county.

23 (d) Certified shares received by a civil taxing unit shall be treated  
 24 as additional revenue for the purpose of fixing its budget for the  
 25 calendar year during which the certified shares will be received. The  
 26 certified shares may be allocated to or appropriated for any purpose,  
 27 including property tax relief or a transfer of funds to another civil  
 28 taxing unit whose levy was attributed to the civil taxing unit in the  
 29 determination of its attributed levy.

30 SECTION 2. IC 6-3.5-6-17.6 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 17.6. (a) This  
 32 section applies to a county containing a consolidated city.

33 (b) On or before July 15 of each year, the budget agency shall make  
 34 the following calculation:

35 STEP ONE: Determine the cumulative balance in a county's  
 36 account established under section 16 of this chapter as of the end  
 37 of the current calendar year.

38 STEP TWO: Divide the amount estimated under section 17(b) of  
 39 this chapter before any adjustments are made under section 17(c)  
 40 or 17(d) of this chapter by twelve (12).

41 STEP THREE: Multiply the STEP TWO amount by three (3).

42 STEP FOUR: Subtract the amount determined in STEP THREE

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1 from the amount determined in STEP ONE.

2 (c) For 1995, the budget agency shall certify the STEP FOUR  
3 amount to the county auditor on or before July 15, 1994. Not later than  
4 January 31, 1995, the auditor of state shall distribute the STEP FOUR  
5 amount to the county auditor to be used to retire outstanding  
6 obligations for a qualified economic development tax project (as  
7 defined in IC 36-7-27-9).

8 (d) After 1995, the STEP FOUR amount shall be distributed to the  
9 county auditor in January of the ensuing calendar year. The STEP  
10 FOUR amount shall be distributed by the county auditor to the civil  
11 taxing units within thirty (30) days after the county auditor receives the  
12 distribution. Each civil taxing unit's share equals the STEP FOUR  
13 amount multiplied by the quotient of:

- 14 (1) the maximum permissible property tax levy under  
15 IC 6-1.1-18.5 for the civil taxing unit, **plus, for a county, an**  
16 **amount equal to the property taxes imposed by the county in**  
17 **1999 for the county's welfare administration fund;** divided by  
18 (2) the sum of the maximum permissible property tax levies under  
19 IC 6-1.1-18.5 for all civil taxing units of the county **plus an**  
20 **amount equal to the property taxes imposed by the county in**  
21 **1999 for the county's welfare administration fund.**

22 SECTION 3. IC 6-3.5-6-18 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 18. (a) The  
24 revenue a county auditor receives under this chapter shall be used to:

- 25 (1) replace the amount, if any, of property tax revenue lost due to  
26 the allowance of an increased homestead credit within the county;  
27 (2) fund the operation of a public communications system and  
28 computer facilities district as provided in an election, if any, made  
29 by the county fiscal body under IC 36-8-15-19(b);  
30 (3) fund the operation of a public transportation corporation as  
31 provided in an election, if any, made by the county fiscal body  
32 under IC 36-9-4-42;  
33 (4) make payments permitted under IC 36-7-15.1-17.5;  
34 (5) make payments permitted under subsection (i); and  
35 (6) make distributions of distributive shares to the civil taxing  
36 units of a county.

37 (b) The county auditor shall retain from the payments of the county's  
38 certified distribution, an amount equal to the revenue lost, if any, due  
39 to the increase of the homestead credit within the county. This money  
40 shall be distributed to the civil taxing units and school corporations of  
41 the county as though they were property tax collections and in such a  
42 manner that no civil taxing unit or school corporation shall suffer a net



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1 revenue loss due to the allowance of an increased homestead credit.

2 (c) The county auditor shall retain the amount, if any, specified by  
3 the county fiscal body for a particular calendar year under subsection  
4 (i), IC 36-7-15.1-17.5, IC 36-8-15-19(b), and IC 36-9-4-42 from the  
5 county's certified distribution for that same calendar year. The county  
6 auditor shall distribute amounts retained under this subsection to the  
7 county.

8 (d) All certified distribution revenues that are not retained and  
9 distributed under subsections (b) and (c) shall be distributed to the civil  
10 taxing units of the county as distributive shares.

11 (e) The amount of distributive shares that each civil taxing unit in  
12 a county is entitled to receive during a month equals the product of **the**  
13 **following:**

14 (1) The amount of revenue that is to be distributed as distributive  
15 shares during that month; multiplied by

16 (2) A fraction. The numerator of the fraction equals the total  
17 property taxes that are first due and payable to the civil taxing  
18 unit during the calendar year in which the month falls, **plus, for**  
19 **a county, an amount equal to the property taxes imposed by**  
20 **the county in 1999 for the county's welfare fund, welfare**  
21 **administration fund, and family and children's fund.** The  
22 denominator of the fraction equals **the sum of** the total property  
23 taxes that are first due and payable to all civil taxing units of the  
24 county during the calendar year in which the month falls, **plus an**  
25 **amount equal to the property taxes imposed by the county in**  
26 **1999 for the county's welfare fund, welfare administration**  
27 **fund, and family and children's fund.**

28 (f) The state board of tax commissioners shall provide each county  
29 auditor with the fractional amount of distributive shares that each civil  
30 taxing unit in the auditor's county is entitled to receive monthly under  
31 this section.

32 (g) Notwithstanding subsection (e), if a civil taxing unit of an  
33 adopting county does not impose a property tax levy that is first due  
34 and payable in a calendar year in which distributive shares are being  
35 distributed under this section, that civil taxing unit is entitled to receive  
36 a part of the revenue to be distributed as distributive shares under this  
37 section within the county. The fractional amount such a civil taxing  
38 unit is entitled to receive each month during that calendar year equals  
39 the product of **the following:**

40 (1) The amount to be distributed as distributive shares during that  
41 month; multiplied by

42 (2) A fraction. The numerator of the fraction equals the budget of

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1 that civil taxing unit for that calendar year. The denominator of  
 2 the fraction equals the aggregate budgets of all civil taxing units  
 3 of that county for that calendar year.

4 (h) If for a calendar year a civil taxing unit is allocated a part of a  
 5 county's distributive shares by subsection (g), then the formula used in  
 6 subsection (e) to determine all other civil taxing units' distributive  
 7 shares shall be changed each month for that same year by reducing the  
 8 amount to be distributed as distributive shares under subsection (e) by  
 9 the amount of distributive shares allocated under subsection (g) for that  
 10 same month. The state board of tax commissioners shall make any  
 11 adjustments required by this subsection and provide them to the  
 12 appropriate county auditors.

13 (i) Notwithstanding any other law, a county fiscal body may pledge  
 14 revenues received under this chapter to the payment of bonds or lease  
 15 rentals to finance a qualified economic development tax project under  
 16 IC 36-7-27 in that county or in any other county if the county fiscal  
 17 body determines that the project will promote significant opportunities  
 18 for the gainful employment or retention of employment of the county's  
 19 residents.

20 SECTION 4. IC 6-3.5-6-18.5 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 18.5. (a) This  
 22 section applies to a county containing a consolidated city.

23 (b) Notwithstanding section 18(e) of this chapter, the distributive  
 24 shares that each civil taxing unit in a county containing a consolidated  
 25 city is entitled to receive during a month equals the following:

26 (1) For the calendar year beginning January 1, 1995, calculate the  
 27 total amount of revenues that are to be distributed as distributive  
 28 shares during that month multiplied by the following factor:

29	Center Township	.0251
30	Decatur Township	.00217
31	Franklin Township	.0023
32	Lawrence Township	.01177
33	Perry Township	.01130
34	Pike Township	.01865
35	Warren Township	.01359
36	Washington Township	.01346
37	Wayne Township	.01307
38	Lawrence-City	.00858
39	Beech Grove	.00845
40	Southport	.00025
41	Speedway	.00722
42	Indianapolis/Marion County	.86409



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1 (2) Notwithstanding subdivision (1), for the calendar year  
 2 beginning January 1, 1995, the distributive shares for each civil  
 3 taxing unit in a county containing a consolidated city shall be not  
 4 less than the following:

5	Center Township	\$1,898,145
6	Decatur Township	\$ 164,103
7	Franklin Township	\$ 173,934
8	Lawrence Township	\$ 890,086
9	Perry Township	\$ 854,544
10	Pike Township	\$1,410,375
11	Warren Township	\$1,027,721
12	Washington Township	\$1,017,890
13	Wayne Township	\$ 988,397
14	Lawrence-City	\$ 648,848
15	Beech Grove	\$ 639,017
16	Southport	\$ 18,906
17	Speedway	\$ 546,000

18 (3) For each year after 1995, calculate the total amount of  
 19 revenues that are to be distributed as distributive shares during  
 20 that month as follows:

21 STEP ONE: Determine the total amount of revenues that were  
 22 distributed as distributive shares during that month in calendar  
 23 year 1995.

24 STEP TWO: Determine the total amount of revenue that the  
 25 department has certified as distributive shares for that month  
 26 under section 17 of this chapter for the calendar year.

27 STEP THREE: Subtract the STEP ONE result from the STEP  
 28 TWO result.

29 STEP FOUR: If the STEP THREE result is less than or equal  
 30 to zero (0), multiply the STEP TWO result by the ratio  
 31 established under subdivision (1).

32 STEP FIVE: Determine the ratio of:

33 (A) the maximum permissible property tax levy under  
 34 IC 6-1.1-18.5 and IC 6-1.1-18.6 for each civil taxing unit for  
 35 the calendar year in which the month falls, **plus, for a**  
 36 **county, an amount equal to the property taxes imposed**  
 37 **by the county in 1999 for the county's welfare fund,**  
 38 **welfare administration fund, and family and children's**  
 39 **fund;** divided by

40 (B) the sum of the maximum permissible property tax levies  
 41 under IC 6-1.1-18.5 and IC 6-1.1-18.6 for all civil taxing  
 42 units of the county during the calendar year in which the



1 month falls, **and an amount equal to the property taxes**  
 2 **imposed by the county in 1999 for the county's welfare**  
 3 **fund, welfare administration fund, and family and**  
 4 **children's fund.**

5 STEP SIX: If the STEP THREE result is greater than zero (0),  
 6 the STEP ONE amount shall be distributed by multiplying the  
 7 STEP ONE amount by the ratio established under subdivision  
 8 (1).

9 STEP SEVEN: For each taxing unit determine the STEP FIVE  
 10 ratio multiplied by the STEP TWO amount.

11 STEP EIGHT: For each civil taxing unit determine the  
 12 difference between the STEP SEVEN amount minus the  
 13 product of the STEP ONE amount multiplied by the ratio  
 14 established under subdivision (1). The STEP THREE excess  
 15 shall be distributed as provided in STEP NINE only to the civil  
 16 taxing units that have a STEP EIGHT difference greater than  
 17 or equal to zero (0).

18 STEP NINE: For the civil taxing units qualifying for a  
 19 distribution under STEP EIGHT, each civil taxing unit's share  
 20 equals the STEP THREE excess multiplied by the ratio of:

21 (A) the maximum permissible property tax levy under  
 22 IC 6-1.1-18.5 and IC 6-1.1-18.6 for the qualifying civil  
 23 taxing unit during the calendar year in which the month  
 24 falls, **plus, for a county, an amount equal to the property**  
 25 **taxes imposed by the county in 1999 for the county's**  
 26 **welfare fund, welfare administration fund, and family**  
 27 **and children's fund;** divided by

28 (B) the sum of the maximum permissible property tax levies  
 29 under IC 6-1.1-18.5 and IC 6-1.1-18.6 for all qualifying civil  
 30 taxing units of the county during the calendar year in which  
 31 the month falls, **and an amount equal to the property**  
 32 **taxes imposed by the county in 1999 for the county's**  
 33 **welfare fund, welfare administration fund, and family**  
 34 **and children's fund.**

35 SECTION 5. IC 6-3.5-6-19 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 19. (a) **Except as**  
 37 **provided in sections 17.6(d), 18(e), and 18.5(b)(3),** in determining the  
 38 fractional share of distributive shares the civil taxing units of a county  
 39 are entitled to receive under section 18 of this chapter during a calendar  
 40 year, the state board of tax commissioners shall consider only property  
 41 taxes imposed on tangible property subject to assessment in that  
 42 county.



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1 (b) In determining the amount of distributive shares a civil taxing  
 2 unit is entitled to receive under section 18(g) of this chapter, the state  
 3 board of tax commissioners shall consider only the percentage of the  
 4 civil taxing unit's budget that equals the ratio that the total assessed  
 5 valuation that lies within the civil taxing unit and the county that has  
 6 adopted the county option tax bears to the total assessed valuation that  
 7 lies within the civil taxing unit.

8 (c) The distributive shares to be allocated and distributed under this  
 9 chapter shall be treated by each civil taxing unit as additional revenue  
 10 for the purpose of fixing its budget for the budget year during which the  
 11 distributive shares is to be distributed to the civil taxing unit.

12 (d) In the case of a civil taxing unit that includes a consolidated city  
 13 its fiscal body may distribute any revenue it receives under this chapter  
 14 to any governmental entity located in its county except an excluded  
 15 city, a township, or a school corporation.

16 SECTION 6. IC 6-3.5-7-12 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 12. (a) The county  
 18 auditor shall distribute in the manner specified in this section the  
 19 certified distribution to the county.

20 (b) Except as provided in subsections (c) and (h) and section 15 of  
 21 this chapter, the amount of the certified distribution that the county and  
 22 each city or town in a county is entitled to receive during May and  
 23 November of each year equals the product of **the following:**

24 (1) The amount of the certified distribution for that month;  
 25 multiplied by

26 (2) A fraction. The numerator of the fraction equals the **sum of**  
 27 **the following:**

28 (A) Total property taxes that are first due and payable to the  
 29 county, city, or town during the calendar year in which the  
 30 month falls; **plus**

31 (B) **For a county, an amount equal to the property taxes**  
 32 **imposed by the county in 1999 for the county's welfare**  
 33 **fund, welfare administration fund, and family and**  
 34 **children's fund.** The denominator of the fraction equals the  
 35 **sum of the** total property taxes that are first due and payable  
 36 to the county and all cities and towns of the county during the  
 37 calendar year in which the month falls, **plus an amount equal**  
 38 **to the property taxes imposed by the county in 1999 for the**  
 39 **county's welfare fund, welfare administration fund, and**  
 40 **family and children's fund.**

41 (c) This subsection applies to a county council or county income tax  
 42 council that imposes a tax under this chapter after June 1, 1992. The

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1 body imposing the tax may adopt an ordinance before July 1 of a year  
 2 to provide for the distribution of certified distributions under this  
 3 subsection instead of a distribution under subsection (b). The following  
 4 apply if an ordinance is adopted under this subsection:

5 (1) The ordinance is effective January 1 of the following year.

6 (2) The amount of the certified distribution that the county and  
 7 each city and town in the county is entitled to receive during May  
 8 and November of each year equals the product of:

9 (A) the amount of the certified distribution for the month;  
 10 multiplied by

11 (B) a fraction. For a city or town, the numerator of the fraction  
 12 equals the population of the city or the town. For a county, the  
 13 numerator of the fraction equals the population of the part of  
 14 the county that is not located in a city or town. The  
 15 denominator of the fraction equals the sum of the population  
 16 of all cities and towns located in the county and the population  
 17 of the part of the county that is not located in a city or town.

18 (3) The ordinance may be made irrevocable for the duration of  
 19 specified lease rental or debt service payments.

20 (d) The body imposing the tax may not adopt an ordinance under  
 21 subsection (c) if, before the adoption of the proposed ordinance, any of  
 22 the following have pledged the county economic development income  
 23 tax for any purpose permitted by IC 5-1-14 or any other statute:

24 (1) The county.

25 (2) A city or town in the county.

26 (3) A commission, a board, a department, or an authority that is  
 27 authorized by statute to pledge the county economic development  
 28 income tax.

