



January 28, 2000

SENATE BILL No. 411

DIGEST OF SB 411 (Updated January 27, 2000 11:14 AM - DI 87)

Citations Affected: IC 12-20; IC 16-41; IC 31-16.

Synopsis: Poor relief. Requires a township trustee to process only completed applications for poor relief. Provides circumstances under which a township trustee may authorize the payment of delinquent bills for certain utility services. Allows a township trustee to require individuals needing insulin to make a regular application for poor relief assistance before receiving free insulin a second time. Provides options to a court when the court finds an individual in contempt for violating a child support order. Requires certain individuals to contribute financial support for a parent's burial if a township trustee paid for the parent's burial.

Effective: July 1, 2000.

Kenley

January 10, 2000, read first time and referred to Committee on Governmental and Regulatory Affairs.
January 27, 2000, amended, reported favorably — Do Pass.

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SB 411—LS 6959/DI 88+



January 28, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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SENATE BILL No. 411

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 12-20-6-0.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 0.5. (a) As used in this
3 section, "member of the applicant's household" includes any person
4 who lives in the same residence as the applicant.
5 (b) The township trustee shall determine whether an applicant or a
6 member of the applicant's household has been denied assistance under
7 **any of the following:**
8 (1) IC 12-14-1-1.
9 (2) IC 12-14-1-1.5.
10 (3) IC 12-14-2-5.1.
11 (4) IC 12-14-2-5.3.
12 (5) IC 12-14-2-18.
13 (6) IC 12-14-2-20.
14 (7) IC 12-14-2-21.
15 (8) IC 12-14-2-24.
16 (9) IC 12-14-2-26.
17 (10) IC 12-14-2.5. ~~or~~

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(11) IC 12-14-5.5.

(12) A rule or regulation of the federal food stamp program.

(c) A township trustee has no obligation to extend aid to an applicant or to a member of an applicant's household who has been denied assistance as described in subsection (b).

(d) A township trustee shall not extend aid to an applicant or to a member of an applicant's household if the applicant or the member of the applicant's household has been convicted of an offense under IC 35-43-5-7, ~~or~~ IC 35-43-5-7.1, **or IC 35-48-4** as follows:

(1) If the conviction is a misdemeanor, a township trustee shall not extend aid to the applicant or the member of the applicant's household for one (1) year after the conviction.

(2) If the conviction is a felony, a township trustee shall not extend aid to the applicant or the member of the applicant's household for ten (10) years after the conviction.

SECTION 2. IC 12-20-6-6.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6.6. Notwithstanding any other provision of this article:

(1) a township trustee may not extend aid to or for the benefit of an individual if that aid would pay for goods or services provided to or for the benefit of the individual; **and**

(2) a township is not obligated to pay the cost of basic necessities incurred on behalf of the household in which the individual resides;

during a period that the individual has previously applied for and been denied township poor relief.

SECTION 3. IC 12-20-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 7. (a) In a case of emergency, a trustee shall accept and promptly act upon ~~an~~ **a completed** application from an individual requesting assistance. In a nonemergency request for poor relief assistance, the trustee shall act on the **completed** application not later than seventy-two (72) hours after receiving the application, excluding weekends and legal holidays listed in IC 1-1-9. The trustee's office shall retain a copy of each application and affidavit whether or not relief is granted.

(b) The actions that a trustee may take on ~~an~~ **a completed** application for poor relief, except in a case of emergency, are the following:

- (1) Grant assistance.
- (2) Deny assistance, including a partial denial of assistance requested.
- (3) Leave the decision pending.

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1 (c) A decision pending determination under subsection (b)(3):

2 (1) may not remain pending for more than seventy-two (72) hours
3 after the expiration of the period described in subsection (a); and

4 (2) must include a statement listing the specific reasons that
5 assistance is not granted or denied within the period required
6 under subsection (a).

7 SECTION 4. IC 12-20-6-8 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. (a) A township
9 trustee shall promptly notify in writing each applicant for poor relief of
10 action taken upon ~~an~~ **a completed** application for poor relief. The
11 trustee shall do the following:

12 (1) Mail notice or provide personal notice not later than
13 seventy-two (72) hours, excluding weekends and legal holidays
14 listed in IC 1-1-9, after the **completed** application is received,
15 advising the applicant of the right to appeal an adverse decision
16 of the trustee to the board of commissioners.

17 (2) Include in the notice required under subdivision (1) the
18 following:

19 (A) The type and amount of assistance granted.

20 (B) The type and amount of assistance denied or partially
21 granted.

22 (C) Specific reasons for denying all or part of the assistance
23 requested.

24 (D) Information advising the applicant of the procedures for
25 appeal to the board of commissioners.

26 (b) A copy of the notice described in subsection (a) shall be filed
27 with the recipient's application and affidavit in the trustee's office.

