

## **IC 31-26-2**

### Chapter 2. Assistance of Destitute Children

#### **IC 31-26-2-1**

##### **Eligibility for assistance**

Sec. 1. The department shall provide assistance under this chapter to a destitute child who is living in a suitable foster family home or institution conforming to the standards of care and health under Indiana law and the department's rules.

*As added by P.L.145-2006, SEC.272.*

#### **IC 31-26-2-2**

##### **Amount of assistance**

Sec. 2. The department shall determine the amount of assistance to be granted to a destitute child. In determining the amount under rules adopted by the department, the county office shall consider the following:

- (1) The resources and necessary expenditures of the child.
- (2) The conditions existing in each case.
- (3) Whether the amount is sufficient when added to all other income and support available to provide the child with a reasonable subsistence.

However, a Holocaust victim's settlement payment received by the child may not be considered a resource of the child by the county office when determining the amount of assistance for the destitute child.

*As added by P.L.145-2006, SEC.272.*

#### **IC 31-26-2-3**

##### **Total amount; limits; exceptions**

Sec. 3. The total amount that the department pays to a destitute child under section 2 of this chapter, other than for medical expenses, may not exceed the designated amount per day established by the rules of the department, except:

- (1) as otherwise provided in this chapter; or
- (2) for additional amounts established by the department's rules.

*As added by P.L.145-2006, SEC.272.*

#### **IC 31-26-2-4**

##### **Immediate needs provision; excessive needs provision; adjustment**

Sec. 4. (a) Whenever a child is initially determined to be eligible for assistance as a destitute child under this chapter, the department under the department's rules may provide for the child's immediate needs.

(b) If the child's needs exceed the designated amount per day established by the department's rules, the department may provide assistance to the child if the deduction is made within six (6) months from the date of any payment from future allowances so that the average allowances will not exceed the designated amount per day established by the department's rules.

*As added by P.L.145-2006, SEC.272.*

#### **IC 31-26-2-5**

##### **Total amount paid for child in licensed child caring institution; exceptions**

Sec. 5. (a) The total amount paid to a destitute child being cared for in a licensed child caring institution, other than for medical expenses, may not exceed the designated amount per day established by the department's rules, except:

- (1) as otherwise provided in this chapter; or
- (2) as established by the department's rules.

(b) Additional amounts established by the department's rules may not exceed the maximum amounts established by the federal Social Security Act (42 U.S.C. 602) or supplementary or related acts as the basis for reimbursement from federal money.

*As added by P.L.145-2006, SEC.272.*

#### **IC 31-26-2-6**

##### **Medical care recipients; effect upon total amount of assistance paid**

Sec. 6. (a) If a destitute child is determined to be in need of medical care, payment for necessary care may be included in the award to the recipient, even if the following exist:

- (1) Payment for the care may increase the amount of the award in excess of the maximum amounts otherwise allowed by this chapter.
- (2) Payment for the care, regardless of maximum monthly limitations in this chapter, is to be made directly to the person, corporation, association, institution, or agency furnishing the care.

(b) Direct payments under subsection (a) may be made during the lifetime of the child either:

- (1) before or after the child reaches the maximum age for destitute children; or
- (2) after the death of the child, for care furnished before the child reaches the maximum age for destitute children.

(c) The county office shall establish and submit for review and approval by the department a plan for furnishing necessary medical care, adjusted to the medical facilities and the needs in the county.

*As added by P.L.145-2006, SEC.272.*

#### **IC 31-26-2-7**

##### **Application for assistance**

Sec. 7. An application for assistance for a destitute child under this chapter must be made to the county office in which the destitute child resides. The application must be in writing. The department shall prescribe the manner and the form on which the application must be made.

*As added by P.L.145-2006, SEC.272.*

#### **IC 31-26-2-8**

**Postsecondary education award; effect upon eligibility for assistance**

Sec. 8. Except as provided by federal law, if an individual receives a state or federal higher education award that is paid directly to an approved postsecondary educational institution (as defined in IC 21-7-13-6(a)) for the individual's benefit:

- (1) the individual is not required to report the award as income or as a resource of that individual when applying for assistance for a destitute child under this chapter; and
- (2) the award must not be considered income or a resource of the individual in determining eligibility for assistance to a destitute child under this chapter.