29 (e) The state board of tax commissioners shall provide each county  
 30 auditor with the fractional amount of the certified distribution that the  
 31 county and each city or town in the county is entitled to receive under  
 32 this section.

33 (f) Money received by a county, city, or town under this section  
 34 shall be deposited in the unit's economic development income tax fund.

35 (g) **Except as provided in subsection (b)(2)(B)**, in determining the  
 36 fractional amount of the certified distribution the county and its cities  
 37 and towns are entitled to receive under subsection (b) during a calendar  
 38 year, the state board of tax commissioners shall consider only property  
 39 taxes imposed on tangible property subject to assessment in that  
 40 county.

41 (h) In a county having a consolidated city, only the consolidated city  
 42 is entitled to the certified distribution, subject to the requirements of



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- 1 section 15 of this chapter.
- 2 SECTION 7. IC 12-7-2-111 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 111. (a)
- 4 "Immediate family", for purposes of the statutes listed in subsection
- 5 (b), means the following:
- 6 (1) If a Medicaid applicant is married, the applicant's spouse and
- 7 dependent children less than twenty-one (21) years of age.
- 8 (2) If a Medicaid applicant is not married, the following:
- 9 (A) If the applicant is divorced, the parent having custody.
- 10 (B) If the applicant is less than twenty-one (21) years of age:
- 11 (i) the parent having custody; and
- 12 (ii) the dependent children less than twenty-one (21) years
- 13 of age of the parent or parents.
- 14 (C) If clauses (A) and (B) do not apply, the applicant's parents.
- 15 (b) This section applies to the following statutes:
- 16 (1) IC 12-14-1 through ~~IC 12-14-9~~ **IC 12-14-9.5**.
- 17 (2) IC 12-15, except IC 12-15-32, IC 12-15-33, and IC 12-15-34.
- 18 SECTION 8. IC 12-7-2-120 IS AMENDED TO READ AS
- 19 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 120. (a) "Insurer",
- 20 for purposes of the statutes listed in subsection (b), means an insurance
- 21 company, a health maintenance organization (as defined in
- 22 IC 27-13-1-19), a self-funded employee benefit plan, a pension fund,
- 23 a retirement system, or a similar entity that:
- 24 (1) does business in Indiana; and
- 25 (2) is under an obligation to make payments for medical services
- 26 as a result of injury, illness, or disease suffered by an individual.
- 27 (b) This section applies to the following statutes:
- 28 (1) IC 12-14-1 through ~~IC 12-14-9~~ **IC 12-14-9.5**.
- 29 (2) IC 12-15, except IC 12-15-32, IC 12-15-33, and IC 12-15-34.
- 30 SECTION 9. IC 12-7-2-127 IS AMENDED TO READ AS
- 31 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 127. (a)
- 32 "Managed care provider", for purposes of IC 12-14-1 through
- 33 ~~IC 12-14-9~~ **IC 12-14-9.5** and IC 12-15 (except IC 12-15-21,
- 34 IC 12-15-33, and IC 12-15-34) means either of the following:
- 35 (1) A physician licensed under IC 25-22.5 who:
- 36 (A) is primarily engaged in general practice, family practice,
- 37 internal medicine, pediatric medicine, or obstetrics and
- 38 gynecology; and
- 39 (B) has entered into a provider agreement for the provision of
- 40 physician services under IC 12-15-11-4.
- 41 (2) A partnership, corporation, or other entity that:
- 42 (A) employs or contracts with physicians licensed under

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- 1 IC 25-22.5 who are primarily engaged in general practice,
- 2 family practice, internal medicine, pediatric medicine, or
- 3 obstetrics and gynecology; and
- 4 (B) has entered into a provider agreement for the provision of
- 5 physician services under IC 12-15-11-4.
- 6 (b) "Managed care provider", for purposes of IC 12-21-1 through
- 7 IC 12-29-2, means an organization:
- 8 (1) that:
- 9 (A) for mental health services, is defined under 42 U.S.C.
- 10 300x-2(c); or
- 11 (B) provides addiction services;
- 12 (2) that has entered into a provider agreement with the division of
- 13 mental health under IC 12-21-2-7 to provide a continuum of care
- 14 in the least restrictive, most appropriate setting; and
- 15 (3) that is operated by at least one (1) of the following:
- 16 (A) A city, town, county, or other political subdivision of
- 17 Indiana.
- 18 (B) An agency of Indiana or of the United States.
- 19 (C) A political subdivision of another state.
- 20 (D) A hospital owned or operated by:
- 21 (i) a unit of government; or
- 22 (ii) a building authority that is organized for the purpose of
- 23 constructing facilities to be leased to units of government.
- 24 (E) A corporation incorporated under IC 23-7-1.1 (before its
- 25 repeal August 1, 1991) or IC 23-17.
- 26 (F) A nonprofit corporation incorporated in another state.
- 27 (G) A university or college.
- 28 SECTION 10. IC 12-7-2-149 IS AMENDED TO READ AS
- 29 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 149. "Provider"
- 30 means the following:
- 31 (1) For purposes of IC 12-10-7, the meaning set forth in
- 32 IC 12-10-7-3.
- 33 (2) For purposes of the following statutes, an individual, a
- 34 partnership, a corporation, or a governmental entity that is
- 35 enrolled in the Medicaid program under rules adopted under
- 36 IC 4-22-2 by the office of Medicaid policy and planning:
- 37 (A) IC 12-14-1 through ~~IC 12-14-9~~ **IC 12-14-9.5**.
- 38 (B) IC 12-15, except IC 12-15-32, IC 12-15-33, and
- 39 IC 12-15-34.
- 40 (C) IC 12-17-10.
- 41 (D) IC 12-17-11.
- 42 (3) For purposes of IC 12-17-9, the meaning set forth in

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- 1 IC 12-17-9-2.
- 2 (4) For purposes of IC 12-17-18, the meaning set forth in
- 3 IC 12-17-18-2.
- 4 (5) For the purposes of IC 12-17.2, a person who operates a child
- 5 care center or child care home under IC 12-17.2.
- 6 (6) For purposes of IC 12-17.4, a person who operates a child
- 7 caring institution, foster family home, group home, or child
- 8 placing agency under IC 12-17.4.
- 9 SECTION 11. IC 12-13-5-1 IS AMENDED TO READ AS
- 10 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. The division
- 11 shall administer or supervise the public welfare activities of the state.
- 12 The division has the following powers and duties:
- 13 (1) The administration of old age assistance, aid to dependent
- 14 children, and assistance to the needy blind and persons with
- 15 disabilities, excluding assistance to children with special health
- 16 care needs.
- 17 (2) The administration of the following:
- 18 (A) Any public child welfare service.
- 19 (B) The licensing and inspection under IC 12-17.2 and
- 20 IC 12-17.4.
- 21 (C) The care of dependent and neglected children in foster
- 22 family homes or institutions, especially children placed for
- 23 adoption or those born out of wedlock.
- 24 (D) The interstate placement of children.
- 25 (3) The provision of services to county governments, including
- 26 the following:
- 27 (A) Organizing and supervising county offices for the effective
- 28 administration of public welfare functions.
- 29 (B) Compiling statistics and necessary information concerning
- 30 public welfare problems throughout Indiana.
- 31 (C) Researching and encouraging research into crime,
- 32 delinquency, physical and mental disability, and the cause of
- 33 dependency.
- 34 (4) Prescribing the form of, printing, and supplying to the county
- 35 departments blanks for applications, reports, affidavits, and other
- 36 forms the division considers necessary and advisable.
- 37 (5) Cooperating with the federal Social Security Administration
- 38 and with any other agency of the federal government in any
- 39 reasonable manner necessary and in conformity with IC 12-13
- 40 through IC 12-19 to qualify for federal aid for assistance to
- 41 persons who are entitled to assistance under the federal Social
- 42 Security Act. The responsibilities include the following:

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- 1 (A) Making reports in the form and containing the information
- 2 that the federal Social Security Administration Board or any
- 3 other agency of the federal government requires.
- 4 (B) Complying with the requirements that a board or agency
- 5 finds necessary to assure the correctness and verification of
- 6 reports.
- 7 (6) Appointing from eligible lists established by the state
- 8 personnel board employees of the division necessary to effectively
- 9 carry out IC 12-13 through IC 12-19. The division may not
- 10 appoint a person who is not a citizen of the United States and who
- 11 has not been a resident of Indiana for at least one (1) year
- 12 immediately preceding the person's appointment unless a
- 13 qualified person cannot be found in Indiana for a position as a
- 14 result of holding an open competitive examination.
- 15 (7) Assisting the office of Medicaid policy and planning in fixing
- 16 fees to be paid to ophthalmologists and optometrists for the
- 17 examination of applicants for and recipients of assistance as
- 18 needy blind persons.
- 19 (8) When requested, assisting other departments, agencies,
- 20 divisions, and institutions of the state and federal government in
- 21 performing services consistent with this article.
- 22 (9) Acting as the agent of the federal government for the
- 23 following:
- 24 (A) In welfare matters of mutual concern under IC 12-13
- 25 through IC 12-19.
- 26 (B) In the administration of federal money granted to Indiana
- 27 in aiding welfare functions of the state government.
- 28 (10) Administering additional public welfare functions vested in
- 29 the division by law and providing for the progressive codification
- 30 of the laws the division is required to administer.
- 31 ~~(11) Transferring to each county that is required to submit a~~
- 32 ~~schedule under IC 12-19-1-9(d) an amount equal to the scheduled~~
- 33 ~~amount of the county's lease and rental obligations as provided in~~
- 34 ~~IC 12-19-1-9.~~
- 35 ~~(12)~~ Supervising day care centers and child placing agencies.
- 36 ~~(13)~~ (12) Supervising the licensing and inspection of all public
- 37 child caring agencies.
- 38 ~~(14)~~ (13) Supervising the care of delinquent children and children
- 39 in need of services.
- 40 ~~(15)~~ (14) Assisting juvenile courts as required by IC 31-30
- 41 through IC 31-40.
- 42 ~~(16)~~ (15) Supervising the care of dependent children and children

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1 placed for adoption.  
 2 ~~(17)~~ **(16)** Compiling information and statistics concerning the  
 3 ethnicity and gender of a program or service recipient.  
 4 ~~(18)~~ **(17)** Providing permanency planning services for children in  
 5 need of services, including:  
 6 (A) making children legally available for adoption; and  
 7 (B) placing children in adoptive homes;  
 8 in a timely manner.  
 9 SECTION 12. IC 12-13-5-5 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 5. (a) Each county  
 11 auditor shall keep records and make reports relating to the county  
 12 welfare fund, the family and children's fund, and other financial  
 13 transactions as required under IC 12-13 through IC 12-19 and as  
 14 required by the division.  
 15 (b) All records provided for in IC 12-13 through IC 12-19 shall be  
 16 kept, prepared, and submitted in the form required by the division and  
 17 the state board of accounts.  
 18 **(c) This section expires June 30, 2001.**  
 19 SECTION 13. IC 12-14-3-1 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. When  
 21 assistance is granted to a dependent child under IC 12-14-1 through  
 22 ~~IC 12-14-9~~, **IC 12-14-9.5**, the award made must be entered on a  
 23 certificate prescribed by the division that designates the following:  
 24 (1) The name and residence of the recipient.  
 25 (2) The amount of the award.  
 26 (3) The date when the assistance is to begin.  
 27 (4) Any other fact required by the division.  
 28 SECTION 14. IC 12-14-4-1 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. A child who:  
 30 (1) is qualified for and is receiving assistance under IC 12-14-1  
 31 through ~~IC 12-14-9~~ **IC 12-14-9.5** in Indiana; and  
 32 (2) is residing with a grantee relative in another county under  
 33 circumstances constituting the taking up of bona fide residence in  
 34 that county;  
 35 is immediately entitled to receive assistance from the county in which  
 36 the child resides.  
 37 SECTION 15. IC 12-14-6-1 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. (a) This section  
 39 applies upon the death of either of the following:  
 40 (1) A recipient who is receiving assistance as a dependent child.  
 41 (2) A parent of the recipient.  
 42 (b) ~~Subject to the rules of~~ **Unless otherwise determined by the**

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1 director, ~~of a division, the county office~~ **division** shall pay six hundred  
 2 dollars (\$600) for the funeral director's expenses of the decedent if the  
 3 following conditions exist:

4 (1) The estate of the deceased is insufficient to pay the funeral  
 5 director's expenses.

6 (2) The person legally responsible for the burial of the deceased  
 7 is unable to pay the funeral director's expenses.

8 SECTION 16. IC 12-14-6-2 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. **Unless**  
 10 **otherwise determined by the director**, in addition to the amount paid  
 11 under section 1 of this chapter, not more than four hundred dollars  
 12 (\$400) shall be paid for the cemetery's expenses for the following:

13 (1) To cover provision of burial rights if necessary.

14 (2) Opening and closing a burial plot and provision of an outer  
 15 container.

16 (3) Service required by the cemetery authorities.

17 SECTION 17. IC 12-14-6-5 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 5. The funeral  
 19 director and the cemetery representative shall file a sworn claim with  
 20 the ~~county office~~ **division** indicating expenses incurred due to the death  
 21 of a recipient.

22 SECTION 18. IC 12-14-8-8 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 8. A decision  
 24 under IC 12-14-1 through ~~IC 12-14-9~~ **IC 12-14-9.5** is subject to review  
 25 by the division.

26 SECTION 19. IC 12-14-17-2 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. (a) This section  
 28 applies upon the death of either of the following:

29 (1) A recipient who is receiving supplemental assistance.

30 (2) An aged, blind, or disabled person who at the time of death  
 31 was certified as eligible to receive medical assistance under  
 32 Medicaid.

33 (b) ~~Subject to the rules of the division,~~ **Unless otherwise**  
 34 **determined by the director**, the division shall pay six hundred dollars  
 35 (\$600) for the funeral director's expenses of the decedent if the  
 36 following conditions exist:

37 (1) The estate of the deceased is insufficient to pay the funeral  
 38 director's expenses.

39 (2) The individual legally responsible for the burial of the  
 40 deceased is unable to pay the funeral director's expenses.

41 SECTION 20. IC 12-14-17-3 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 3. **Unless**



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1 **otherwise determined by the director**, in addition to money paid by  
 2 the division under section 2 of this chapter and even if the deceased or  
 3 person legally responsible for the deceased possesses a burial lot, the  
 4 division shall pay four hundred dollars (\$400) for the cemetery's  
 5 expenses for the deceased to cover the following:

- 6 (1) The provision of burial rights if necessary.  
 7 (2) The opening and closing of a burial plot and provision of an  
 8 outer container.  
 9 (3) The service required by the cemetery authorities.

10 SECTION 21. IC 12-17-1-10 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 10. (a) Upon the  
 12 completion of an investigation under section 9 of this chapter, the  
 13 county office shall do the following:

- 14 (1) Determine whether the child is eligible for assistance under  
 15 this chapter and the division's rules.  
 16 (2) Determine the amount of the assistance and the date on which  
 17 the assistance is to begin.  
 18 (3) Make an award, including any subsequent modification of the  
 19 award, with which the county office shall comply until the award  
 20 or modified award is vacated.  
 21 (4) Notify the applicant and the division of the county office's  
 22 decision in writing.

23 (b) The county office shall provide assistance to the recipient at  
 24 least monthly upon warrant of the county auditor. The assistance must  
 25 be:

- 26 (1) made from the county ~~welfare fund~~; **family and children's**  
 27 **fund**; and  
 28 (2) based upon a verified schedule of the recipients.

29 (c) The director of the county office shall prepare and verify the  
 30 amount payable to the recipient, in relation to the awards made by the  
 31 county office. The division shall prescribe the form upon which the  
 32 schedule under subsection (b)(2) must be filed.

33 SECTION 22. IC 12-17-3-2 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. (a) This section  
 35 does not apply to a county department's:

- 36 (1) administrative expenses; or  
 37 (2) expenses regarding facilities, supplies, and equipment.