28 (c) **An application for poor relief is not considered complete**
29 **until all adult members of the requesting household have signed:**

30 (1) **the poor relief application; and**

31 (2) **any other form, instrument, or document:**

32 (A) **required by law; or**

33 (B) **determined necessary for investigative purposes by the**
34 **trustee.**

35 SECTION 5. IC 12-20-12-1 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. As a condition of
37 continuing eligibility, a township trustee may require a recipient of
38 poor relief or any member of a recipient's household to participate in
39 an appropriate work training program that is offered to the recipient or
40 a member of the recipient's household

41 (†) within the county or an adjoining township in another county
42 **under the Job Training Partnership Act established by 29 U.S.C.**



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- 1 ~~1501 et seq.; or~~
 2 ~~(2)~~ by a:
 3 **(1) federal, state, or local** governmental entity; **or**
 4 **(2) nonprofit agency.**
 5 SECTION 6. IC 12-20-16-3 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) The township
 7 trustee may, in cases of necessity, authorize the payment from township
 8 poor relief money for essential utility services, including the following:
 9 (1) Water services.
 10 (2) Gas services.
 11 (3) Electric services.
 12 (4) Fuel oil services for fuel oil used for heating or cooking.
 13 (5) Coal, wood, or liquid propane used for heating or cooking.
 14 **(b) In addition,** The township trustee may authorize the payment of
 15 delinquent bills for the services listed in ~~subdivisions (1) through (5)~~
 16 **subsection (a)(1) through (a)(5)** when necessary to prevent the
 17 termination of the services or to restore terminated service **if both of**
 18 **the following conditions are met:**
 19 **(1) The delinquency has lasted not longer than twelve (12)**
 20 **months.**
 21 **(2) The household was financially eligible for poor relief**
 22 **benefits at the time the cost of the delinquent essential utility**
 23 **service was incurred.**
 24 **The township trustee may not pay a delinquent bill for the services**
 25 **or materials listed in subsection (a)(1) through (a)(5) if the**
 26 **delinquency has lasted longer than twelve (12) months.**
 27 ~~(b)~~ **(c)** The township trustee is not required to pay for any utility
 28 service:
 29 (1) that is not properly charged to:
 30 (A) an adult member of a household;
 31 (B) an emancipated minor who is head of the household; or
 32 (C) a landlord or former member of the household if the
 33 applicant proves that the applicant:
 34 **(i) received the services as a tenant residing at the service**
 35 **address at the time the cost was incurred; and**
 36 **(ii) is responsible for payment of the bill; or**
 37 (2) received as a result of a fraudulent act by any adult member of
 38 a household requesting poor relief assistance; **or**
 39 **(3) that includes the use of township poor relief funds for the**
 40 **payment of:**
 41 (A) a security deposit; or
 42 (B) damages caused by a poor relief applicant to utility



1 **company property.**

2 ~~(c)~~ **(d)** The amount paid by the township trustee, as administrator of
3 poor relief, and the amount charged for water services may not exceed
4 the minimum rate charged for the service as fixed by the Indiana utility
5 regulatory commission.

6 ~~(d)~~ **(e)** This subsection applies only during the part of each year
7 when applications for assistance are accepted by the division under
8 IC 12-14-11. A township trustee may not provide assistance to make
9 any part of a payment for heating fuel or electric services for more than
10 thirty (30) days unless the individual files an application with the
11 township trustee that includes the following:

12 (1) Evidence of application for assistance for heating fuel or
13 electric services from the division under IC 12-14-11.

14 (2) The amount of assistance received or the reason for denial of
15 assistance.

16 The township trustee shall inform an applicant for assistance for
17 heating fuel or electric services that assistance for heating fuel and
18 electric services may be available from the division under IC 12-14-11
19 and that the township trustee may not provide assistance to make any
20 part of a payment for those services for more than thirty (30) days
21 unless the individual files an application for assistance for heating fuel
22 or electric services under IC 12-14-11. However, if the applicant
23 household is eligible under criteria established by the division of
24 disability, aging, and rehabilitative services for energy assistance under
25 IC 12-14-11, the trustee may certify the applicant as eligible for that
26 assistance by completing an application form prescribed by the state
27 board of accounts and forwarding the eligibility certificate to the
28 division of disability, aging, and rehabilitative services within the
29 period established for the acceptance of applications. If the trustee
30 follows this certification procedure, no other application is required for
31 assistance under IC 12-14-11.

32 ~~(e)~~ **(f)** If an individual or a member of an individual's household has
33 received assistance under subsection ~~(a)~~ **(b)**, the individual must,
34 before the individual or the member of the individual's household may
35 receive further assistance under subsection ~~(a)~~ **(b)**, certify whether the
36 individual's or household's income, resources, or household size has
37 changed since the individual filed the most recent application for poor
38 relief assistance. If the individual or a member of the individual's
39 household certifies that the income, resources, or household size has
40 changed, the township trustee shall review the individual's or
41 household's eligibility and may make any necessary adjustments in the
42 level of assistance provided to the individual or to a member of the



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1 individual's household.

