

IC 12-14-21

Chapter 21. Recovery From the Estate of a Recipient of Aged Assistance

IC 12-14-21-0.1

Application of certain amendments to chapter

Sec. 0.1. The amendments made to section 3 of this chapter by P.L.118-1997 do not apply to an individual whose death occurs before July 1, 1997.

As added by P.L.220-2011, SEC.262.

IC 12-14-21-1

Filing of claims

Sec. 1. Upon the death of an individual who is a recipient of aged assistance under this article, the county office shall file a claim against the individual's estate for recovery of all assistance paid to or on behalf of the individual by a county or state on or after May 1, 1947.

As added by P.L.2-1992, SEC.8. Amended by P.L.4-1993, SEC.97; P.L.5-1993, SEC.110.

IC 12-14-21-2

Claims on behalf of assistance providers

Sec. 2. A claim filed under this chapter is on behalf of the division and a county office that has paid assistance to the recipient.

As added by P.L.2-1992, SEC.8. Amended by P.L.4-1993, SEC.98; P.L.5-1993, SEC.111.

IC 12-14-21-3

Priority

Sec. 3. Notwithstanding any other law, a claim filed for recovery of aged assistance has priority in order of payment from the estate over all other claims, except the following:

- (1) Prior recorded encumbrances.
- (2) Taxes.
- (3) Reasonable costs of administration.
- (4) Funeral expenses in an amount not to exceed five hundred fifty dollars (\$550). However, this amount is zero (0) if the decedent has prepaid funeral expenses that were excluded as a resource for Medicaid eligibility under IC 12-15-2.

As added by P.L.2-1992, SEC.8. Amended by P.L.118-1997, SEC.5.

IC 12-14-21-4

Real property occupied by surviving spouse

Sec. 4. (a) If the real property of a deceased recipient is occupied by a surviving spouse, the division may not assert the division's lien or claim during the lifetime of the surviving spouse unless other claimants or persons have opened an estate and are attempting to enforce claims.

(b) If other claimants or persons have opened an estate and are

attempting to enforce claims, the division shall file and assert the claim for recovery of old age assistance.

As added by P.L.2-1992, SEC.8.