38 (b) Necessary expenses incurred in the administration of the child  
 39 welfare services under section 1 of this chapter shall be paid out of the  
 40 ~~county welfare fund or the county family and children's fund.~~  
 41 ~~(whichever is appropriate).~~

42 SECTION 23. IC 12-19-1-9 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 9. (a) The  
 2 division shall provide the necessary facilities to house the county  
 3 office.

4 (b) The division shall pay for the costs of the facilities, supplies, and  
 5 equipment needed by each county office, including the transfer to the  
 6 county that is required by IC 12-13-5.

7 (c) Each county is responsible for the payment of the county's lease  
 8 and rental obligations for office space used by the county office if:

9 (1) the county entered into the lease or rental agreement before  
 10 January 1, 1987; and

11 (2) the lease or rental agreement requires the county to pay for  
 12 office space that will be used by the county office.

13 (d) Each county that has a rental or lease obligation described in  
 14 subsection (c) shall provide to the division a lease or rental payment  
 15 schedule showing the date and amount of each payment.

16 SECTION 24. IC 12-19-1-14 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 14. (a) A county  
 18 office may charge the following adoption fees:

19 (1) An adoption placement fee that may not exceed the actual  
 20 costs incurred by the county office for medical expenses of  
 21 children and mothers.

22 (2) A fee that does not exceed the time and travel costs incurred  
 23 by the county office for home study and investigation concerning  
 24 a contemplated adoption.

25 (b) Fees charged under this section shall be deposited in a separate  
 26 account in the county ~~welfare~~ **family and children** trust clearance fund  
 27 established under section 16 of this chapter. Money deposited under  
 28 this subsection shall be expended by the county office for the following  
 29 purposes without further appropriation:

30 (1) The care of children whose adoption is contemplated.

31 (2) The improvement of adoption services provided by the county  
 32 departments.

33 (c) The director of the division may adopt rules governing the  
 34 expenditure of money under this section.

35 (d) The division may provide written authorization allowing a  
 36 county office to reduce or waive charges authorized under this section  
 37 in hardship cases or for other good cause after investigation. The  
 38 division may adopt forms on which the written authorization is  
 39 provided.

40 SECTION 25. IC 12-19-1-16 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 16. (a) This  
 42 section does not apply to money received to reimburse the county

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1 ~~welfare fund~~ **family and children's fund** for expenditures made from  
 2 the appropriations of the county office.

3 (b) A county office may receive and administer money available to  
 4 or for the benefit of a person receiving payments or services from the  
 5 county office. The following applies to all money received under this  
 6 section:

7 (1) The money shall be kept in a special fund known as the county  
 8 ~~welfare~~ **family and children** trust clearance fund and may not be  
 9 commingled with any other fund or with money received from  
 10 taxation.

11 (2) The money may be expended by the county office in any  
 12 manner consistent with the following:

13 (A) The purpose of the county ~~welfare~~ **family and children**  
 14 trust clearance fund or with the intention of the donor of the  
 15 money.

16 (B) Indiana law.

17 SECTION 26. IC 12-19-1-18 IS AMENDED TO READ AS  
 18 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 18. (a) After  
 19 petition to and with the approval of the judge of the circuit court, a  
 20 county office may take the actions described in subsection (b) if:

21 (1) an applicant for public assistance is physically or mentally  
 22 incapable of completing an application for assistance; or

23 (2) a recipient of public assistance:

24 (A) is incapable of managing the recipient's affairs; or

25 (B) refuses to:

26 (i) take care of the recipient's money properly; or

27 (ii) comply with the director of the division's rules and  
 28 policies.

29 (b) If the conditions of subsection (a) are satisfied, the county office  
 30 may designate a responsible person to do the following:

31 (1) Act for the applicant or recipient.

32 (2) Receive on behalf of the recipient the assistance the recipient  
 33 is eligible to receive under any of the following:

34 (A) This chapter.

35 (B) IC 12-10-6.

36 (C) IC 12-14-1 through ~~IC 12-14-9~~ **IC 12-14-9.5**.

37 (D) IC 12-14-13 through IC 12-14-19.

38 (E) IC 12-15.

39 (F) IC 12-17-1 through IC 12-17-3.

40 (G) IC 16-35-2.

41 (c) A fee for services provided under this section may be paid to the  
 42 responsible person in an amount not to exceed ten dollars (\$10) each

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1 month. The fee may be allowed:

- 2 (1) in the monthly assistance award; or
- 3 (2) by vendor payment if the fee would cause the amount of
- 4 assistance to be increased beyond the maximum amount permitted
- 5 by statute.

6 SECTION 27. IC 12-19-1-21 IS ADDED TO THE INDIANA  
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 8 [EFFECTIVE JANUARY 1, 2000]: **Sec. 21. (a) The division may**  
 9 **establish a children's services incentive program to provide**  
 10 **incentives for county offices to improve children's services and**  
 11 **contain costs relating to expenditures from the family and**  
 12 **children's fund under IC 12-9-7.**

13 (b) Any financial incentives under the program are subject to  
 14 amounts appropriated to the division for the program.

15 (c) Any financial incentives provided to a county office under  
 16 this section shall be appropriated, with the approval of the  
 17 director, for the county's early intervention plan in accordance  
 18 with IC 31-34-24 and IC 31-37-24.

19 (d) The division shall adopt rules under IC 4-22-2 to carry out  
 20 this section.

21 SECTION 28. IC 12-19-1.5 IS ADDED TO THE INDIANA CODE  
 22 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 1999]:

24 **Chapter 1.5. Replacement of Property Tax Levies in Allocation**  
 25 **Areas**

26 **Sec. 1. As used in this chapter, "allocation area" refers to an**  
 27 **area that is established under the authority of any of the following**  
 28 **statutes and in which tax increment revenues are collected:**

- 29 (1) IC 6-1.1-39.
- 30 (2) IC 8-22-3.5.
- 31 (3) IC 36-7-14.
- 32 (4) IC 36-7-14.5.
- 33 (5) IC 36-7-15.1.
- 34 (6) IC 36-7-30.

35 **Sec. 2. As used in this chapter, "base assessed value" means the**  
 36 **base assessed value as that term is defined in IC 6-1.1-39-5(h),**  
 37 **IC 8-22-3.5-9(a), IC 36-7-14-39(a), IC 36-7-15.1-26(a),**  
 38 **IC 36-7-15.1-35(a), or IC 36-7-30-25(a)(2).**

39 **Sec. 3. As used in this chapter, "governing body" means the**  
 40 **following:**

- 41 (1) For an allocation area created under IC 6-1.1-39, the fiscal
- 42 body of the county (as defined in IC 36-1-2-7).

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- 1 (2) For an allocation area created under IC 8-22-3.5, the  
 2 commission (as defined in IC 8-22-3.5-2).  
 3 (3) For an allocation area created under IC 36-7-14, the  
 4 redevelopment commission of the unit.  
 5 (4) For an allocation area created under IC 36-7-14.5, the  
 6 authority created by the unit.  
 7 (5) For an allocation area created under IC 36-7-15.1, the  
 8 metropolitan development commission of the consolidated  
 9 city.  
 10 (6) For an allocation area created under IC 36-7-30, the  
 11 military base reuse authority.

12 **Sec. 4.** As used in this chapter, "obligation" means an obligation  
 13 to repay:

- 14 (1) the principal and interest on bonds;  
 15 (2) lease rentals on leases; or  
 16 (3) any other contractual obligation;

17 payable from tax increment revenues. The term includes a  
 18 guarantee of repayment from tax increment revenues if other  
 19 revenues are insufficient to make a payment.

20 **Sec. 5.** As used in this chapter, "property taxes" means:

- 21 (1) property taxes as defined in IC 6-1.1-39-5(g),  
 22 IC 36-7-14-39(a), IC 36-7-15.1-26(a), IC 36-7-30-25(a)(3); or  
 23 (2) for allocation areas created under IC 8-22-3.5, the taxes  
 24 assessed on taxable tangible property in the allocation area.

25 **Sec. 6.** As used in this chapter, "replacement amount" means  
 26 the sum of the property taxes imposed on the assessed value of  
 27 property in the allocation area in excess of the base assessed value  
 28 in 1999 for:

- 29 (1) the county welfare fund;  
 30 (2) the county welfare administration fund; and  
 31 (3) the county family and children's fund.

32 **Sec. 7.** As used in this chapter, "tax increment revenues" means  
 33 the property taxes attributable to the assessed value of property in  
 34 excess of the base assessed value.

35 **Sec. 8. (a)** This chapter applies to an allocation area in which:

- 36 (1) the holders of obligations received a pledge before July 1,  
 37 1999, of tax increment revenues to repay any part of the  
 38 obligations due after December 31, 1999; and  
 39 (2) the elimination of a county welfare fund property tax levy,  
 40 a county welfare administration fund property tax levy, or a  
 41 county family and children's fund property tax levy adversely  
 42 affects the ability of the governing body to repay the



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1 obligations described in subdivision (1).

2 (b) A governing body may use one (1) or more of the procedures  
3 described in sections 9 through 11 of this chapter to provide  
4 sufficient funds to repay the obligations described in subsection (a).  
5 The amount raised each year may not exceed the replacement  
6 amount.

7 **Sec. 9. (a)** A governing body may, after a public hearing, impose  
8 a special assessment on the owners of property that is located in an  
9 allocation area to repay a bond or an obligation described in  
10 section 8 that comes due after December 31, 1999. The amount of  
11 a special assessment for a taxpayer shall be determined by  
12 multiplying the replacement amount by a fraction, the  
13 denominator of which is the total incremental assessed value in the  
14 allocation area, and the numerator of which is the incremental  
15 assessed value of the taxpayer's property in the allocation area.

16 (b) Before a public hearing under subsection (a) may be held,  
17 the governing body must publish notice of the hearing under  
18 IC 5-3-1. The notice must state that the governing body will meet  
19 to consider whether a special assessment should be imposed under  
20 this chapter and whether the special assessment will help the  
21 governing body realize the redevelopment or economic  
22 development objectives for the allocation area or honor its  
23 obligations related to the allocation area. The notice must also  
24 name a date when the governing body will receive and hear  
25 remonstrances and objections from persons affected by the special  
26 assessment. All persons affected by the hearing, including all  
27 taxpayers within the allocation area, shall be considered notified of  
28 the pendency of the hearing and of subsequent acts, hearings, and  
29 orders of the governing body by the notice. At the hearing, which  
30 may be adjourned from time to time, the governing body shall hear  
31 all persons affected by the proceedings and shall consider all  
32 written remonstrances and objections that have been filed. The  
33 only grounds for remonstrance or objection are that the special  
34 assessment will not help the governing body realize the  
35 redevelopment or economic development objectives for the  
36 allocation area or honor its obligations related to the allocation  
37 area. After considering the evidence presented, the governing body  
38 shall take final action concerning the proposed special assessment.  
39 The final action taken by the governing body shall be recorded and  
40 is final and conclusive, except that an appeal may be taken in the  
41 manner prescribed by subsection (c).

42 (c) A person who filed a written remonstrance with a governing



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1 body under subsection (b) and is aggrieved by the final action  
 2 taken may, within ten (10) days after that final action, file in the  
 3 office of the clerk of the circuit or superior court a copy of the  
 4 order of the governing body and the person's remonstrance or  
 5 objection against that final action, together with a bond  
 6 conditioned to pay the costs of appeal if the appeal is determined  
 7 against the person. The only ground of remonstrance or objection  
 8 that the court may hear is whether the proposed assessment will  
 9 help achieve the redevelopment of economic development  
 10 objectives for the allocation area or honor its obligations related to  
 11 the allocation area. An appeal under this subsection shall be  
 12 promptly heard by the court without a jury. All remonstrances or  
 13 objections upon which an appeal has been taken must be  
 14 consolidated, heard, and determined within thirty (30) days after  
 15 the time of the filing of the appeal. The court shall hear evidence on  
 16 the remonstrances or objections, and may confirm the final action  
 17 of the governing body or sustain the remonstrances or objections.  
 18 The judgment of the court is final and conclusive, unless an appeal  
 19 is taken as in other civil actions.

20 (d) The maximum amount of a special assessment under this  
 21 section may not exceed the replacement amount.

22 (e) A special assessment shall be imposed and collected in the  
 23 same manner as ad valorem property taxes are imposed and  
 24 collected.

25 Sec. 10. (a) For purposes of this section, "additional credit"  
 26 means:

27 (1) for allocation areas created under IC 6-1.1-39, the  
 28 additional credit described in IC 6-1.1-39-6(a);

29 (2) for allocation areas created under IC 8-22-3.5, the  
 30 additional credit described in IC 8-22-3.5-10(a);

31 (3) for allocation areas created under IC 36-7-14, the  
 32 additional credit described in IC 36-7-14-39.5(c);

33 (4) for allocation areas created under IC 36-7-14.5, the  
 34 additional credit described in IC 36-7-14.5-12.5(d)(5);

35 (5) for allocation areas created under IC 36-7-15.1:

36 (A) the additional credit described in IC 36-7-15.1-26.5(e);

37 or

38 (B) the credit described in IC 36-7-15.1-35(d); or

39 (6) for allocation areas created under IC 36-7-30, the  
 40 additional credit described in IC 36-7-30-25(b)(2)(E).

41 (b) In order to raise the replacement amount, the governing  
 42 body of each allocation area may deny all or a portion of the



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1 additional credit.

2 Sec. 11. If a governing body does not impose a special  
3 assessment under section 9 of this chapter or deny all or part of the  
4 additional credit under section 10 of this chapter, the governing  
5 body may, in order to provide sufficient funds to repay the  
6 obligations described in section 8(a) of this chapter, use any tax  
7 increment revenues that are in excess of:

8 (1) the amount pledged to pay the principal and interest of  
9 obligations; and

10 (2) any amounts used to provide debt service reserve for  
11 obligations payable solely or in part from tax increment  
12 revenues or from other revenues.

13 SECTION 29. IC 12-19-7-6 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 6. (a) **The judges  
15 of the courts with juvenile jurisdiction in the county shall annually  
16 compile and submit a proposed budget for children served by the  
17 probation department of the county. The judges shall submit the  
18 proposed budget to the county director on forms prescribed by the  
19 division, not later than March 1 of each year, for the next state  
20 fiscal year.**

21 (b) **The budget for children served by the probation department  
22 shall contain an estimate of the amount of money that will be  
23 needed by the county office during the state fiscal year to defray  
24 the expenses and obligations of the fund in the payment of:**

25 (1) **services for children adjudicated to be delinquent or  
26 children for whom a program of informal adjustment has  
27 been implemented under IC 31-37; and**

28 (2) **other services related to the services described in  
29 subdivision (1);**

30 **but not including the payment of Title IV-A assistance.**

31 (c) **The county director upon the advice of the judges of the courts  
32 with juvenile jurisdiction in the county, shall annually compile and  
33 adopt a child services budget, which must include the budget  
34 submitted by the judges under subsection (a). The budget  
35 submitted by the county director under the this subsection must be  
36 in a form prescribed by the state board of accounts. The budget may not  
37 exceed the levy limitation set forth in IC 6-1.1-18.6. division.**

38 (d) **The child services budget must contain an estimate of the  
39 amount of money that will be needed by the county office during the  
40 next state fiscal year to defray the expenses and obligations incurred  
41 by the county office in the payment of services for children adjudicated  
42 to be children in need of services or delinquent children and other**



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1 related services, **including amounts necessary to implement the**  
 2 **county's early intervention plan approved under IC 31-34-24 and**  
 3 **IC 31-37-24**, but not including the payment of AFDC. **Title IV-A**  
 4 **assistance.**

5 SECTION 30. IC 12-19-7-7 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 7. ~~(a) The county~~  
 7 ~~director shall; with the assistance of the judges of courts with juvenile~~  
 8 ~~jurisdiction in the county and at the same time the budget is compiled~~  
 9 ~~and adopted; recommend to the division the tax levy that the director~~  
 10 ~~and judges determine will be required to raise the amount of revenue~~  
 11 ~~necessary to pay the expenses and obligations of the county office set~~  
 12 ~~forth in the budget under section 6 of this chapter. However, the tax~~  
 13 ~~levy may not exceed the maximum permissible levy set forth in~~  
 14 ~~IC 6-1.1-18.6 and the budget may not exceed the levy limitation set~~  
 15 ~~forth in IC 6-1.1-18.~~

16 ~~(b) After the county budget has been compiled, the county director~~  
 17 ~~shall submit a copy of the budget and the tax levy recommended by the~~  
 18 ~~county director; and the judges of courts with juvenile jurisdiction in~~  
 19 ~~the county; to the division **not later than April 1 of each year.** The~~  
 20 ~~division shall examine the budget and the tax levy for the purpose of~~  
 21 ~~determining whether, in the judgment of the division~~

22 ~~(1) the appropriations requested in the budget will be adequate to~~  
 23 ~~defray the expenses and obligations **that will be** incurred by the~~  
 24 ~~county office in the payment of child services for the next fiscal~~  
 25 ~~year. and~~

26 ~~(2) the tax levy recommended will yield the amount of the~~  
 27 ~~appropriation set forth in the budget.~~

28 **The budget submitted under this section is not subject to the**  
 29 **provisions of IC 6-1.1-17 and IC 6-1.1-18.**

30 SECTION 31. IC 12-19-7-8 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 8. **(a)** The  
 32 division may do **any of** the following after examining a budget  
 33 submitted by the county ~~office:~~ **director:**

34 (1) Increase or decrease the amount of the budget or an item of  
 35 the budget. ~~subject to the maximum levy set forth in~~  
 36 ~~IC 6-1.1-18.6.~~

37 (2) Approve the budget as compiled by the county director. ~~and~~  
 38 ~~judges of courts with juvenile jurisdiction in the county.~~

39 (3) Recommend the increase or decrease of the tax levy; subject  
 40 to the maximum levy set forth in IC 6-1.1-18.6.

