

## **IC 12-14-17**

### **Chapter 17. Supplemental Assistance; Funeral and Cemetery Expenses**

#### **IC 12-14-17-0.1**

##### **Application of certain amendments to chapter**

Sec. 0.1. The amendments made to sections 4 and 5 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.261.*

#### **IC 12-14-17-1**

##### **Application of chapter**

Sec. 1. This chapter applies to the following individuals:

- (1) An individual who receives supplemental assistance to the aged.
- (2) An individual who receives supplemental assistance to the blind.
- (3) An individual who receives supplemental assistance for persons with disabilities.
- (4) An individual who has a disability, is aged, or is blind who, at the time of death, was certified to receive medical assistance under Medicaid.

*As added by P.L.2-1992, SEC.8. Amended by P.L.1-1994, SEC.58; P.L.99-2007, SEC.91.*

#### **IC 12-14-17-2**

##### **Application of section; funeral expenses payment; preferred claim**

Sec. 2. (a) This section applies upon the death of either of the following:

- (1) A recipient who is receiving supplemental assistance.
- (2) An individual who had a disability, was aged, or was blind who, at the time of death, was certified as eligible to receive medical assistance under Medicaid.

(b) Except as provided in subsection (c), the division shall pay one thousand two hundred dollars (\$1,200) for the funeral director's expenses of the decedent if the following conditions exist:

- (1) The estate of the deceased is insufficient to pay the funeral director's expenses.
- (2) The individual legally responsible for the burial of the deceased is unable to pay the funeral director's expenses.

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

- (1) shall pay one thousand two hundred dollars (\$1,200) 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.

*As added by P.L.2-1992, SEC.8. Amended by P.L.1-1994, SEC.59; P.L.273-1999, SEC.87; P.L.9-2006, SEC.1; P.L.99-2007, SEC.92;*

*P.L.205-2013, SEC.186.*

### **IC 12-14-17-3**

#### **Cemetery expenses payment; preferred claim**

Sec. 3. (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 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.

*As added by P.L.2-1992, SEC.8. Amended by P.L.273-1999, SEC.88; P.L.9-2006, SEC.2; P.L.205-2013, SEC.187.*

### **IC 12-14-17-3.5**

#### **Superior claim**

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.

*As added by P.L.9-2006, SEC.3.*

### **IC 12-14-17-4**

#### **Funeral expenses payment; contributions excluded in determining amount**

Sec. 4. The division:

- (1) may not consider a combined total of one thousand seven hundred fifty dollars (\$1,750) that is contributed by:
  - (A) friends;
  - (B) relatives; and
  - (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;

when determining the amount to be paid to the funeral director for expenses under this chapter. However, the resources of the deceased may not be used if the deceased 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.3;*

*P.L.9-2006, SEC.4.*

**IC 12-14-17-5**

**Cemetery expenses payment; contributions excluded in determining amount**

Sec. 5. The division:

(1) may not consider a combined total of four hundred dollars (\$400) that is contributed by:

- (A) friends;
- (B) relatives; and
- (C) the resources of the deceased; and

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

- (A) friends;
- (B) relatives; and
- (C) the resources of the deceased;

when determining the amount to be paid to the cemetery for expenses under this chapter. However, the resources of the deceased may not be used if the deceased 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.4; P.L.9-2006, SEC.5.*

**IC 12-14-17-6**

**Claims for expenses**

Sec. 6. (a) The funeral director and the cemetery representative shall file a sworn claim with the county office indicating expenses incurred due to the death of a recipient.

(b) With respect to supplemental assistance to the blind and persons with disabilities, a sworn claim must be verified and forwarded to the division for payment.

*As added by P.L.2-1992, SEC.8. Amended by P.L.4-1993, SEC.95; P.L.5-1993, SEC.108.*