

IC 12-19

**ARTICLE 19. COUNTY WELFARE
ADMINISTRATION AND FINANCING**

IC 12-19-1

Chapter 1. County Offices of Family Resources

IC 12-19-1-1

Establishment of county offices

Sec. 1. The division shall establish county offices of family resources in each county.

As added by P.L.2-1992, SEC.13. Amended by P.L.4-1993, SEC.157; P.L.5-1993, SEC.170; P.L.146-2008, SEC.392; P.L.44-2009, SEC.13.

IC 12-19-1-2

County director; appointment

Sec. 2. (a) The director of the division shall appoint a county director for each county office.

(b) A county director must be a citizen of the United States.

As added by P.L.2-1992, SEC.13. Amended by P.L.234-2005, SEC.42; P.L.138-2007, SEC.3; P.L.146-2008, SEC.393; P.L.44-2009, SEC.14.

IC 12-19-1-3

County director; executive and administrative officer

Sec. 3. The county director is the executive and administrative officer of the county office.

As added by P.L.2-1992, SEC.13. Amended by P.L.4-1993, SEC.158; P.L.5-1993, SEC.171; P.L.146-2008, SEC.394; P.L.44-2009, SEC.15.

IC 12-19-1-4

County director; compensation

Sec. 4. (a) A county director is entitled to receive as compensation for the county director's services an amount determined by the division that is within:

- (1) the lawfully established appropriations; and
- (2) the salary ranges of the pay plan adopted by the state personnel department and approved by the budget committee.

(b) Compensation paid to a county director shall be paid in the same manner that compensation is paid to other state employees.

As added by P.L.2-1992, SEC.13. Amended by P.L.146-2008, SEC.395; P.L.44-2009, SEC.16.

IC 12-19-1-5

County director; travel expenses

Sec. 5. (a) In addition to the compensation paid under this article, a county director may receive for each mile necessarily traveled in the discharge of the county director's duties the same amount per

mile that other state employees receive.

(b) A county director is also entitled to a per diem for lodging and meal expenses if the county director's official duties require the county director to travel outside of the county where the county director's permanent office is located. The per diem for a county director's lodging and meals shall be paid at the rate set by law for other state employees.

As added by P.L.2-1992, SEC.13. Amended by P.L.146-2008, SEC.396; P.L.44-2009, SEC.17.

IC 12-19-1-6

County director; bond; oath

Sec. 6. Before beginning the discharge of the county director's official duties, a county director must do the following:

(1) Execute a bond payable to the state. The following apply to a bond executed under this section:

(A) The bond must be conditioned on the faithful discharge of the county director's official duties.

(B) The bond must be executed in an amount determined under rules adopted by the division.

(2) Take and subscribe an oath for the faithful discharge of the county director's official duties. The oath must be endorsed upon the county director's official bond.

(3) File the bond and oath executed under this section in the office of the clerk of the circuit court.

As added by P.L.2-1992, SEC.13.

IC 12-19-1-7

County director; appointment of assistants; compensation

Sec. 7. (a) The county director shall appoint from eligible lists established by the state personnel department the number of assistants necessary to administer the welfare activities within the county that are administered by the division under IC 12-13 through IC 12-19 or by an administrative rule, with the approval of the director of the division.

(b) The division, for personnel performing activities described in subsection (a), shall determine the compensation of the assistants within the salary ranges of the pay plan adopted by the state personnel department and approved by the budget agency, with the advice of the budget committee, and within lawfully established appropriations.

As added by P.L.2-1992, SEC.13. Amended by P.L.4-1993, SEC.159; P.L.5-1993, SEC.172; P.L.234-2005, SEC.43; P.L.145-2006, SEC.107; P.L.146-2008, SEC.397; P.L.44-2009, SEC.18.

IC 12-19-1-8

Administration; costs of personal services; payment by division or department

Sec. 8. The costs of personal services in the administration of a county office's duties described in section 7(a) of this chapter shall

be paid by the division.

As added by P.L.2-1992, SEC.13. Amended by P.L.4-1993, SEC.160; P.L.5-1993, SEC.173; P.L.234-2005, SEC.44; P.L.146-2008, SEC.398; P.L.44-2009, SEC.19.