41 (4) Approve the tax levy as recommended by the county director  
 42 and judges of courts with juvenile jurisdiction in the county.



1           **(b) The total amount of all approved child services budgets may**  
 2 **not exceed the total amount appropriated for child services for the**  
 3 **applicable state fiscal year.**

4           SECTION 32. IC 12-19-7-11 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 11. ~~(a) In~~  
 6 ~~September of each year, at the time provided by law;~~ The county fiscal  
 7 body shall ~~do the following:~~

8           ~~(1)~~ make the appropriations out of the family and children's fund  
 9 that are:

10           ~~(A)~~ **(1)** based on the budget as ~~submitted;~~ **approved by the**  
 11 **division;** and

12           ~~(B)~~ **(2)** necessary to maintain the child services of the county  
 13 for the next **state** fiscal year. ~~subject to the maximum levy set~~  
 14 ~~forth in IC 6-1.1-18.6.~~

15           ~~(2)~~ Levy a tax in an amount necessary to produce the appropriated  
 16 money.

17           **(b) The division shall make advances to the county family and**  
 18 **children's fund to ensure that the amounts deposited in the county**  
 19 **family and children's fund are adequate to meet the expenses that**  
 20 **are to be paid from the fund.**

21           **(c) The provisions of IC 6-1.1-18 concerning appropriations do**  
 22 **not apply to appropriations of money from a county family and**  
 23 **children's fund.**

24           **(d) Notwithstanding IC 36, a county is not required to publish**  
 25 **notice of any claim or allowance that will be paid from the county**  
 26 **family and children's fund.**

27           SECTION 33. IC 12-19-7-11.1 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 11.1. (a) The  
 29 judges of the courts with juvenile jurisdiction in the county and the  
 30 county director shall meet with the ~~county fiscal body~~ **county's child**  
 31 **protection team established under IC 31-33-3** at a public meeting

32           ~~(1) in April; and~~

33           ~~(2) after June 30 and before October 1;~~  
 34 **in before April 1 of each year.**

35           (b) At a meeting required in subsection (a), the county director **and**  
 36 **judges with juvenile jurisdiction** shall present to the ~~county fiscal~~  
 37 ~~body and the judges~~ the following reports: **information:**

38           (1) Expenditures made

39           ~~(A) during the immediately preceding calendar quarter~~  
 40 **current state fiscal year** from the family and children's fund  
 41 in comparison to ~~one-fourth (1/4)~~ of the budget and  
 42 appropriations approved by the ~~county fiscal body~~ **division** for



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1           the calendar year. ~~and~~  
2           (B) from the fund in the corresponding calendar quarter of  
3           each of the two (2) preceding calendar years:  
4           (2) Obligations incurred ~~through the end of the immediately~~  
5           ~~preceding calendar quarter~~ **during the current state fiscal year**  
6           that will be payable from the family and children's fund during the  
7           remainder of the ~~calendar~~ **current state fiscal year.** ~~or in any~~  
8           ~~subsequent calendar year.~~  
9           (3) The number of children, by category, for whom the family and  
10          children's fund was required to provide funds for services during  
11          the ~~immediately preceding calendar quarter,~~ **current state fiscal**  
12          **year,** in comparison to ~~the corresponding calendar quarter~~ of each  
13          of the two (2) ~~preceding calendar years~~ **preceding the current**  
14          **state fiscal year.**  
15          (4) The number and type of out-of-home placements, by category,  
16          for which the family and children's fund was required to provide  
17          funds for foster home care or institutional placement, and the  
18          average daily, weekly or monthly cost of out of home placement  
19          care and services by category, during the ~~immediately preceding~~  
20          ~~calendar quarter,~~ **current state fiscal year,** in comparison to ~~the~~  
21          ~~corresponding calendar quarter~~ of each of the two (2) ~~preceding~~  
22          ~~calendar years~~ **preceding the current state fiscal year.**  
23          (5) The number of children, by category, for whom the family and  
24          children's fund was required to provide funds for services for  
25          children residing with the child's parent, guardian or custodian  
26          (other than foster home or institutional placement), and the  
27          average monthly cost of those services, during the ~~immediately~~  
28          ~~preceding calendar quarter,~~ **current state fiscal year,** in  
29          comparison to ~~the corresponding calendar quarter~~ for each of the  
30          two (2) ~~preceding calendar years~~ **preceding the current state**  
31          **fiscal year.**  
32          (c) In preparing the ~~reports~~ **information** described in subsection (b),  
33          the county director ~~and judges~~ may use the best ~~information data~~  
34          reasonably available from the records of the ~~courts,~~ **the** county office,  
35          and the ~~county family and children's fund for calendar years before~~  
36          ~~1998:~~ **division.**  
37          (d) At ~~each~~ **the** meeting described in subsection (a), the ~~county~~  
38          ~~fiscal body,~~ judges and county director may  
39          (1) discuss and suggest procedures to provide child welfare  
40          services in the most effective and cost-efficient manner. ~~and~~  
41          (2) ~~consider actions needed, including revision of budgeting~~  
42          ~~procedures; to eliminate or minimize any anticipated need for~~

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- 1           ~~short term borrowing for the family and children's fund under any~~  
2           ~~provisions of this chapter or IC 12-19-5.~~
- 3           SECTION 34. IC 12-19-7-15 IS AMENDED TO READ AS  
4           FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 15. (a) If at any  
5           time the county director determines that the family and children's fund  
6           is exhausted or will be exhausted before the close of a **state** fiscal year,  
7           the county director shall prepare an estimate and statement showing the  
8           amount of money, in addition to the money already made available, that  
9           will be necessary to defray the expenses of the county office and pay  
10          the obligations of the county office, excluding administrative expenses  
11          and facilities, supplies, and equipment expenses for the county office,  
12          in the administration of the county office's activities for the unexpired  
13          part of the **state** fiscal year.
- 14          (b) The county director shall do the following:
- 15               (1) Certify the estimate and statement to the ~~county executive:~~  
16               **director.**
- 17               (2) File ~~the estimate and a~~ statement with the ~~county auditor:~~  
18               **director concerning:**
- 19                       (A) **the reasons why the family and children's fund is**  
20                       **exhausted or will be exhausted; and**
- 21                       (B) **what actions have been taken by the county office to**  
22                       **avoid the exhaustion of the fund.**
- 23          SECTION 35. IC 12-19-7-35 IS ADDED TO THE INDIANA  
24          CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
25          [EFFECTIVE JANUARY 1, 2000]: **Sec. 35. This chapter expires**  
26          **June 30, 2001.**
- 27          SECTION 36. IC 31-9-2-41.2 IS ADDED TO THE INDIANA  
28          CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
29          [EFFECTIVE JANUARY 1, 2000]: **Sec. 41.2. "Division", for**  
30          **purposes of IC 31-40, means the division of family and children**  
31          **established by IC 12-13-1-1.**
- 32          SECTION 37. IC 31-31-8-3 IS AMENDED TO READ AS  
33          FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 3. (a) The  
34          juvenile court may establish juvenile detention and shelter care  
35          facilities for children, except as provided by IC 31-31-9.
- 36               (b) The court may contract with other agencies to provide juvenile  
37               detention and shelter care facilities.
- 38               (c) If the juvenile court operates the juvenile detention and shelter  
39               care facilities, the judge shall appoint staff and determine the budgets.
- 40               (d) The county shall pay all expenses. **The expenses for the**  
41               **juvenile detention facility shall be paid from the county general**  
42               **fund. Payment of the expenses for the juvenile detention facility**

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1 **may not be paid from the county family and children's fund**  
 2 **established by IC 12-19-7-2.**

3 SECTION 38. IC 31-31-8-4 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 4. (a) This section  
 5 applies to a county having a population of more than one hundred  
 6 seven thousand (107,000) but less than one hundred eight thousand  
 7 (108,000).

8 (b) Notwithstanding section 3 of this chapter, the juvenile court  
 9 shall operate a juvenile detention facility or juvenile shelter care  
 10 facility established in the county. However, the county legislative body  
 11 shall determine the budget for the juvenile detention facility or juvenile  
 12 shelter care facility. **The expenses for the juvenile detention facility**  
 13 **shall be paid from the county general fund. Payment of the**  
 14 **expenses for the juvenile detention facility may not be paid from**  
 15 **the county family and children's fund established by IC 12-19-7-2.**

16 SECTION 39. IC 31-34-19-1 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. The juvenile  
 18 court shall hold a dispositional hearing to consider the following:

- 19 (1) Alternatives for the care, treatment, rehabilitation, or  
 20 placement of the child.  
 21 (2) The necessity, nature, and extent of the participation by a  
 22 parent, a guardian, or a custodian in the program of care,  
 23 treatment, or rehabilitation for the child.  
 24 (3) The financial responsibility of the parent or guardian of the  
 25 estate for services provided for the parent or guardian or the child.  
 26 **(4) Any recommendations from a local coordinating council**  
 27 **or its equivalent.**

28 SECTION 40. IC 31-34-24-4 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 4. (a) Before  
 30 March 1, 1998, each county shall establish a team to develop a plan as  
 31 described in this chapter.

32 (b) The team is composed of the following members, each of whom  
 33 serves at the pleasure of the member's appointing authority:

- 34 (1) Two (2) members appointed by the judge or judges of the  
 35 juvenile court, one (1) of whom is a representative of the  
 36 probation department.  
 37 (2) Two (2) members appointed by the director of the county  
 38 office as follows:  
 39 (A) One (1) is a member of the child welfare staff of the  
 40 county office.  
 41 (B) One (1) is either:  
 42 (i) an interested resident of the county; or



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- 1 (ii) a representative of a social service agency;
- 2 who knows of child welfare needs and services available to
- 3 residents of the county.
- 4 (3) One (1) member appointed by the superintendent of the largest
- 5 school corporation in the county.
- 6 (4) If:
- 7 (A) two (2) school corporations are located within the county,
- 8 one (1) member appointed by the superintendent of the second
- 9 largest school corporation in the county; or
- 10 (B) more than two (2) school corporations are located within
- 11 the county, one (1) member appointed by the county fiscal
- 12 body as a representative of school corporations other than the
- 13 largest school corporation in the county.
- 14 ~~(5) One (1) member appointed by the county fiscal body.~~
- 15 ~~(6) (5) One (1) member representing the community mental~~
- 16 ~~health center (as defined under IC 12-7-2-38) serving the county,~~
- 17 ~~appointed by the director of the community mental health center.~~
- 18 ~~However, if more than one (1) community mental health center~~
- 19 ~~serves the county, the member shall be appointed by the county~~
- 20 ~~fiscal body.~~
- 21 ~~(7) (6) One (1) or more additional members appointed by the~~
- 22 ~~chairperson of the team; county director, from among interested~~
- 23 ~~or knowledgeable residents of the community or representatives~~
- 24 ~~of agencies providing social services to or for children in the~~
- 25 ~~county.~~

26 SECTION 41. IC 31-34-24-5 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 5. If ~~on January~~  
 28 ~~1, 1998,~~ a county has in existence a committee, council, or other  
 29 organized group that includes representatives of all of the appointing  
 30 authorities described in section 4 of this chapter, the county ~~fiscal body~~  
 31 **director** may elect to designate that existing organization as the  
 32 county's team for purposes of this chapter.

33 SECTION 42. IC 31-34-24-6 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 6. (a) The ~~county~~  
 35 ~~director of the county office~~ shall convene an organizational meeting  
 36 of the members of the team appointed under ~~section 4(b)(1), 4(b)(2),~~  
 37 ~~4(b)(3), 4(b)(4), 4(b)(5), and 4(b)(6)~~ **section 4** of this chapter.

- 38 (b) ~~At the team's:~~
- 39 ~~(1) organizational meeting; and~~
- 40 ~~(2) first meeting in each calendar year thereafter; The county~~
- 41 ~~director shall serve as the chairperson of the team. The team~~
- 42 ~~shall select one (1) of its members as chairperson and one (1) of~~

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1           its members as vice chairperson.  
 2           SECTION 43. IC 31-34-24-7 IS AMENDED TO READ AS  
 3 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 7. ~~Within six (6)~~  
 4 ~~months after the date of the team's organizational meeting;~~ **Before**  
 5 **January 1 of each year**, the team shall prepare and submit to the  
 6 ~~county fiscal body~~ **judges having juvenile jurisdiction in the county**  
 7 the team's ~~initial~~ plan for review and comment. **The judge shall**  
 8 **submit any comments to the chairperson not more than fifteen (15)**  
 9 **calendar days after receiving the plan.** The team shall ~~before~~  
 10 **January 25 of each year** transmit a copy of the ~~initial~~ plan, **including**  
 11 **any comments from the judges**, to:

- 12           (1) the director; and  
 13           (2) the state superintendent of public instruction.  
 14           SECTION 44. IC 31-34-24-8 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 8. In preparing  
 16 the plan, the team shall review and consider existing publicly and  
 17 privately funded programs that are available or that could be made  
 18 available in the county to provide supportive services to or for the  
 19 benefit of children described in section 3 of this chapter without  
 20 removing the child from the family home, including programs funded  
 21 through the following:
- 22           (1) Title IV-B of the Social Security Act (42 U.S.C. 620 et seq.).
  - 23           (2) Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.).
  - 24           (3) Title XX of the Social Security Act (42 U.S.C. 1397 et seq.).
  - 25           (4) The Child Abuse Prevention and Treatment Act (42 U.S.C.
  - 26           5106 et seq.).
  - 27           (5) Community corrections programs under IC 11-12.
  - 28           (6) Special education programs under IC 20-1-6-19.
  - 29           (7) All programs designed to prevent child abuse, neglect, or
  - 30           delinquency, or to enhance child welfare and family preservation
  - 31           administered by, or through funding provided by, the division of
  - 32           family and children, county offices, prosecutors, or juvenile
  - 33           courts, including programs funded under ~~IC 12-19-5~~; IC 12-19-7
  - 34           and IC 31-40.

