
HOUSE BILL No. 1332

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-14-17.

Synopsis: Payments for funeral and burial expenses. Requires the division of family and children to pay funeral director and cemetery expenses incurred for an individual receiving or certified to receive certain public assistance. Provides that the division has a preferred claim against a decedent's estate that has sufficient assets to pay the funeral director and cemetery expenses. Increases: (1) the reimbursement for funeral director and cemetery expenses for individuals receiving or certified to receive certain public assistance; and (2) the amount contributed from friends, relatives, and the decedent's estate that the division may not consider in determining the amount to be paid for the funeral director or cemetery expenses.

Effective: July 1, 2005.

Saunders, Summers, Budak

January 13, 2005, read first time and referred to Committee on Public Health.

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First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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HOUSE BILL No. 1332



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 12-14-17-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) This section
3 applies upon the death of either of the following:
4 (1) A recipient who is receiving supplemental assistance.
5 (2) An aged, blind, or disabled person who at the time of death
6 was certified as eligible to receive medical assistance under
7 Medicaid.
8 (b) ~~Unless otherwise determined by the director, Except as~~
9 **provided in subsection (c)**, the division shall pay ~~six hundred dollars~~
10 **(~~\$600~~) one thousand dollars (\$1,000)** for the funeral director's
11 expenses of the decedent if the following conditions exist:
12 (1) The estate of the deceased is insufficient to pay the funeral
13 director's expenses.
14 (2) The individual legally responsible for the burial of the
15 deceased is unable to pay the funeral director's expenses.
16 **(c) If the division determines that the estate of the deceased is**
17 **sufficient to pay all or part of the funeral director's expenses, the**



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division:

- (1) shall pay one thousand dollars (\$1,000) for expenses that the funeral director has incurred; and**
- (2) may recover the amount paid by the division under this section as a preferred claim from the estate of the deceased.**

SECTION 2. IC 12-14-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. ~~Unless otherwise determined by the director;~~ **(a) Except as provided in subsection (b),** in addition to money paid by the division under section 2 of this chapter and even if the deceased or person legally responsible for the deceased possesses a burial lot, the division shall pay ~~four hundred dollars (\$400)~~ **eight hundred dollars (\$800)** for the cemetery's expenses for the deceased to cover the following:

- (1) The provision of burial rights if necessary.
- (2) The opening and closing of a burial plot and provision of an outer container.
- (3) The service required by the cemetery authorities.

(b) If the division determines that the estate of the deceased is sufficient to pay all or part of the cemetery's expenses, the division:

- (1) shall pay eight hundred dollars (\$800) for expenses that the cemetery has incurred; and**
- (2) may recover the amount paid by the division under this section as a preferred claim from the estate of the deceased.**

SECTION 3. IC 12-14-17-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 3.5. Except for a claim for the costs and expenses of administration, a claim filed under sections 2(c) and 3(b) of this chapter is a superior claim.**

SECTION 4. IC 12-14-17-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. ~~An amount not exceeding~~ **The division:**

- (1) may not consider** a combined total of ~~seven hundred fifty dollars (\$750)~~ **one thousand seven hundred fifty dollars (\$1,750)** that is contributed by:
 - ~~(1)~~ **(A)** friends;
 - ~~(2)~~ **(B)** relatives; and
 - ~~(3)~~ **(C)** the resources of the deceased; **and**
- (2) may consider any amount that exceeds one thousand seven hundred fifty dollars (\$1,750) contributed by:**
 - (A) friends;**
 - (B) relatives; and**
 - (C) the resources of the deceased;**

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1 ~~may not be considered~~ when determining the amount to be paid to the
2 funeral director for expenses under this chapter. However, the
3 resources of the deceased may not be used if the deceased has prepaid
4 funeral expenses that were excluded as a resource for Medicaid
5 eligibility under IC 12-15-2.

6 SECTION 5. IC 12-14-17-5 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. ~~An amount not~~
8 ~~exceeding~~ **The division:**

9 **(1) may not consider** a combined total of ~~two hundred dollars~~
10 ~~(\$200)~~ **four hundred dollars (\$400)** that is contributed by:

- 11 ~~(1)~~ **(A)** friends;
- 12 ~~(2)~~ **(B)** relatives; and
- 13 ~~(3)~~ **(C)** the resources of the deceased; **and**

14 **(2) may consider any amount that exceeds four hundred**
15 **dollars (\$400) contributed by:**

- 16 **(A) friends;**
- 17 **(B) relatives; and**
- 18 **(C) the resources of the deceased;**

19 ~~may not be considered~~ when determining the amount to be paid to the
20 cemetery for expenses under this chapter. However, the resources of
21 the deceased may not be used if the deceased has prepaid funeral
22 expenses that were excluded as a resource for Medicaid eligibility
23 under IC 12-15-2.

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