IC 12-19-1-9

Facilities, supplies, and equipment

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.

As added by P.L.2-1992, SEC.13. Amended by P.L.4-1993, SEC.161; P.L.5-1993, SEC.174; P.L.273-1999, SEC.90; P.L.146-2008, SEC.399; P.L.44-2009, SEC.20.

IC 12-19-1-10

Administration

Sec. 10. Subject to the rules adopted by the director of the division, a county office shall administer the following:

(1) Assistance to dependent children in the homes of the dependent children.

(2) Assistance and services to elderly persons.

(3) Assistance to persons with disabilities.

(4) Care and treatment of the following persons, other than persons for whom the department of child services is providing services under IC 31 for the following:

(A) Dependent children.

(B) Children with disabilities.

(5) Any other welfare activities that are delegated to the county office by the division, including services concerning assistance to the blind.

As added by P.L.2-1992, SEC.13. Amended by P.L.4-1993, SEC.162; P.L.5-1993, SEC.175; P.L.23-1993, SEC.54; P.L.61-1993, SEC.60; P.L.1-1994, SEC.67; P.L.74-1994, SEC.4; P.L.234-2005, SEC.45; P.L.146-2008, SEC.400; P.L.44-2009, SEC.21.

IC 12-19-1-11

Repealed

(Repealed by P.L.146-2008, SEC.804.)

IC 12-19-1-12

Repealed

(Repealed by P.L.146-2008, SEC.804.)

IC 12-19-1-13

Power to sue and be sued; rights, powers, and duties necessary to administer act; filing of suits; notices and summonses

Sec. 13. (a) A county office may sue and be sued under the name of "The Office of Family Resources of _____ County".

(b) The county office has all other rights and powers and shall

perform all other duties necessary to administer this chapter.

(c) A suit brought against a county office may be filed in any circuit or superior court with jurisdiction in the area served by the county office.

(d) A notice or summons in a suit brought against the county office must be served on the county director. It is not required to name the individual employees of the county office as either plaintiff or defendant.

As added by P.L.2-1992, SEC.13. Amended by P.L.4-1993, SEC.165; P.L.5-1993, SEC.178; P.L.146-2008, SEC.401; P.L.44-2009, SEC.22.

IC 12-19-1-14

Repealed

(Repealed by P.L.145-2006, SEC.376.)

IC 12-19-1-15

Gifts, devises, and bequests of personal property; investment; special fund; expenditures

Sec. 15. (a) The division may receive and administer a gift, devise, or bequest of personal property, including the income from real property, that is to or for the benefit of an individual receiving payments or services through a county office.

(b) The division shall establish a special fund or an account in a trust fund for the money received under this section. The expenses of administering the fund or account shall be paid from money in the fund or account. The money may not be commingled with money received from taxation.

(c) The treasurer of state shall invest the money in the fund or account not currently needed to meet the obligations of the fund or account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund or account.

(d) Money in the fund or account at the end of a state fiscal year does not revert to the state general fund.

(e) Subject to the approval of the judge or the court of the county having probate jurisdiction, money in the fund or account may be expended by the division in any manner consistent with the purposes of the fund or account created under this section and with the intention of the donor.

As added by P.L.2-1992, SEC.13. Amended by P.L.4-1993, SEC.167; P.L.5-1993, SEC.180; P.L.146-2008, SEC.402; P.L.44-2009, SEC.23.

IC 12-19-1-16

Receipt and administration of money available to or for the benefit of persons receiving payments or services

Sec. 16. (a) This section does not apply to money appropriated by the general assembly, including any federal grant.

(b) The family resources trust clearance fund is established to

administer money available to or for the benefit of an individual receiving payments or services through a county office. The fund shall be administered by the division. Separate accounts in the fund shall be established, as appropriate, to carry out the purposes of the donors of the money deposited in the fund.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) Money in the fund may not be commingled with any other fund or with money received from taxation. The money may be expended by the county office in any manner consistent with the following:

(1) The purpose of the fund or with the intention of the donor of the money.

(2) Indiana law.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.2-1992, SEC.13. Amended by P.L.4-1993, SEC.168; P.L.5-1993, SEC.181; P.L.273-1999, SEC.92; P.L.146-2008, SEC.403; P.L.44-2009, SEC.24.