- 35           **(8) Probation user fees under IC 31-40-2-1.**  
 36           **(9) Child advocacy fund under IC 12-17-17.**  
 37           SECTION 45. IC 31-34-24-10 IS AMENDED TO READ AS  
 38 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 10. The team may  
 39 adopt as its ~~initial~~ plan an existing plan for provision of family  
 40 preservation services, as defined in IC 12-7-2-82.3, that:  
 41           (1) is in effect in the county;  
 42           (2) includes services for a child less than eighteen (18) years of



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1 age who reasonably may be expected to face out of home  
2 placement under IC 31-34 or IC 31-37 as a result of:

- 3 (A) dependency, abuse, or neglect;  
4 (B) emotional disturbance; or  
5 (C) delinquency adjudication; and

6 (3) addresses all of the objectives described in this section.

7 SECTION 46. IC 31-34-24-11 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 11. The ~~director~~  
9 ~~or the~~ state superintendent of public instruction may, not later than  
10 thirty (30) days after receiving the ~~initial~~ plan, transmit to the team and  
11 the ~~county fiscal body director~~ any comments, including  
12 recommendations for modification of the plan, that the ~~director or the~~  
13 state superintendent of public instruction considers appropriate.

14 SECTION 47. IC 31-34-24-12 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 12. Not later than  
16 ~~sixty (60)~~ **forty-five (45)** days after receiving the ~~initial~~ plan, ~~and each~~  
17 ~~annual, revised, or updated plan~~, the ~~county fiscal body director~~ shall  
18 do one (1) of the following:

- 19 (1) Approve the plan as submitted by the team.  
20 ~~(2) Approve the plan with amendments, modifications, or~~  
21 ~~revisions adopted by the county fiscal body.~~  
22 ~~(3)~~ **(2)** Return the plan to the team with directions concerning:  
23 (A) subjects for further study and reconsideration; and  
24 (B) resubmission of a revised plan.

25 SECTION 48. IC 31-34-24-14 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 14. (a) The team  
27 shall meet at least one (1) time each year to do the following:

- 28 **(1) Develop, review, or revise a strategy that identifies:**  
29 **(A) the manner in which prevention and early intervention**  
30 **services will be provided or improved;**  
31 **(B) how local collaboration will improve children's**  
32 **services; and**  
33 **(C) how different funds can be used to serve children and**  
34 **families more effectively.**  
35 **(2)** Reorganize as needed and select its ~~officers~~ **vice chairperson**  
36 for the ensuing year.  
37 ~~(2)~~ **(3)** Review the implementation of the plan and prepare  
38 revisions, additions, or updates of the plan that the team considers  
39 necessary or appropriate to improve the quality and efficiency of  
40 early intervention child welfare services provided in accordance  
41 with the plan.  
42 ~~(3)~~ **(4)** Prepare and submit to the ~~county fiscal body director and~~



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1           **the superintendent of public instruction** a report on the  
 2           operations of the plan during the preceding year and a revised and  
 3           updated plan for the ensuing year.

4           (b) The chairperson or vice chairperson of the team ~~or the county~~  
 5           ~~fiscal body~~ may convene any additional meetings of the team that are,  
 6           in the chairperson's or vice chairperson's opinion, necessary or  
 7           appropriate.

8           SECTION 49. IC 31-34-24-15 IS AMENDED TO READ AS  
 9           FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 15. The team ~~or~~  
 10          ~~the county fiscal body~~ shall transmit copies of the ~~initial~~ plan, each  
 11          annual report, and each revised plan to the following:

12          ~~(1) The director.~~

13          ~~(2) The state superintendent of public instruction.~~

14          ~~(3) The county office.~~

15          ~~(4) (1) The juvenile court.~~

16          ~~(5) (2) The superintendent of each public school corporation in~~  
 17          ~~the county.~~

18          ~~(6) (3) The local step ahead council.~~

19          ~~(7) (4) Any public or private agency that:~~

20                 (A) provides services to families and children in the county  
 21                 that requests information about the plan; or

22                 (B) the team has identified as a provider of services relevant  
 23                 to the plan.

24          SECTION 50. IC 31-34-24-16 IS AMENDED TO READ AS  
 25          FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 16. The team ~~or~~  
 26          ~~the county fiscal body~~ shall publicize to residents of the county the  
 27          existence and availability of the plan.

28          SECTION 51. IC 31-34-24-17 IS AMENDED TO READ AS  
 29          FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 17. Two (2) or  
 30          more contiguous counties may, by agreement of the counties' ~~fiscal~~  
 31          ~~bodies~~; **county directors**, establish a joint team and adopt a single  
 32          multicounty plan for the purposes described in this chapter.

33          SECTION 52. IC 31-37-17-1.3 IS AMENDED TO READ AS  
 34          FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1.3. (a) The  
 35          individuals participating in a meeting described in section 1.1 of this  
 36          chapter shall assist the person preparing the report in recommending  
 37          the care, treatment, rehabilitation, or placement of the child.

38          (b) The individuals shall inform the person preparing the report of  
 39          resources and programs that are available for the child.

40          (c) **The probation officer or caseworker shall collect, maintain,**  
 41          **and complete financial eligibility forms designated by the director**  
 42          **to assist in obtaining federal reimbursement and other**

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1 **reimbursement.**

2 SECTION 53. IC 31-37-17-3 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 3. The probation  
4 officer or caseworker shall ~~also~~ **collect information and** prepare a  
5 financial report, **in the form prescribed by the division**, on the parent  
6 or the estate of the child to assist the juvenile court **and the county**  
7 **office** in:

8 (1) determining the person's financial responsibility; **and**

9 (2) **obtaining federal reimbursement;**  
10 for services provided for the child or the person.

11 SECTION 54. IC 31-37-18-1 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. The juvenile  
13 court shall hold a dispositional hearing to consider the following:

14 (1) Alternatives for the care, treatment, rehabilitation, or  
15 placement of the child.

16 (2) The necessity, nature, and extent of the participation by a  
17 parent, a guardian, or a custodian in the program of care,  
18 treatment, or rehabilitation for the child.

19 (3) The financial responsibility of the parent or guardian of the  
20 estate for services provided for the parent or guardian or the child.

21 (4) **Any recommendation from a local coordinating council or**  
22 **its equivalent.**

23 SECTION 55. IC 31-37-24-4 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 4. (a) Before  
25 March 1, 1998, each county shall establish a team to develop a plan as  
26 described in this chapter.

27 (b) The team is composed of the following members, each of whom  
28 serves at the pleasure of the member's appointing authority:

29 (1) Two (2) members appointed by the judge or judges of the  
30 juvenile court, one (1) of whom is a representative of the  
31 probation department.

32 (2) Two (2) members appointed by the director of the county  
33 office as follows:

34 (A) One (1) is a member of the child welfare staff of the  
35 county office.

36 (B) One (1) is either:

37 (i) an interested resident of the county; or

38 (ii) a representative of a social service agency;

39 who knows of child welfare needs and services available to  
40 residents of the county.

41 (3) One (1) member appointed by the superintendent of the largest  
42 school corporation in the county.



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1 (4) If:

2 (A) two (2) school corporations are located within the county,  
3 one (1) member appointed by the superintendent of the second  
4 largest school corporation in the county; or

5 (B) more than two (2) school corporations are located within  
6 the county, one (1) member appointed by the county fiscal  
7 body as a representative of school corporations other than the  
8 largest school corporation in the county.

9 (5) ~~One (1) member appointed by the county fiscal body.~~

10 ~~(6) One (1) member representing the community mental health~~  
11 ~~center (as defined under IC 12-7-2-38) serving the county,~~  
12 ~~appointed by the director of the community mental health center.~~  
13 ~~However, if more than one (1) community mental health center~~  
14 ~~serves the county, the member shall be appointed by the county~~  
15 ~~fiscal body: **director.**~~

16 ~~(7) (6) One (1) or more additional members appointed by the~~  
17 ~~chairperson of the team; **county director,** from among interested~~  
18 ~~or knowledgeable residents of the community or representatives~~  
19 ~~of agencies providing social services to or for children in the~~  
20 ~~county.~~

21 SECTION 56. IC 31-37-24-5 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 5. If ~~on January~~  
23 ~~1, 1998,~~ a county has in existence a committee, council, or other  
24 organized group that includes representatives of all of the appointing  
25 authorities described in section 4 of this chapter, the county ~~fiscal body~~  
26 ~~director~~ may elect to designate that existing organization as the  
27 county's team for purposes of this chapter.

28 SECTION 57. IC 31-37-24-6 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 6. (a) The ~~county~~  
30 ~~director of the county office~~ shall convene an organizational meeting  
31 of the members of the team appointed under ~~section 4(b)(1), 4(b)(2),~~  
32 ~~4(b)(3), 4(b)(4), 4(b)(5), and 4(b)(6)~~ **section 4** of this chapter.

33 (b) ~~At the team's:~~

34 ~~(1) organizational meeting; and~~

35 ~~(2) first meeting in each calendar year thereafter; **The county**~~  
36 ~~**director shall serve as chairperson of the team.** The team shall~~  
37 ~~select one (1) of its members as ~~chairperson and one (1) of its~~~~  
38 ~~members as vice chairperson.~~

39 SECTION 58. IC 31-37-24-7 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 7. ~~Within six (6)~~  
41 ~~months from the date of the team's organizational meeting, **Before**~~  
42 ~~**January 1 of each year,** the team shall prepare and submit to the~~



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1 county fiscal body judges having juvenile jurisdiction the team's  
 2 initial plan for review and comment. The judge shall submit any  
 3 comments to the chairperson not more than fifteen (15) calendar  
 4 days after receiving the plan. The team shall before January 25 of  
 5 each year transmit a copy of the initial plan, including any comments  
 6 from the judges, to:

- 7 (1) the director; and
- 8 (2) the state superintendent of public instruction.

9 SECTION 59. IC 31-37-24-8 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 8. In preparing  
 11 the plan, the team shall review and consider existing publicly and  
 12 privately funded programs that are available or that could be made  
 13 available in the county to provide supportive services to or for the  
 14 benefit of children described in section 3 of this chapter without  
 15 removing the child from the family home, including programs funded  
 16 through the following:

- 17 (1) Title IV-B of the Social Security Act (42 U.S.C. 620 et seq.).
- 18 (2) Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.).
- 19 (3) Title XX of the Social Security Act (42 U.S.C. 1397 et seq.).
- 20 (4) The Child Abuse Prevention and Treatment Act (42 U.S.C.  
 21 5106 et seq.).
- 22 (5) Community corrections programs under IC 11-12.
- 23 (6) Special education programs under IC 20-1-6-19.
- 24 (7) All programs designed to prevent child abuse, neglect, or  
 25 delinquency, or to enhance child welfare and family preservation  
 26 administered by, or through funding provided by, the division of  
 27 family and children, county offices, prosecutors, or juvenile  
 28 courts, including programs funded under ~~IC 12-19-5~~, IC 12-19-7  
 29 and IC 31-40.

30 **(8) Probation user fees under IC 31-40-2-1.**

31 **(9) The child advocacy fund under IC 12-17-17.**

32 SECTION 60. IC 31-37-24-10 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 10. The team may  
 34 adopt as its initial plan an existing plan for provision of family  
 35 preservation services, as defined in IC 12-7-2-82.3, that:

- 36 (1) is in effect in the county;
- 37 (2) includes services for a child less than eighteen (18) years of  
 38 age who reasonably may be expected to face out of home  
 39 placement under IC 31-34 or IC 31-37 as a result of:
  - 40 (A) dependency, abuse, or neglect;
  - 41 (B) emotional disturbance; or
  - 42 (C) delinquency adjudication; and



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(3) addresses all of the objectives described in this section.

SECTION 61. IC 31-37-24-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 11. The ~~director or the~~ state superintendent of public instruction may, not later than thirty (30) days after receiving the ~~initial~~ plan, transmit to the team and the ~~county fiscal body~~ **director** any comments, including recommendations for modification of the plan, that the director or the state superintendent of public instruction considers appropriate.

SECTION 62. IC 31-37-24-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 12. Not later than ~~sixty (60)~~ **forty-five (45)** days after receiving the ~~initial~~ plan, ~~and each annual, revised, or updated plan,~~ the ~~county fiscal body~~ **director** shall do one (1) of the following:

(1) Approve the plan as submitted by the team.

~~(2) Approve the plan with amendments, modifications, or revisions adopted by the county fiscal body.~~

~~(3)~~ **(2)** Return the plan to the team with directions concerning:

(A) subjects for further study and reconsideration; and

(B) resubmission of a revised plan.

SECTION 63. IC 31-37-24-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 14. (a) The team shall meet at least one (1) time each year to do the following:

**(1) Develop, review, or revise a strategy that identifies:**

**(A) the manner in which prevention and early intervention services will be provided or improved;**

**(B) how local collaboration will improve children's services; and**

**(C) how different funds can be used to serve children and families more effectively.**

**(2)** Reorganize as needed and select its ~~officers~~ **vice chairperson** for the ensuing year.

~~(2)~~ **(3)** Review the implementation of the plan and prepare revisions, additions, or updates of the plan that the team considers necessary or appropriate to improve the quality and efficiency of early intervention child welfare services provided in accordance with the plan.

~~(3)~~ **(4)** Prepare and submit to the ~~county fiscal body~~ **director and the superintendent of public instruction** a report on the operations of the plan during the preceding year and a revised and updated plan for the ensuing year.

(b) The chairperson or vice chairperson of the team ~~or the county fiscal body~~ may convene any additional meetings of the team that are,

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1 in the chairperson's or vice chairperson's opinion, necessary or  
2 appropriate.

3 SECTION 64. IC 31-37-24-15 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 15. The team ~~or~~  
5 ~~the county fiscal body~~ shall transmit copies of the initial plan, each  
6 annual report, and each revised plan to the following:

7 ~~(1) The director.~~

8 ~~(2) The state superintendent of public instruction.~~

9 ~~(3) The county office.~~

10 ~~(4) (1) The juvenile court.~~

11 ~~(5) (2) The superintendent of each public school corporation in~~  
12 ~~the county.~~

13 ~~(6) (3) The local step ahead council.~~

14 ~~(7) (4) Any public or private agency that:~~

15 (A) provides services to families and children in the county  
16 that requests information about the plan; or

17 (B) the team has identified as a provider of services relevant  
18 to the plan.

19 SECTION 65. IC 31-37-24-16 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 16. The team ~~or~~  
21 ~~the county fiscal body~~ shall publicize to residents of the county the  
22 existence and availability of the plan.

23 SECTION 66. IC 31-37-24-17 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 17. Two (2) or  
25 more contiguous counties may, by agreement of the counties' ~~fiscal~~  
26 ~~bodies, county directors,~~ establish a joint team and adopt a single  
27 multicounty plan for the purposes described in this chapter.

28 SECTION 67. IC 31-40-1-1 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. This article  
30 applies to a financial burden sustained by a county ~~or the division~~ as  
31 the result of costs paid by the county ~~or the division~~ under section 2 of  
32 this chapter, including costs resulting from the institutional placement  
33 of a child adjudicated a delinquent child or a child in need of services.

34 SECTION 68. IC 31-40-1-2 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. (a) The county  
36 shall pay ~~from the family and children's fund established under~~  
37 ~~IC 12-19-7-2~~ the cost of:

38 (1) any services ordered by the juvenile court for any child or the  
39 child's parent, guardian, or custodian, ~~other than secure~~  
40 ~~detention;~~ and

41 (2) returning a child under IC 31-37-23.

42 (b) The ~~county fiscal body~~ ~~division~~ shall provide sufficient money

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1 to meet the court's requirements.

2 (c) The child's parent or the guardian of the estate of a child shall  
3 reimburse the county for the costs paid under subsection (a) (or  
4 IC 31-6-4-18(b) before its repeal) as provided under this article.

5 (d) After receiving a petition for reimbursement from a county that  
6 has paid for services under subsection (a) (or IC 31-6-4-18(b) before  
7 its repeal); the court shall hold a hearing to determine whether to order  
8 reimbursement by the child's parents or the guardian of the child's  
9 estate to the county as described under this article.