2 SECTION 7. IC 12-20-16-16 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2000]: **Sec. 16. A township trustee is not**
5 **obligated to pay poor relief funds for shelter payments or damage**
6 **deposits on behalf of a poor relief recipient to a:**

- 7 (1) quasi-governmental agency;
8 (2) municipality; or
9 (3) nonprofit agency;

10 **whose publicized programs include shelter assistance.**

11 SECTION 8. IC 16-41-19-7 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 7. (a) Except as**
13 **provided in subsection (b), all costs that are incurred in furnishing**
14 **biologicals under this chapter, IC 12-20-16-2(c)(13), or**
15 **IC 12-20-16-14 shall be paid by:**

- 16 (1) the appropriate county, city, or town against which the
17 application form is issued from general funds; and
18 (2) the appropriate township against which the application form
19 is issued from funds in the township poor relief fund;

20 not otherwise appropriated without appropriations.

21 **(b) A township is not responsible for paying for biologicals as**
22 **provided in subsection (a)(2) if the township trustee has evidence**
23 **that the individual has the financial ability to pay for the**
24 **biologicals.**

25 **(c) After being presented with a legal claim for insulin being**
26 **furnished to the same individual a second time, a township trustee**
27 **may require the individual to complete and file a standard**
28 **application for poor relief in order to investigate the financial**
29 **condition of the individual claiming to be indigent. The trustee**
30 **shall immediately notify the individual's physician that:**

- 31 (1) the financial ability of the individual claiming to be
32 indigent is in question; and
33 (2) a standard application for poor relief must be filed with
34 the township.

35 **The township shall continue to furnish insulin under this section**
36 **until the township trustee completes an investigation and makes a**
37 **determination as to the individual's financial ability to pay for**
38 **insulin.**

39 **(d) For purposes of this section, the township shall consider an**
40 **adult individual needing insulin as an individual and not as a**
41 **member of a household requesting poor relief.**

42 SECTION 9. IC 31-16-10-1 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. Upon entering an
 2 order under IC 31-16-6-1 or at any subsequent time, the court may
 3 order, upon the proper showing that a person other than the person
 4 awarded custody under IC 31-17-2-8 (or IC 31-1-11.5-21 before its
 5 repeal) should receive payments, that the clerk of the circuit court or
 6 the person obligated to make the payments transmit those payments to
 7 any third person agreed upon by the parties and approved by the court
 8 or appointed by the court, including the following:

- 9 (1) A trustee.
 10 (2) The guardian of the estate of the child.
 11 (3) Any third person.
 12 (4) The county office of family and children or any appropriate
 13 social service agency.
 14 (5) The state agency administering Title IV-D of the federal
 15 Social Security Act (42 U.S.C. 651 through 669).
 16 **(6) The township trustee if the parties have requested or are**
 17 **receiving poor relief assistance on behalf of the parties or the**
 18 **parties' children.**

19 SECTION 10. IC 31-16-12-6.5 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2000]: **Sec. 6.5. If a court finds a party in**
 22 **contempt for intentionally violating an order for support and the**
 23 **custodial parent and children for whom the support was intended**
 24 **obtained poor relief assistance under IC 12-20, the court shall issue**
 25 **an order to do one (1) or more of the following:**

- 26 (1) **Order the violator to repay the township for the amount**
 27 **of assistance provided to the violator's children.**
 28 (2) **Order the violator to perform workfare in the township**
 29 **for the amount of assistance provided to the violator's**
 30 **children.**
 31 (3) **Order the violator to purchase a security bond that will**
 32 **cover payments of the violator's child support obligation if the**
 33 **violator violates the court order in the future.**
 34 (4) **Order the township to place a lien against the violator's**
 35 **personal property in an amount equal to the amount of poor**
 36 **relief provided to the violator's children.**

37 SECTION 11. IC 31-16-17-1 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. Any individual:

- 39 (1) whose father or mother provided the individual with necessary
 40 food, shelter, clothing, medical attention, and education until the
 41 individual reached sixteen (16) years of age; and
 42 (2) who is financially able due to the individual's own property,



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1 income, or earnings;
2 shall contribute to the support of the individual's parents if either parent
3 is financially unable to furnish the parent's own necessary food,
4 clothing, shelter, and medical attention. **The individual shall also**
5 **provide financial support for the parent's burial if the parent's**
6 **burial is provided under IC 12-20-16-12.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill No. 411, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 6, delete lines 2 through 15.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 411 as introduced.)

MERRITT, Chairperson

Committee Vote: Yeas 8, Nays 0.

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