

# SENATE BILL No. 254

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-7-2-69.8; IC 12-7-2-189.8; IC 12-14-2-21; IC 12-14-2-23.5.

**Synopsis:** Exemptions for victims of domestic violence. Provides that an individual who is granted an exemption may be excused from specific provisions of the personal responsibility agreement that the individual must comply with in order to receive benefits under the Temporary Assistance to Needy Families (TANF) program. Provides that certain individuals may receive an exemption from certain requirements under the TANF program if the individual: (1) complies with the personal responsibility agreement; and (2) is a victim of domestic violence. Provides the manner by which an individual may apply for an exemption. Provides that the director of the division of family and children makes the final determination regarding whether  
(Continued next page)

**Effective:** July 1, 1999.

---

---

**Simpson**

---

---

January 6, 1999, read first time and referred to Committee on Health and Provider Services.

---

---

C  
O  
P  
Y



Digest Continued

to grant an exemption and the length and extent of an exemption.  
Provides that an exemption may last only one year but may be renewed.

C  
o  
p  
y



Introduced

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.

C  
O  
P  
Y

## SENATE BILL No. 254

---

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 12-7-2-69.8 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 1999]: **Sec. 69.8. "Domestic violence", for purposes of**  
4 **IC 12-14-2-23.5, has the meaning set forth in IC 12-14-2-23.5(a).**  
5 SECTION 2. IC 12-7-2-189.8 IS ADDED TO THE INDIANA  
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 1999]: **Sec. 189.8. "TANF" refers to the**  
8 **Temporary Assistance to Needy Families program.**  
9 SECTION 3. IC 12-14-2-21 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21. (a) ~~An AFDC A~~  
11 **TANF** recipient or the parent or essential person of ~~an AFDC a~~ **TANF**  
12 recipient if the ~~AFDC~~ **TANF** recipient is less than eighteen (18) years  
13 of age must sign a personal responsibility agreement to do the  
14 following:  
15 (1) Develop an individual self-sufficiency plan with other family



- 1 members and a caseworker.
- 2 (2) Accept any reasonable employment as soon as it becomes  
3 available.
- 4 (3) Agree to a loss of assistance, including ~~AFDC TANF~~  
5 assistance under this article, Medicaid assistance under IC 12-15  
6 if the sole basis for the person's Medicaid eligibility is based on  
7 the person's eligibility for ~~AFDC TANF~~ assistance under this  
8 article, and food stamps, if convicted of an offense under  
9 IC 35-43-5-7 or IC 35-43-5-7.1 for the following periods:
- 10 (A) If the conviction is for a misdemeanor, the person is not  
11 eligible to receive assistance as described under this  
12 subdivision for one (1) year after the conviction.
- 13 (B) If the conviction is for a felony, the person is not eligible  
14 to receive assistance as described under this subdivision for  
15 ten (10) years after the conviction.
- 16 (4) Subject to section 5.3 of this chapter, understand that  
17 additional ~~AFDC TANF~~ assistance under this article will not be  
18 available for a child born more than ten (10) months after the  
19 person qualifies for assistance.
- 20 (5) Accept responsibility for ensuring that each child of the  
21 person receives all appropriate vaccinations against disease at an  
22 appropriate age.
- 23 (6) If the person is less than eighteen (18) years of age and is a  
24 parent, live with the person's parents, legal guardian, or an adult  
25 relative other than a parent or legal guardian in order to receive  
26 public assistance.
- 27 (7) Subject to IC 12-8-1-12 and sections 5.1 and 22 of this  
28 chapter, agree to accept assistance for not more than twenty-four  
29 (24) months under:
- 30 (A) the ~~AFDC TANF~~ program (IC 12-14); and  
31 (B) the Medicaid program (IC 12-15), if the sole basis for the  
32 person's Medicaid eligibility is based on the person's eligibility  
33 for ~~AFDC TANF~~ assistance under this article.
- 34 (8) Be available for and actively seek and maintain employment.
- 35 (9) Participate in any training program required by the division.
- 36 (10) Accept responsibility for ensuring that the person and each  
37 child of the person attend school until the person and each child  
38 of the person ~~graduates~~ **graduate** from high school or attain a  
39 high school equivalency certificate (as defined in IC 12-14-5-2).
- 40 (11) Raise the person's children in a safe, secure home.
- 41 (12) Agree not to abuse illegal drugs or other substances that  
42 would interfere with the person's ability to attain self-sufficiency.