10 SECTION 69. IC 31-40-1-3 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) A parent or  
12 guardian of the estate of a child adjudicated a delinquent child or a  
13 child in need of services is financially responsible **as provided in this**  
14 **chapter (or IC 31-6-4-18(e) before its repeal)** for any services  
15 ordered by the court. ~~under this section (or IC 31-6-4-18(e) before its~~  
16 ~~repeal):~~

17 (b) Each parent of a child alleged to be a child in need of services  
18 or alleged to be a delinquent child shall, before a dispositional hearing,  
19 furnish the court with an accurately completed and current child  
20 support obligation worksheet on the same form that is prescribed by the  
21 Indiana supreme court for child support orders.

22 (c) At:

- 23 (1) a detention hearing;  
24 (2) a hearing that is held after the payment of costs by a county  
25 under section 2 of this chapter (or IC 31-6-4-18(b) before its  
26 repeal);  
27 (3) the dispositional hearing; or  
28 (4) any other hearing to consider modification of a dispositional  
29 decree;

30 the juvenile court shall order the child's parents or the guardian of the  
31 child's estate to pay for, **or reimburse the county or the division for**  
32 **the cost of**, services provided to the child or the parent or guardian  
33 unless the court finds that the parent or guardian is unable to pay or  
34 that justice would not be served by ordering payment from the parent  
35 or guardian.

36 SECTION 70. IC 31-40-1-5 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) **This section**  
38 **applies** whenever the court orders ~~institutional placement of a child:~~

39 ~~(1) the court shall refer to the child support guidelines adopted by~~  
40 ~~the Indiana supreme court to determine the financial contribution~~  
41 ~~required from each parent of the child or the guardian of the~~  
42 ~~child's estate;~~



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1           (2) the court shall order support paid by each of the child's parents  
 2           or the guardian of the child's estate, except as provided under  
 3           section 3 of this chapter; and or approves removal of a child  
 4           from the home of a child's parent or guardian and placement  
 5           of the child in a child caring institution (as defined in  
 6           IC 12-7-2-29), a foster family home (as defined in  
 7           IC 12-7-2-90), or the home of a relative of the child that is not  
 8           a foster family home.

9           (3) (b) If an existing support order is in effect, the court shall order **the**  
 10          support payments to be assigned to the county office of family and  
 11          children or the division for the duration of the institutional placement  
 12          out of the home of the child's parent or guardian. **The court shall**  
 13          **notify the court that:**

14                (1) entered the existing support order; or

15                (2) had jurisdiction, immediately before the placement, to  
 16                modify or enforce the existing support order;

17          **of the assignment and assumption of jurisdiction by the juvenile**  
 18          **court under this section.**

19          (b) When implementing this section, the county office of family and  
 20          children shall:

21                (1) comply with 45 CFR 302.52 and 45 CFR 303.2; and

22                (2) remit all other support payments to the county general fund.

23          (c) **If an existing support order is not in effect, the court shall do**  
 24          **the following:**

25                (1) **Include in the order for removal or placement of the child**  
 26                **an assignment to the county office or the division, or**  
 27                **confirmation of an assignment that occurs or is required**  
 28                **under applicable federal law, of any rights to support,**  
 29                **including support for the cost of any medical care payable by**  
 30                **the state under iC 12-15, from any parent or guardian who**  
 31                **has a legal obligation to support the child.**

32                (2) **Order support paid to the county office or the division by**  
 33                **each of the child's parents or the guardians of the child's**  
 34                **estate to be based on child support guidelines adopted by the**  
 35                **Indiana supreme court and for the duration of the placement**  
 36                **of the child out of the home of the child's parent or guardian,**  
 37                **unless:**

38                    (A) **the court finds that entry of an order based on the**  
 39                    **child support guidelines would be unjust or inappropriate**  
 40                    **considering the best interests of the child and other**  
 41                    **necessary obligations of the child's family; or**

42                    (B) **the county office does not make foster care**



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1 maintenance payments to the custodian of the child. For  
 2 purposes of this clause, "foster care maintenance  
 3 payments" means any payments for the cost of (in whole or  
 4 in part) and the cost of providing food, clothing, shelter,  
 5 daily supervision, school supplies, a child's personal  
 6 incidentals, liability insurance with respect to a child, and  
 7 reasonable amounts for travel to the child's home for  
 8 visitation. In the case of a child caring institution, the term  
 9 also includes the reasonable costs of administration and  
 10 operation of the institution as are necessary to provide the  
 11 items described in this clause.

12 **(3) If the court:**

13 **(A) does not enter a support order; or**

14 **(B) enters an order that is not based on the child support**  
 15 **guidelines;**

16 **the court shall make findings as required by 45 CFR**  
 17 **302.56(g).**

18 ~~(c)~~ **(d) Payments in accordance with a support order assigned**  
 19 **under subsection (b) or entered under subsection (a) (c) (or**  
 20 **IC 31-6-4-18(f) before its repeal), shall be paid through the clerk of the**  
 21 **circuit court as trustee for remittance to the county**

22 ~~(d)~~ **The county office of family and children shall monitor the**  
 23 **enforcement of support orders under subsection (a): office or the**  
 24 **division.**

25 ~~(e)~~ **The county attorney for the office of family and children Title**  
 26 **IV-D agency shall seek enforcement of the establish, modify, or**  
 27 **enforce a support orders: order assigned or entered by a court under**  
 28 **this section, in accordance with IC 12-17-2 and 42 U.S.C. 654. The**  
 29 **county office shall, if requested, assist the Title IV-D agency in**  
 30 **performing its duties under this subsection.**

31 **(f) If the juvenile court terminates placement of a child out of**  
 32 **the home of the child's parent or guardian, the court shall:**

33 **(1) notify the court that:**

34 **(A) entered a support order assigned to the county office**  
 35 **under subsection (b); or**

36 **(B) had jurisdiction, immediately before the placement, to**  
 37 **modify or enforce the existing support order;**

38 **of the termination of jurisdiction of the juvenile court with**  
 39 **respect to the support order;**

40 **(2) terminate a support order entered under subsection (c)**  
 41 **that requires payment of support by a custodial parent or**  
 42 **guardian of the child, with respect to support obligations that**



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1 accrue after termination of the placement; or  
 2 (3) continue in effect, subject to modification or enforcement  
 3 by a court having jurisdiction over the obligor, a support  
 4 order entered under subsection (c) that requires payment of  
 5 support by a noncustodial parent or guardian of the estate of  
 6 the child.

7 (g) The court may at or after a hearing described in section 3 of  
 8 this chapter order the child's parent or the guardian of the child's  
 9 estate to reimburse the county office or the division for all or any  
 10 portion of the expenses for services provided to or for the benefit  
 11 of the child that are paid from the county family and children's  
 12 fund during the placement of the child out of the home of the  
 13 parent or guardian, in addition to amounts reimbursed through  
 14 payments in accordance with a support order assigned or entered  
 15 as provided in this section, subject to applicable federal law.

16 SECTION 71. IC 31-40-1-6 IS ADDED TO THE INDIANA CODE  
 17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 18 1, 1999]: Sec. 6. (a) The division may contract with any of the  
 19 following, on terms and conditions with respect to compensation  
 20 and payment or reimbursement of expenses as the division may  
 21 determine, for the enforcement and collection of any parental  
 22 reimbursement obligation established by order entered by the  
 23 court under section 3 or 5(g) of this chapter:

24 (1) The prosecutor of the county that paid the cost of the  
 25 services ordered by the court, as provided in section 2 of this  
 26 chapter.

27 (2) An attorney for the county office that paid the cost of  
 28 services ordered by the court, if the attorney is not an  
 29 employee of the county office or the division.

30 (3) An attorney licensed to practice law in Indiana.

31 (b) A contract entered into under this section is subject to  
 32 approval under IC 4-13-2-14.1.

33 (c) Any fee payable to a prosecutor under a contract under  
 34 subsection (a)(1) shall be deposited in the county general fund and  
 35 credited to a separate account identified as the prosecutor's child  
 36 services collections account. The prosecutor may expend funds  
 37 credited to the prosecutor's child services collections account,  
 38 without appropriation, only for the purpose of supporting and  
 39 enhancing the functions of the prosecutor in enforcement and  
 40 collection of parental obligations to reimburse the county family  
 41 and children's fund.

42 SECTION 72. IC 31-40-1-7 IS ADDED TO THE INDIANA CODE



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1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
2 1, 1999]: **Sec. 7. (a) Amounts received as payment of support or  
3 reimbursement of the cost of services paid as provided in this  
4 chapter shall be distributed in the following manner:**

5 **(1) If any part of the cost of services was paid from federal  
6 funds under Title IV Part E of the Social Security Act (42  
7 U.S.C. 671 et seq.), the amounts received shall first be applied  
8 as provided in 42 U.S.C. 657 and 45 CFR 302.52.**

9 **(2) All amounts remaining after the distributions required by  
10 subdivision (1) shall be deposited in the family and children's  
11 fund established by IC 12-19-7-2, of the county that paid the  
12 cost of the services.**

13 **(b) Any money deposited in a county family and children's fund  
14 under this section shall be reported to the division, in the form and  
15 manner prescribed by the division, and shall be applied to the child  
16 services budget compiled and adopted by the county director for  
17 the next state fiscal year, in accordance with IC 12-19-7-6.**

18 SECTION 73. IC 36-2-6-3 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: **Sec. 3. (a) This section  
20 does not apply to the following:**

21 **(1) Claims for salaries fixed in a definite amount by ordinance or  
22 statute, per diem of jurors, and salaries of officers of a court.**

23 **(2) Claims that will be paid from a county family and  
24 children's fund.**

25 **(b) The county auditor shall publish all claims that have been filed  
26 for the consideration of the county executive and shall publish all  
27 allowances made by courts of the county. Claims filed for the  
28 consideration of the executive shall be published at least three (3) days  
29 before each session of the executive, and court allowances shall be  
30 published at least three (3) days before the issuance of warrants in  
31 payment of those allowances. In publication of itemized statements  
32 filed by assistant highway supervisors for consideration of the  
33 executive, the auditor shall publish the name of each party and the total  
34 amount due each party named in the itemized statements. Notice of  
35 claims filed for consideration of the county executive must state their  
36 amounts and to whom they are made. Claims and allowances subject  
37 to this section shall be published as prescribed by IC 5-3-1, except that  
38 only one (1) publication in two (2) newspapers is required.**

39 **(c) A member of the county executive who considers or allows a  
40 claim, or a county auditor who issues warrants in payment of  
41 allowances made by the county executive or a court of the county,  
42 before compliance with subsection (b), commits a Class C infraction.**



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1 (d) A county auditor shall publish one (1) time in accordance with  
 2 IC 5-3-1 a notice of all allowances made by a circuit or superior court.  
 3 The notice must be published within sixty (60) days after the  
 4 allowances are made and must state their amount, to whom they are  
 5 made, and for what purpose they are made.

6 SECTION 74. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 7 JANUARY 1, 2000]: IC 12-13-7-10; IC 12-13-7-11; IC 12-13-7-13;  
 8 IC 12-13-7-14; IC 12-13-7-15; IC 12-13-7-16; IC 12-13-7-20;  
 9 IC 12-14-2-14; IC 12-14-9; IC 12-17-1-15; IC 12-17-3-4;  
 10 IC 12-19-1-17; IC 12-19-6-1; IC 12-19-6-2; IC 12-19-6-3;  
 11 IC 12-19-6-4; IC 31-34-24-13; IC 31-34-24-19; IC 31-37-24-13;  
 12 IC 31-37-24-19.

13 SECTION 75. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 14 JUNE 30, 2000]: IC 12-14-9.5-1; IC 12-14-9.5-2; IC 12-14-9.5-4;  
 15 IC 12-14-9.5-5; IC 12-14-9.5-6.

16 SECTION 76. [EFFECTIVE JANUARY 1, 2000] (a)  
 17 **Notwithstanding the repeal of IC 12-19-3 by any other law, the**  
 18 **following apply:**

19 (1) **A county's county welfare fund is not abolished until the**  
 20 **earlier of the date all money in the fund has been expended or**  
 21 **the date on which all transfers required by this SECTION**  
 22 **have been made.**

23 (2) **Under a schedule agreed to by the division of family and**  
 24 **children and the county executive, the amounts deposited in**  
 25 **a county welfare fund for destitute children or other child**  
 26 **welfare services shall be transferred to the county family and**  
 27 **children's fund before July 1, 2000.**

28 (3) **Under a schedule agreed to by the division of family and**  
 29 **children and the county executive, the amounts deposited in**  
 30 **a county welfare fund for AFDC cash assistance shall be**  
 31 **transferred to the county family and children's fund on July**  
 32 **1, 2000.**

33 (b) **This SECTION expires January 1, 2001.**

34 SECTION 77. [EFFECTIVE JANUARY 1, 2000] (a)  
 35 **Notwithstanding IC 12-13-5-5, as amended by this act, each county**  
 36 **auditor shall keep records and make reports relating to the county**  
 37 **welfare fund until the completion of an audit of the fund made**  
 38 **after all money in the fund has been expended. The final audit of**  
 39 **the county welfare fund shall be completed not later than**  
 40 **December 31, 2000. Records of the county welfare fund and related**  
 41 **reports shall be retained as provided in IC 5-15.**

42 (b) **This SECTION expires January 1, 2001.**

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1 SECTION 78. [EFFECTIVE UPON PASSAGE] (a) Before  
2 September 1, 1999, the state board of accounts shall verify the  
3 amount expended by each county from the county's family and  
4 children fund in 1998 for payment of the expenses of a juvenile  
5 detention facility.

6 (b) The state board of tax commissioners shall, for property  
7 taxes first due and payable in 2000 and thereafter, increase the  
8 maximum permissible property tax levy of a county by the amount  
9 of expenses verified for the county under subsection (a).

10 (c) This SECTION expires January 1, 2001.

11 SECTION 79. [EFFECTIVE JULY 1, 1999] (a) The division of  
12 family and children shall conduct a hearing, with participation by  
13 the Association of Indiana Counties, on the claims payment process  
14 for county family and children's funds.

15 (b) The division shall submit a report to the governor and the  
16 legislative council before January 1, 2000. The report must include  
17 a recommendation concerning whether the payment of claims for  
18 children's services is to be performed in a centralized or  
19 decentralized manner.

20 (c) This SECTION expires January 1, 2001.

21 SECTION 80. [EFFECTIVE JULY 1, 1999] (a) The division of  
22 family and children shall reimburse each county for one hundred  
23 percent (100%) of the proportionate share of operating costs of the  
24 county auditor and county treasurer for the support of the county  
25 family and children's fund, based upon an approved indirect cost  
26 plan.

27 (b) This SECTION expires July 1, 2001.

28 SECTION 81. An emergency is declared for this act.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1004, 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:

Replace the effective dates in SECTIONS 54 through 57 with "[EFFECTIVE JULY 1, 1999]".

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-3.5-1.1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 15. (a) As used in this section, "attributed levy" of a civil taxing unit means the sum of:

(1) the ad valorem property tax levy of the civil taxing unit that is currently being collected at the time the allocation is made; plus  
 (2) the current ad valorem property tax levy of any special taxing district, authority, board, or other entity formed to discharge governmental services or functions on behalf of or ordinarily attributable to the civil taxing unit; plus

(3) the amount of federal revenue sharing funds and certified shares that were used by the civil taxing unit (or any special taxing district, authority, board, or other entity formed to discharge governmental services or functions on behalf of or ordinarily attributable to the civil taxing unit) to reduce its ad valorem property tax levies below the limits imposed by IC 6-1.1-18.5; **plus**

**(4) in the case of a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund, welfare administration fund, and family and children's fund.**

(b) The part of a county's certified distribution that is to be used as certified shares shall be allocated only among the county's civil taxing units. Each civil taxing unit of a county is entitled to receive a percentage of the certified shares to be distributed in the county equal to the ratio of its attributed levy to the total attributed levies of all civil taxing units of the county.