*As added by P.L.145-2006, SEC.272. Amended by P.L.2-2007, SEC.364.*

**IC 31-26-2-9**

**Investigation; record**

Sec. 9. Whenever the county office receives notice of a child's application or need for assistance, the county office shall promptly conduct an investigation and make a record regarding the child's circumstances to determine the following:

- (1) The need of the child.
- (2) The facts supporting the application made under this chapter.
- (3) Any other information that the department's rules require.

*As added by P.L.145-2006, SEC.272.*

**IC 31-26-2-10**

**Eligibility; amount; payment; schedule**

Sec. 10. (a) Upon the completion of an investigation under section 9 of this chapter, the department shall do the following:

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

(b) The department shall provide assistance to the recipient at least monthly upon warrant of the auditor of state.

*As added by P.L.145-2006, SEC.272. Amended by P.L.146-2008, SEC.569.*

**IC 31-26-2-11**

**Necessities account**

Sec. 11. (a) The county office may establish an account for a child if the department determines the account is necessary or beneficial to the child's welfare.

(b) The county office shall pay to a designated person from the account under subsection (a) an amount needed for the child's food, clothing, shelter, and other necessities.

(c) The balance of the remaining amount under subsection (b) that exceeds the child's immediate needs:

(1) may be credited to the child's account for a period of not more than six (6) months; and

(2) must be used for the child's benefit as the need arises;

if necessary records are maintained and payment is made for the destitute child under the department's rules.

*As added by P.L.145-2006, SEC.272.*

### **IC 31-26-2-12**

#### **Certificate in support of award**

Sec. 12. (a) If assistance is granted to a destitute child under this chapter, facts supporting the award of assistance, as prescribed by the department, must be entered on a certificate.

(b) The department shall prescribe the form for the certificate under subsection (a). The certificate must bear the impress of the department's seal.

(c) The department shall prepare four (4) copies of the certificate under subsection (a). The department shall distribute copies of the certificate as follows:

(1) One (1) copy must be filed with and retained by the office.

(2) One (1) copy must be filed with and retained by the department.

(3) One (1) copy must be filed with and retained by the office of the county auditor.

(4) One (1) copy must be given to the recipient.

*As added by P.L.145-2006, SEC.272.*

### **IC 31-26-2-13**

#### **Reconsideration of amount**

Sec. 13. (a) Whenever a destitute child receives assistance under this chapter, the department shall reconsider whether the assistance is to continue as frequently as:

(1) the department's rules require; or

(2) the department considers necessary.

(b) After an investigation, the county office or the department may change or withdraw the amount of assistance if the county office or department finds that the child's circumstances have altered sufficiently to warrant the action.

(c) The county office or department may revoke or suspend the assistance if the child becomes ineligible for assistance under this chapter. If assistance is revoked or suspended, the county office shall immediately do the following:

(1) Report the decision to the department.

(2) Submit to the department the county office's record of investigation regarding the county office's decision.

(d) The department shall review each county office's decision to

revoke or suspend assistance under this section.  
*As added by P.L.145-2006, SEC.272.*

#### **IC 31-26-2-14**

##### **Support; application of law**

Sec. 14. If the department or county office determines after an investigation that a child on whose behalf an application for assistance has been made is:

(1) a destitute child; and

(2) living or is expected to live in a foster family home or an institution meeting the requirements of this chapter;

assistance may be allowed for the support of the child without complying with any Indiana law other than this chapter.

*As added by P.L.145-2006, SEC.272.*

#### **IC 31-26-2-15**

##### **Eligibility for other relief**

Sec. 15. A destitute child is eligible for other relief under Indiana law that the child requires, unless the child's needs are provided for by this chapter.

*As added by P.L.145-2006, SEC.272.*