C  
O  
P  
Y

1 (b) Except as provided in subsection (c), assistance under the ~~AFDC~~  
 2 **TANF** program and Medicaid assistance under IC 12-15 (if the sole  
 3 basis for the person's Medicaid eligibility is based on the person's  
 4 eligibility for ~~AFDC TANF~~ assistance under this article) shall be  
 5 withheld or denied to a person who does not fulfill the requirements of  
 6 the personal responsibility agreement under subsection (a).

7 (c) A person who is granted an exemption under section 23 or **23.5**  
 8 of this chapter may be excused from specific provisions of the personal  
 9 responsibility agreement as determined by the director.

10 SECTION 4. IC 12-14-2-23.5 IS ADDED TO THE INDIANA  
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 1999]: **Sec. 23.5. (a) As used in this section,**  
 13 **"domestic violence" means the occurrence of one (1) or more of the**  
 14 **following acts against an individual who is a parent of a dependent**  
 15 **child, an essential person, or a dependent child by another family**  
 16 **member or current or former household member:**

17 (1) **Attempting to cause or intentionally, knowingly, or**  
 18 **recklessly causing bodily injury to, physical harm to, sexual**  
 19 **assault on, involuntary sexual intercourse with, or rape of**  
 20 **another individual.**

21 (2) **Knowingly engaging in a course of conduct or repeatedly**  
 22 **committing acts, including stalking (as defined in**  
 23 **IC 35-45-10-1) or impermissible contact (as defined in**  
 24 **IC 35-45-10-3), under circumstances that place the individual**  
 25 **toward whom such acts are directed in reasonable fear of**  
 26 **bodily injury or physical harm.**

27 (3) **Subjecting another individual to false imprisonment.**

28 (4) **Attempting to cause or intentionally, knowingly, or**  
 29 **recklessly causing damage to property in order to intimidate**  
 30 **or attempt to control the behavior of another individual.**

31 (b) **An individual who is the parent of a dependent child, an**  
 32 **essential person, or a dependent child may apply, in a manner**  
 33 **prescribed by the division, for an exemption from the requirements**  
 34 **under this article if the individual can demonstrate that the**  
 35 **individual:**

36 (1) **has complied with the personal responsibility agreement**  
 37 **under section 21 of this chapter, except for the excused**  
 38 **portions of the agreement; and**

39 (2) **is a victim of domestic violence.**

40 (c) **After receiving an application for exemption from a parent,**  
 41 **an essential person, or a dependent child under subsection (b), the**  
 42 **division shall investigate and determine if the parent, essential**

C  
O  
P  
Y



1 person, or dependent child qualifies for an exemption from this  
2 article. The director shall make a final determination regarding:  
3 (1) whether to grant an exemption;  
4 (2) the length of an exemption, if granted, subject to  
5 subsection (e); and  
6 (3) the extent of an exemption, if granted.  
7 (d) If the director determines that a parent, an essential person,  
8 or a dependent child qualifies for an exemption under this section,  
9 the parent, essential person, or dependent child is entitled to  
10 receive one hundred percent (100%) of the payments that the  
11 parent, essential person, or dependent child is entitled to receive  
12 under section 5 of this chapter, subject to any ratable reduction.  
13 (e) An exemption granted under this section may not exceed one  
14 (1) year but may be renewed.  
15 (f) The division may adopt rules under IC 4-22-2 to carry out  
16 this section.

C  
o  
p  
y