(c) The local government tax control board established by IC 6-1.1-18.5-11 shall determine the attributed levies of civil taxing units that are entitled to receive certified shares during a calendar year. If the ad valorem property tax levy of any special taxing district, authority, board, or other entity is attributed to another civil taxing unit under subsection (b)(2), then the special taxing district, authority, board, or other entity shall not be treated as having an attributed levy

HB 1004—LS 8215/DI 73+



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of its own. The local government tax control board shall certify the attributed levy amounts to the appropriate county auditor. The county auditor shall then allocate the certified shares among the civil taxing units of his county.

(d) Certified shares received by a civil taxing unit shall be treated as additional revenue for the purpose of fixing its budget for the calendar year during which the certified shares will be received. The certified shares may be allocated to or appropriated for any purpose, including property tax relief or a transfer of funds to another civil taxing unit whose levy was attributed to the civil taxing unit in the determination of its attributed levy.

SECTION 2. IC 6-3.5-6-17.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 17.6. (a) This section applies to a county containing a consolidated city.

(b) On or before July 15 of each year, the budget agency shall make the following calculation:

STEP ONE: Determine the cumulative balance in a county's account established under section 16 of this chapter as of the end of the current calendar year.

STEP TWO: Divide the amount estimated under section 17(b) of this chapter before any adjustments are made under section 17(c) or 17(d) of this chapter by twelve (12).

STEP THREE: Multiply the STEP TWO amount by three (3).

STEP FOUR: Subtract the amount determined in STEP THREE from the amount determined in STEP ONE.

(c) For 1995, the budget agency shall certify the STEP FOUR amount to the county auditor on or before July 15, 1994. Not later than January 31, 1995, the auditor of state shall distribute the STEP FOUR amount to the county auditor to be used to retire outstanding obligations for a qualified economic development tax project (as defined in IC 36-7-27-9).

(d) After 1995, the STEP FOUR amount shall be distributed to the county auditor in January of the ensuing calendar year. The STEP FOUR amount shall be distributed by the county auditor to the civil taxing units within thirty (30) days after the county auditor receives the distribution. Each civil taxing unit's share equals the STEP FOUR amount multiplied by the quotient of:

- (1) the maximum permissible property tax levy under IC 6-1.1-18.5 for the civil taxing unit, **plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare administration fund**; divided by
- (2) the sum of the maximum permissible property tax levies under

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IC 6-1.1-18.5 for all civil taxing units of the county **plus an amount equal to the property taxes imposed by the county in 1999 for the county's welfare administration fund.**

SECTION 3. IC 6-3.5-6-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 18. (a) The revenue a county auditor receives under this chapter shall be used to:

- (1) replace the amount, if any, of property tax revenue lost due to the allowance of an increased homestead credit within the county;
- (2) fund the operation of a public communications system and computer facilities district as provided in an election, if any, made by the county fiscal body under IC 36-8-15-19(b);
- (3) fund the operation of a public transportation corporation as provided in an election, if any, made by the county fiscal body under IC 36-9-4-42;
- (4) make payments permitted under IC 36-7-15.1-17.5;
- (5) make payments permitted under subsection (i); and
- (6) make distributions of distributive shares to the civil taxing units of a county.

(b) The county auditor shall retain from the payments of the county's certified distribution, an amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county. This money shall be distributed to the civil taxing units and school corporations of the county as though they were property tax collections and in such a manner that no civil taxing unit or school corporation shall suffer a net revenue loss due to the allowance of an increased homestead credit.

(c) The county auditor shall retain the amount, if any, specified by the county fiscal body for a particular calendar year under subsection (i), IC 36-7-15.1-17.5, IC 36-8-15-19(b), and IC 36-9-4-42 from the county's certified distribution for that same calendar year. The county auditor shall distribute amounts retained under this subsection to the county.

(d) All certified distribution revenues that are not retained and distributed under subsections (b) and (c) shall be distributed to the civil taxing units of the county as distributive shares.

(e) The amount of distributive shares that each civil taxing unit in a county is entitled to receive during a month equals the product of **the following:**

- (1) The amount of revenue that is to be distributed as distributive shares during that month; multiplied by
- (2) A fraction. The numerator of the fraction equals the total property taxes that are first due and payable to the civil taxing unit during the calendar year in which the month falls, **plus, for**

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**a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund, welfare administration fund, and family and children's fund.** The denominator of the fraction equals **the sum of** the total property taxes that are first due and payable to all civil taxing units of the county during the calendar year in which the month falls, **plus an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund, welfare administration fund, and family and children's fund.**

(f) The state board of tax commissioners shall provide each county auditor with the fractional amount of distributive shares that each civil taxing unit in the auditor's county is entitled to receive monthly under this section.

(g) Notwithstanding subsection (e), if a civil taxing unit of an adopting county does not impose a property tax levy that is first due and payable in a calendar year in which distributive shares are being distributed under this section, that civil taxing unit is entitled to receive a part of the revenue to be distributed as distributive shares under this section within the county. The fractional amount such a civil taxing unit is entitled to receive each month during that calendar year equals the product of **the following:**

- (1) The amount to be distributed as distributive shares during that month; multiplied by
- (2) A fraction. The numerator of the fraction equals the budget of that civil taxing unit for that calendar year. The denominator of the fraction equals the aggregate budgets of all civil taxing units of that county for that calendar year.

(h) If for a calendar year a civil taxing unit is allocated a part of a county's distributive shares by subsection (g), then the formula used in subsection (e) to determine all other civil taxing units' distributive shares shall be changed each month for that same year by reducing the amount to be distributed as distributive shares under subsection (e) by the amount of distributive shares allocated under subsection (g) for that same month. The state board of tax commissioners shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

(i) Notwithstanding any other law, a county fiscal body may pledge revenues received under this chapter to the payment of bonds or lease rentals to finance a qualified economic development tax project under IC 36-7-27 in that county or in any other county if the county fiscal body determines that the project will promote significant opportunities for the gainful employment or retention of employment of the county's



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residents.

SECTION 4. IC 6-3.5-6-18.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 18.5. (a) This section applies to a county containing a consolidated city.

(b) Notwithstanding section 18(e) of this chapter, the distributive shares that each civil taxing unit in a county containing a consolidated city is entitled to receive during a month equals the following:

(1) For the calendar year beginning January 1, 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month multiplied by the following factor:

Center Township	.0251
Decatur Township	.00217
Franklin Township	.0023
Lawrence Township	.01177
Perry Township	.01130
Pike Township	.01865
Warren Township	.01359
Washington Township	.01346
Wayne Township	.01307
Lawrence-City	.00858
Beech Grove	.00845
Southport	.00025
Speedway	.00722
Indianapolis/Marion County	.86409

(2) Notwithstanding subdivision (1), for the calendar year beginning January 1, 1995, the distributive shares for each civil taxing unit in a county containing a consolidated city shall be not less than the following:

Center Township	\$1,898,145
Decatur Township	\$ 164,103
Franklin Township	\$ 173,934
Lawrence Township	\$ 890,086
Perry Township	\$ 854,544
Pike Township	\$1,410,375
Warren Township	\$1,027,721
Washington Township	\$1,017,890
Wayne Township	\$ 988,397
Lawrence-City	\$ 648,848
Beech Grove	\$ 639,017
Southport	\$ 18,906
Speedway	\$ 546,000

(3) For each year after 1995, calculate the total amount of

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revenues that are to be distributed as distributive shares during that month as follows:

STEP ONE: Determine the total amount of revenues that were distributed as distributive shares during that month in calendar year 1995.

STEP TWO: Determine the total amount of revenue that the department has certified as distributive shares for that month under section 17 of this chapter for the calendar year.

STEP THREE: Subtract the STEP ONE result from the STEP TWO result.

STEP FOUR: If the STEP THREE result is less than or equal to zero (0), multiply the STEP TWO result by the ratio established under subdivision (1).

STEP FIVE: Determine the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5 and IC 6-1.1-18.6 for each civil taxing unit for the calendar year in which the month falls, **plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund, welfare administration fund, and family and children's fund;** divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 and IC 6-1.1-18.6 for all civil taxing units of the county during the calendar year in which the month falls, **and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund, welfare administration fund, and family and children's fund.**

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the ratio established under subdivision (1).

STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a

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distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5 and IC 6-1.1-18.6 for the qualifying civil taxing unit during the calendar year in which the month falls, **plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund, welfare administration fund, and family and children's fund;** divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 and IC 6-1.1-18.6 for all qualifying civil taxing units of the county during the calendar year in which the month falls, **and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund, welfare administration fund, and family and children's fund.**

SECTION 5. IC 6-3.5-6-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 19. (a) **Except as provided in sections 17.6(d), 18(e), and 18.5(b)(3),** in determining the fractional share of distributive shares the civil taxing units of a county are entitled to receive under section 18 of this chapter during a calendar year, the state board of tax commissioners shall consider only property taxes imposed on tangible property subject to assessment in that county.

(b) In determining the amount of distributive shares a civil taxing unit is entitled to receive under section 18(g) of this chapter, the state board of tax commissioners shall consider only the percentage of the civil taxing unit's budget that equals the ratio that the total assessed valuation that lies within the civil taxing unit and the county that has adopted the county option tax bears to the total assessed valuation that lies within the civil taxing unit.

(c) The distributive shares to be allocated and distributed under this chapter shall be treated by each civil taxing unit as additional revenue for the purpose of fixing its budget for the budget year during which the distributive shares is to be distributed to the civil taxing unit.

(d) In the case of a civil taxing unit that includes a consolidated city its fiscal body may distribute any revenue it receives under this chapter to any governmental entity located in its county except an excluded city, a township, or a school corporation.



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SECTION 6. IC 6-3.5-7-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 12. (a) The county auditor shall distribute in the manner specified in this section the certified distribution to the county.

(b) Except as provided in subsections (c) and (h) and section 15 of this chapter, the amount of the certified distribution that the county and each city or town in a county is entitled to receive during May and November of each year equals the product of **the following**:

- (1) The amount of the certified distribution for that month; multiplied by
- (2) A fraction. The numerator of the fraction equals the **sum of the following**:

(A) Total property taxes that are first due and payable to the county, city, or town during the calendar year in which the month falls; **plus**

(B) **For a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund, welfare administration fund, and family and children's fund.** The denominator of the fraction equals the **sum of the** total property taxes that are first due and payable to the county and all cities and towns of the county during the calendar year in which the month falls, **plus an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund, welfare administration fund, and family and children's fund.**

(c) This subsection applies to a county council or county income tax council that imposes a tax under this chapter after June 1, 1992. The body imposing the tax may adopt an ordinance before July 1 of a year to provide for the distribution of certified distributions under this subsection instead of a distribution under subsection (b). The following apply if an ordinance is adopted under this subsection:

- (1) The ordinance is effective January 1 of the following year.
- (2) The amount of the certified distribution that the county and each city and town in the county is entitled to receive during May and November of each year equals the product of:
  - (A) the amount of the certified distribution for the month; multiplied by
  - (B) a fraction. For a city or town, the numerator of the fraction equals the population of the city or the town. For a county, the numerator of the fraction equals the population of the part of the county that is not located in a city or town. The denominator of the fraction equals the sum of the

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population of all cities and towns located in the county and the population of the part of the county that is not located in a city or town.

(3) The ordinance may be made irrevocable for the duration of specified lease rental or debt service payments.

(d) The body imposing the tax may not adopt an ordinance under subsection (c) if, before the adoption of the proposed ordinance, any of the following have pledged the county economic development income tax for any purpose permitted by IC 5-1-14 or any other statute:

(1) The county.

(2) A city or town in the county.

(3) A commission, a board, a department, or an authority that is authorized by statute to pledge the county economic development income tax.

(e) The state board of tax commissioners shall provide each county auditor with the fractional amount of the certified distribution that the county and each city or town in the county is entitled to receive under this section.

(f) Money received by a county, city, or town under this section shall be deposited in the unit's economic development income tax fund.

(g) **Except as provided in subsection (b)(2)(B)**, in determining the fractional amount of the certified distribution the county and its cities and towns are entitled to receive under subsection (b) during a calendar year, the state board of tax commissioners shall consider only property taxes imposed on tangible property subject to assessment in that county.

(h) In a county having a consolidated city, only the consolidated city is entitled to the certified distribution, subject to the requirements of section 15 of this chapter."

Page 1, line 15, delete "IC 12-14-8." and insert "**IC 12-14-9.5.**".

Page 2, line 12, delete "IC 12-14-8." and insert "**IC 12-14-9.5.**".

Page 2, line 17, delete "IC 12-14-8" and insert "**IC 12-14-9.5**".

Page 3, line 21, delete "IC 12-14-8." and insert "**IC 12-14-9.5.**".

Page 7, between lines 9 and 10, begin a new paragraph and insert: "SECTION 19. IC 12-14-17-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. (a) This section applies upon the death of either of the following:

(1) A recipient who is receiving supplemental assistance.

(2) An aged, blind, or disabled person who at the time of death was certified as eligible to receive medical assistance under Medicaid.

(b) ~~Subject to the rules of the division;~~ **Unless otherwise**



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**determined by the director**, the division shall pay six hundred dollars (\$600) for the funeral director's expenses of the decedent if the following conditions exist:

- (1) The estate of the deceased is insufficient to pay the funeral director's expenses.
- (2) The individual legally responsible for the burial of the deceased is unable to pay the funeral director's expenses.

SECTION 20. IC 12-14-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 3. **Unless otherwise determined by the director**, in addition to money paid by the division under section 2 of this chapter and even if the deceased or person legally responsible for the deceased possesses a burial lot, the division shall pay four hundred dollars (\$400) for the cemetery's expenses for the deceased to cover the following:

- (1) The provision of burial rights if necessary.
- (2) The opening and closing of a burial plot and provision of an outer container.
- (3) The service required by the cemetery authorities."

Page 7, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 23. IC 12-19-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 9. (a) The division shall provide the necessary facilities to house the county office.

(b) The division shall pay for the costs of the facilities, supplies, and equipment needed by each county office, including the transfer to the county that is required by IC 12-13-5.

(c) Each county is responsible for the payment of the county's lease and rental obligations for office space used by the county office if:

- (1) the county entered into the lease or rental agreement before January 1, 1987; and
- (2) the lease or rental agreement requires the county to pay for office space that will be used by the county office.

(d) Each county that has a rental or lease obligation described in subsection (c) shall provide to the division a lease or rental payment schedule showing the date and amount of each payment.

SECTION 24. IC 12-19-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 14. (a) A county office may charge the following adoption fees:

- (1) An adoption placement fee that may not exceed the actual costs incurred by the county office for medical expenses of

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children and mothers.

(2) A fee that does not exceed the time and travel costs incurred by the county office for home study and investigation concerning a contemplated adoption.

(b) Fees charged under this section shall be deposited in a separate account in the county ~~welfare~~ **family and children** trust clearance fund established under section 16 of this chapter. Money deposited under this subsection shall be expended by the county office for the following purposes without further appropriation:

(1) The care of children whose adoption is contemplated.

(2) The improvement of adoption services provided by the county departments.

(c) The director of the division may adopt rules governing the expenditure of money under this section.

(d) The division may provide written authorization allowing a county office to reduce or waive charges authorized under this section in hardship cases or for other good cause after investigation. The division may adopt forms on which the written authorization is provided."

Page 8, line 10, strike "welfare" and insert "**family and children**".

Page 8, line 14, strike "welfare" and insert "**family and children**".

Page 9, delete lines 26 through 42, begin a new paragraph and insert:

**"Sec. 1. As used in this chapter, "allocation area" refers to an area that is established under the authority of any of the following statutes and in which tax increment revenues are collected:**

(1) IC 6-1.1-39.

(2) IC 8-22-3.5.

(3) IC 36-7-14.

(4) IC 36-7-14.5.

(5) IC 36-7-15.1.