IC 12-19-1-17

Repealed

(Repealed by P.L.273-1999, SEC.124.)

IC 12-19-1-18

Designation of responsible person to act for and receive assistance on behalf of applicant or recipient; fee for services

Sec. 18. (a) After petition to and with the approval of the judge of a circuit court of the county where an applicant for or recipient of public assistance resides (or, if a superior court has probate jurisdiction in the county, the superior court that has probate jurisdiction where the recipient of public assistance resides), a county office may take the actions described in subsection (b) if:

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

(2) a recipient of public assistance:

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

(B) refuses to:

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

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

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

(1) Act for the applicant or recipient.

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

- (A) This chapter.
- (B) IC 12-10-6.
- (C) IC 12-14-1 through IC 12-14-9.5.
- (D) IC 12-14-13 through IC 12-14-19.
- (E) IC 12-15.
- (F) IC 16-35-2.

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

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

As added by P.L.2-1992, SEC.13. Amended by P.L.2-1993, SEC.111; P.L.4-1993, SEC.170; P.L.5-1993, SEC.183; P.L.273-1999, SEC.93; P.L.145-2006, SEC.108; P.L.146-2008, SEC.404; P.L.44-2009, SEC.25.

IC 12-19-1-19

Persons who may be designated under IC 12-19-1-18; costs of appointment proceedings

Sec. 19. (a) A responsible person approved under section 18 of this chapter preferably must be a relative or friend of good moral character whose interest is limited to the well-being of the applicant or recipient. However, the responsible person may not be any of the following:

- (1) An employee of the county office.
- (2) The superintendent of a county home.
- (3) A person directly or indirectly financially connected with a health facility or an institution giving care to the recipient.
- (4) A person directly or indirectly connected with the operation of a health facility or an institution giving care to the recipient.

(b) Costs may not be charged by a person or public official in proceedings concerning the appointment of a responsible person under section 18 of this chapter.

As added by P.L.2-1992, SEC.13. Amended by P.L.4-1993, SEC.171; P.L.5-1993, SEC.184; P.L.146-2008, SEC.405; P.L.44-2009, SEC.26.

IC 12-19-1-20

Responsible persons; financial reports; termination of powers; use of assistance money received

Sec. 20. (a) A responsible person appointed under section 18 of this chapter shall make financial reports concerning the services provided by the responsible person at the time and in the manner prescribed by the circuit court. A responsible person shall account to the circuit court at least one (1) time every two (2) years. The circuit court may make rules regulating the administration and accounting of money paid to a responsible person.

(b) The powers of a responsible person, other than the filing of a

final account for the approval of the circuit court, terminate on the appointment of a guardian for the recipient.

(c) Public assistance money received by a responsible person shall be used solely for the benefit of the recipient or the recipient's dependents.

As added by P.L.2-1992, SEC.13.

IC 12-19-1-21

Property tax levies prohibited

Sec. 21. (a) Notwithstanding any other law, after December 31, 1999, a county may not impose any of the following:

- (1) A property tax levy for a county welfare fund.
- (2) A property tax levy for a county welfare administration fund.

(b) Notwithstanding any other law, after December 31, 2008, a county may not impose any of the following:

- (1) A property tax levy for a county medical assistance to wards fund.
- (2) A property tax levy for a county family and children's services fund.
- (3) A property tax levy for a children's psychiatric residential treatment services fund.
- (4) A property tax levy for a children with special health care needs county fund.

As added by P.L.273-1999, SEC.62. Amended by P.L.146-2008, SEC.406.

IC 12-19-1-22

Bonds and loans considered general obligations of counties

Sec. 22. Each official and body responsible for the levying of taxes for the county must ensure that sufficient levies are made to meet the principal and interest on all bonds issued and loans made under this article before January 1, 2009, at the time fixed for the payment of the principal and interest, without regard to any other statute. If an official or a body fails or refuses to make or allow a sufficient levy required by this section, the bonds and loans and the interest on the bonds and loans shall be payable out of the county general fund without appropriation.

As added by P.L.273-1999, SEC.63. Amended by P.L.146-2008, SEC.407.