

IC 12-14-18

Chapter 18. Supplemental Assistance; Excess Property or Income

IC 12-14-18-1

Application of chapter

Sec. 1. This chapter applies to an individual who receives any of the following:

- (1) Supplemental assistance to the aged.
- (2) Supplemental assistance to the blind.
- (3) Supplemental assistance for persons with disabilities.

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

IC 12-14-18-1.5

"Eligible individual" defined

Sec. 1.5. As used in this chapter, "eligible individual" means:

- (1) a person who was systematically persecuted for racial or religious reasons by Nazi Germany or any other Axis regime; or
- (2) an heir of a person described in subdivision (1).

As added by P.L.128-1999, SEC.15.

IC 12-14-18-1.7

"Holocaust victim's settlement payment" defined

Sec. 1.7. As used in this chapter, "Holocaust victim's settlement payment" means a payment received:

- (1) as a result of the settlement of the action entitled "In re Holocaust Victims' Asset Litigation", (E.D. NY) C.A. No. 96-4849;
- (2) under the German Act Regulating Unresolved Property Claims;
- (3) under any other foreign law providing payments for Holocaust claims; or
- (4) as a result of the settlement of any other Holocaust claim, including:
 - (A) insurance claims;
 - (B) claims relating to looted art;
 - (C) claims relating to looted financial assets; or
 - (D) claims relating to slave labor wages.

As added by P.L.128-1999, SEC.16.

IC 12-14-18-2

Cancellation or alteration of amount of assistance

Sec. 2. (a) If while receiving supplemental assistance a recipient obtains property or income in excess of the amount stated in the application, the recipient shall notify the division or county office, if the recipient receives supplemental assistance to the aged, immediately of the receipt or possession of the property or income.

(b) The division may, after investigation, cancel or alter the amount of the assistance in accordance with the circumstances.

(c) Excess supplemental assistance paid is recoverable by the

county as a debt due to the state.

(d) However, an eligible individual is not required to notify the division or county office of a Holocaust victim's settlement payment received by the individual. The division may not alter the amount of supplemental assistance paid to the individual after the individual's receipt of the payment.

As added by P.L.2-1992, SEC.8. Amended by P.L.4-1993, SEC.96; P.L.5-1993, SEC.109; P.L.128-1999, SEC.17.

IC 12-14-18-3

Fraudulently obtained supplemental assistance; recovery; penalty; preferred claim against estate; right of action against recipient

Sec. 3. If:

- (1) the division determines that a recipient possessed income or property in excess of the amount reported; and
- (2) it is shown that supplemental assistance was obtained fraudulently;

the total amount of the supplemental assistance plus a penalty of twenty percent (20%) may be recovered by the division as a preferred claim from the estate of the recipient or in an action brought against the recipient while living.

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

IC 12-14-18-4

Fraudulently obtained supplemental assistance; superiority of claim against recipient's estate

Sec. 4. A claim filed under section 3 of this chapter is a superior claim, except for claims for the following:

- (1) Expenses of administration.
- (2) Expenses of burial and last sickness.
- (3) Taxes accrued at the time of the decedent's death.
- (4) Debts secured at the time of the decedent's death.
- (5) Debts secured by liens created before assistance was granted.

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