(6) IC 36-7-30.

**Sec. 2. As used in this chapter, "base assessed value" means the base assessed value as that term is defined in IC 6-1.1-39-5(h), IC 8-22-3.5-9(a), IC 36-7-14-39(a), IC 36-7-15.1-26(a), IC 36-7-15.1-35(a), or IC 36-7-30-25(a)(2).**

**Sec. 3. As used in this chapter, "governing body" means the following:**

(1) For an allocation area created under IC 6-1.1-39, the fiscal body of the county (as defined in IC 36-1-2-7).

(2) For an allocation area created under IC 8-22-3.5, the commission (as defined in IC 8-22-3.5-2).



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(3) For an allocation area created under IC 36-7-14, the redevelopment commission of the unit.

(4) For an allocation area created under IC 36-7-14.5, the authority created by the unit.

(5) For an allocation area created under IC 36-7-15.1, the metropolitan development commission of the consolidated city.

(6) For an allocation area created under IC 36-7-30, the military base reuse authority.

**Sec. 4.** As used in this chapter, "obligation" means an obligation to repay:

(1) the principal and interest on bonds;

(2) lease rentals on leases; or

(3) any other contractual obligation;

payable from tax increment revenues. The term includes a guarantee of repayment from tax increment revenues if other revenues are insufficient to make a payment.

**Sec. 5.** As used in this chapter, "property taxes" means:

(1) property taxes as defined in IC 6-1.1-39-5(g), IC 36-7-14-39(a), IC 36-7-15.1-26(a), IC 36-7-30-25(a)(3); or

(2) for allocation areas created under IC 8-22-3.5, the taxes assessed on taxable tangible property in the allocation area.

**Sec. 6.** As used in this chapter, "replacement amount" means the sum of the property taxes imposed on the assessed value of property in the allocation area in excess of the base assessed value in 1999 for:

(1) the county welfare fund;

(2) the county welfare administration fund; and

(3) the county family and children's fund.

**Sec. 7.** As used in this chapter, "tax increment revenues" means the property taxes attributable to the assessed value of property in excess of the base assessed value.

**Sec. 8. (a)** This chapter applies to an allocation area in which:

(1) the holders of obligations received a pledge before July 1, 1999, of tax increment revenues to repay any part of the obligations due after December 31, 1999; and

(2) the elimination of a county welfare fund property tax levy, a county welfare administration fund property tax levy, or a county family and children's fund property tax levy adversely affects the ability of the governing body to

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repay the obligations described in subdivision (1).

(b) A governing body may use one (1) or more of the procedures described in sections 9 through 11 of this chapter to provide sufficient funds to repay the obligations described in subsection (a). The amount raised each year may not exceed the replacement amount.

Sec. 9. (a) A governing body may, after a public hearing, impose a special assessment on the owners of property that is located in an allocation area to repay a bond or an obligation described in section 8 that comes due after December 31, 1999. The amount of a special assessment for a taxpayer shall be determined by multiplying the replacement amount by a fraction, the denominator of which is the total incremental assessed value in the allocation area, and the numerator of which is the incremental assessed value of the taxpayer's property in the allocation area.

(b) Before a public hearing under subsection (a) may be held, the governing body must publish notice of the hearing under IC 5-3-1. The notice must state that the governing body will meet to consider whether a special assessment should be imposed under this chapter and whether the special assessment will help the governing body realize the redevelopment or economic development objectives for the allocation area or honor its obligations related to the allocation area. The notice must also name a date when the governing body will receive and hear remonstrances and objections from persons affected by the special assessment. All persons affected by the hearing, including all taxpayers within the allocation area, shall be considered notified of the pendency of the hearing and of subsequent acts, hearings, and orders of the governing body by the notice. At the hearing, which may be adjourned from time to time, the governing body shall hear all persons affected by the proceedings and shall consider all written remonstrances and objections that have been filed. The only grounds for remonstrance or objection are that the special assessment will not help the governing body realize the redevelopment or economic development objectives for the allocation area or honor its obligations related to the allocation area. After considering the evidence presented, the governing body shall take final action concerning the proposed special assessment. The final action taken by the governing body shall be recorded and is final and conclusive, except that an appeal may be taken in the manner prescribed by subsection (c).

(c) A person who filed a written remonstrance with a governing



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body under subsection (b) and is aggrieved by the final action taken may, within ten (10) days after that final action, file in the office of the clerk of the circuit or superior court a copy of the order of the governing body and the person's remonstrance or objection against that final action, together with a bond conditioned to pay the costs of appeal if the appeal is determined against the person. The only ground of remonstrance or objection that the court may hear is whether the proposed assessment will help achieve the redevelopment of economic development objectives for the allocation area or honor its obligations related to the allocation area. An appeal under this subsection shall be promptly heard by the court without a jury. All remonstrances or objections upon which an appeal has been taken must be consolidated, heard, and determined within thirty (30) days after the time of the filing of the appeal. The court shall hear evidence on the remonstrances or objections, and may confirm the final action of the governing body or sustain the remonstrances or objections. The judgment of the court is final and conclusive, unless an appeal is taken as in other civil actions.

(d) The maximum amount of a special assessment under this section may not exceed the replacement amount.

(e) A special assessment shall be imposed and collected in the same manner as ad valorem property taxes are imposed and collected.

**Sec. 10. (a)** For purposes of this section, "additional credit" means:

- (1) for allocation areas created under IC 6-1.1-39, the additional credit described in IC 6-1.1-39-6(a);
- (2) for allocation areas created under IC 8-22-3.5, the additional credit described in IC 8-22-3.5-10(a);
- (3) for allocation areas created under IC 36-7-14, the additional credit described in IC 36-7-14-39.5(c);
- (4) for allocation areas created under IC 36-7-14.5, the additional credit described in IC 36-7-14.5-12.5(d)(5);
- (5) for allocation areas created under IC 36-7-15.1:
  - (A) the additional credit described in IC 36-7-15.1-26.5(e); or
  - (B) the credit described in IC 36-7-15.1-35(d); or
- (6) for allocation areas created under IC 36-7-30, the additional credit described in IC 36-7-30-25(b)(2)(E).

(b) In order to raise the replacement amount, the governing body of each allocation area may deny all or a portion of the



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additional credit.

**Sec. 11. If a governing body does not impose a special assessment under section 9 of this chapter or deny all or part of the additional credit under section 10 of this chapter, the governing body may, in order to provide sufficient funds to repay the obligations described in section 8(a) of this chapter, use any tax increment revenues that are in excess of:**

- (1) the amount pledged to pay the principal and interest of obligations; and**
- (2) any amounts used to provide debt service reserve for obligations payable solely or in part from tax increment revenues or from other revenues."**

Delete page 10.

Page 11, delete lines 1 through 24.

Page 11, line 31, delete "." and insert ", **not later than March 1 of each year, for the next state fiscal year.**".

Page 12, line 8, after "during the" insert "**next**".

Page 12, line 30, after "division" delete "." and insert "**not later than April 1 of each year.**".

Page 12, line 34, after "obligations" insert "**that will be**".

Page 13, line 27, after "shall" insert "**make advances to the county family and children's fund to**".

Page 13, line 40, after "team" insert "**established under IC 31-33-3**".

Page 14, line 42, after "director" insert "**and judges**".

Page 15, line 1, after "of the" insert "**courts, the**".

Page 15, line 1, after "office" insert ",."

Page 15, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 35. IC 12-19-7-35 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: **Sec. 35. This chapter expires June 30, 2001.**

SECTION 36. IC 31-9-2-41.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: **Sec. 41.2. "Division", for purposes of IC 31-40, means the division of family and children established by IC 12-13-1-1.**"

Page 16, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 39. IC 31-34-19-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: **Sec. 1. The juvenile**



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court shall hold a dispositional hearing to consider the following:

- (1) Alternatives for the care, treatment, rehabilitation, or placement of the child.
- (2) The necessity, nature, and extent of the participation by a parent, a guardian, or a custodian in the program of care, treatment, or rehabilitation for the child.
- (3) The financial responsibility of the parent or guardian of the estate for services provided for the parent or guardian or the child.
- (4) **Any recommendations from a local coordinating council or its equivalent.**

Page 17, line 9, strike "chairperson of the team," and insert **"county director,"**.

Page 17, line 13, after "If" delete ",",.

Page 17, line 13, strike "on January".

Page 17, line 14, strike "1, 1998,".

Page 17, line 20, after "The" insert **"county"**.

Page 17, line 21, strike "of the county office".

Page 17, line 22, strike "section 4(b)(1), 4(b)(2), 4(b)(3),".

Page 17, line 23, strike "4(b)(4), 4(b)(5), and 4(b)(6)" and insert **"section 4"**.

Page 17, line 37, after "shall" insert **"before January 25 of each year"**.

Page 18, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 45. IC 31-34-24-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 10. The team may adopt as its ~~initial~~ plan an existing plan for provision of family preservation services, as defined in IC 12-7-2-82.3, that:

- (1) is in effect in the county;
- (2) includes services for a child less than eighteen (18) years of age who reasonably may be expected to face out of home placement under IC 31-34 or IC 31-37 as a result of:
  - (A) dependency, abuse, or neglect;
  - (B) emotional disturbance; or
  - (C) delinquency adjudication; and
- (3) addresses all of the objectives described in this section."

Page 19, line 1, delete "an early intervention plan" and insert **"review, or revise a strategy"**.

Page 19, line 3, delete "developed" and insert **"provided"**.

Page 20, line 20, after "report" insert **", in the form prescribed by the division,"**.



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Page 20, line 23, delete ", on forms prescribed by" and insert ";".

Page 20, delete line 24.

Page 21, line 32, strike "chairperson of the team," and insert "**county director**,".

Page 21, line 36, after "If" delete ",,".

Page 21, line 36, strike "on January".

Page 21, line 37, strike "1, 1998,".

Page 22, line 1, after "The" insert "**county**".

Page 22, line 2, strike "of the county office".

Page 22, line 3, strike "section 4(b)(1), 4(b)(2), 4(b)(3),".

Page 22, line 4, strike "4(b)(4), 4(b)(5), and 4(b)(6)" and insert "**section 4**".

Page 22, line 18, after "shall" insert "**before January 25 of each year**".

Page 23, between lines 2 and 3, begin a new paragraph and insert:  
"SECTION 60. IC 31-37-24-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 10. The team may adopt as its ~~initial~~ plan an existing plan for provision of family preservation services, as defined in IC 12-7-2-82.3, that:

(1) is in effect in the county;

(2) includes services for a child less than eighteen (18) years of age who reasonably may be expected to face out of home placement under IC 31-34 or IC 31-37 as a result of:

(A) dependency, abuse, or neglect;

(B) emotional disturbance; or

(C) delinquency adjudication; and

(3) addresses all of the objectives described in this section."

Page 23, line 24, delete "an early intervention plan" and insert ", **review, or revise a strategy**".

Page 23, line 26, delete "developed" and insert "**provided**".

Page 25, line 14, after "responsible" insert "**as provided in this chapter (or IC 31-6-4-18(e) before its repeal)**".

Page 25, line 15, after "court" insert ".".

Page 25, line 15, delete "as provided in this chapter".

Page 25, line 15, strike "(or".

Page 25, strike line 16.

Page 26, line 9, delete "family".

Page 26, line 9, after "foster" insert "**family**".

Page 26, line 11, strike "of family and".

Page 26, line 12, strike "children".

Page 26, line 13, after "guardian." insert "**The court shall notify the court that:**



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- (1) entered the existing support order; or
- (2) had jurisdiction, immediately before the placement, to modify or enforce the existing support order;

of the assignment and assumption of jurisdiction by the juvenile court under this section."

Page 26, line 21, delete "of family and children".

Page 26, line 22, delete "of family and children" and insert ", or confirmation of an assignment that occurs or is required under applicable federal law,".

Page 26, line 26, delete "of family and".

Page 26, line 27, delete "children".

Page 26, line 32, delete "justice would not be served by" and insert "entry of an order based on the child support guidelines would be unjust or inappropriate considering the best interests of the child and other necessary obligations of the child's family; or".

Page 26, delete lines 33 through 34.

Page 26, line 35, delete "custodian of the child" and insert "county office".

Page 26, line 35, delete "receive" and insert "make".

Page 26, line 36, after "payments" delete "." and insert "to the custodian of the child."

Page 27, between lines 3 and 4, begin a new line block indented and insert:

**"(3) If the court:**

**(A) does not enter a support order; or**

**(B) enters an order that is not based on the child support guidelines;**

**the court shall make findings as required by 45 CFR 302.56(g)."**

Page 27, line 7, after "county" delete ".".

Page 27, line 9, delete "of family".

Page 27, line 10, delete "and children".

Page 27, line 10, delete "of family and children".

Page 27, line 11, strike "for the office of family and".

Page 27, line 14, delete "IC 12-127-2" and insert "IC 12-17-2".

Page 27, line 14, after "654" delete "," and insert ".".

Page 27, delete line 15.

Page 27, line 16, delete "children or the division of family and children."

Page 27, line 17, delete "of family and children may" and insert "shall, if requested,".



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Page 27, between lines 18 and 19, begin a new paragraph and insert:

**"(f) If the juvenile court terminates placement of a child out of the home of the child's parent or guardian, the court shall:**

**(1) notify the court that:**

**(A) entered a support order assigned to the county office under subsection (b); or**

**(B) had jurisdiction, immediately before the placement, to modify or enforce the existing support order;**

**of the termination of jurisdiction of the juvenile court with respect to the support order;**

**(2) terminate a support order entered under subsection (c) that requires payment of support by a custodial parent or guardian of the child, with respect to support obligations that accrue after termination of the placement; or**

**(3) continue in effect, subject to modification or enforcement by a court having jurisdiction over the obligor, a support order entered under subsection (c) that requires payment of support by a noncustodial parent or guardian of the estate of the child."**

Page 27, line 19, delete "(f)" and insert "(g)".

Page 27, line 19, delete "the" and insert "a".

Page 27, line 21, after "county" insert "office".

Page 27, line 21, delete "of family and".

Page 27, line 22, delete "children".

Page 27, line 22, after "expenses" insert "**for services provided to or for the benefit of the child that are**".

Page 27, line 24, after "guardian" insert ",,".

Page 27, line 24, delete "excess of" and insert "**addition to**".

Page 27, line 26, after "section" delete "." and insert "**, subject to applicable federal law.**".

Page 27, line 29, delete "of family and children".

Page 27, line 31, delete "cooperation" and insert "**compensation**".

Page 27, line 31, after "reimbursement" insert "**of expenses**".

Page 27, line 34, delete "5(f)" and insert "**5(g)**".

Page 27, line 35, delete "costs" and insert "**cost**".

Page 27, line 38, delete "of family and children".

Page 27, line 40, after "division" insert ".".

Page 27, delete line 41.

Page 27, line 42, after "attorney" insert "**licensed**".

Page 28, line 14, after "7." insert "(a)".

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Page 28, line 14, delete "by a county office of".

Page 28, line 15, delete "family and children or the division of family and children".

Page 28, between lines 26 and 27, begin a new paragraph and insert:

**"(b) Any money deposited in a county family and children's fund under this section shall be reported to the division, in the form and manner prescribed by the division, and shall be applied to the child services budget compiled and adopted by the county director for the next state fiscal year, in accordance with IC 12-19-7-6."**

Page 29, line 18, delete "IC 12-19-1-8;"

Page 29, line 19, delete "IC 12-19-1-9;"

Page 29, delete lines 25 through 26.

Page 30, line 6, delete "the earlier of July 1, 2000, or".

Page 30, line 8, after "expended." insert **"The final audit of the county welfare fund shall be completed not later than December 31, 2000. Records of the county welfare fund and related reports shall be retained as provided in IC 5-15."**

Page 30, delete lines 10 through 15.

Page 30, line 16, delete "July" and insert **"September"**.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1004 as introduced.)

BAUER, Chair

Committee Vote: yeas 24, nays 0.

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