

# HOUSE BILL No. 1370

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-3.1-35; IC 31-25-2.

**Synopsis:** Department of child services. Provides that appropriations designated for use by the department of child services do not revert to the state general fund and may not be transferred to other funds. Establishes the department of child services education and performance fund to encourage employees to seek advanced degrees in a field related to child well-being. Establishes the department of child services professional development fund to encourage department employees to attend professional development courses in an area related to the purpose of the department. Creates a tax credit for certain employees who attend professional development courses.

**Effective:** July 1, 2015.

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## Niezgodski, Burton, Riecken

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January 14, 2015, read first time and referred to Committee on Ways and Means.

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First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

# HOUSE BILL No. 1370



A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 6-3.1-35 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2015]:  
4 **Chapter 35. Department Of Child Services Professional**  
5 **Development Course Tax Credit**  
6 **Sec. 1. As used in this chapter, "eligible taxpayer" means an**  
7 **individual who:**  
8 **(1) resides in Indiana; and**  
9 **(2) is employed as a current employee of the department of**  
10 **child services as a family case manager or family case**  
11 **manager supervisor.**  
12 **Sec. 2. As used in this chapter, "professional development**  
13 **course" has the meaning specified in IC 31-25-2-16.5(d).**  
14 **Sec. 3. As used in this chapter, "state income tax liability"**  
15 **means an individual's adjusted gross income tax liability under**



1 **IC 6-3.**

2 **Sec. 4. (a) For each taxable year in which an individual is an**  
 3 **eligible taxpayer, and participating in a professional development**  
 4 **course, the taxpayer shall be awarded a refundable tax credit**  
 5 **against the individual's state income tax liability. The credit equals**  
 6 **five percent (5%) of the individual's wages paid by the department**  
 7 **of child services.**

8 **(b) The refundable tax credit under subsection (a) is ten percent**  
 9 **(10%) if the individual:**

10 **(1) attends two (2) professional development courses; and**

11 **(2) is eligible for the tax credit under this chapter.**

12 **Sec. 5. If the amount of credit under this chapter exceeds the**  
 13 **eligible taxpayer's state income tax liability for the taxable year,**  
 14 **the excess shall be refunded to the eligible taxpayer.**

15 **Sec. 6. To receive a tax credit under this chapter, an eligible**  
 16 **taxpayer must:**

17 **(1) claim the credit on the employee and eligible taxpayer's**  
 18 **annual state tax return or returns in the manner prescribed**  
 19 **by the department; and**

20 **(2) submit to the department all information that the**  
 21 **department determines necessary for the calculation of the**  
 22 **credit.**

23 **Sec. 7. The department may adopt rules under IC 4-22-2 to**  
 24 **carry out this chapter.**

25 **SECTION 2. IC 31-25-2-16.2 IS ADDED TO THE INDIANA**  
 26 **CODE AS A NEW SECTION TO READ AS FOLLOWS**  
 27 **[EFFECTIVE JULY 1, 2015]: Sec. 16.2. (a) As used in this section,**  
 28 **"advanced degree" means a master's degree or a doctorate degree.**

29 **(b) As used in this section, "department" has the meaning set**  
 30 **forth in IC 31-25-2-1.**

31 **(c) As used in this section, "employee" means a current**  
 32 **employee of the department.**

33 **(d) As used in this section, "fund" refers to the department of**  
 34 **child services education and performance fund established by**  
 35 **subsection (e).**

36 **(e) The department of child services education and performance**  
 37 **fund is established. The purpose of the fund is to:**

38 **(1) encourage employees to pursue an advanced degree in a**  
 39 **field related to the purpose of the department;**

40 **(2) minimize the cost an advanced degree for employees who**  
 41 **are in the process of obtaining an advanced degree; and**

42 **(3) prevent the loss of employees from the department due to**



1 expenses related to tuition or student loans;  
 2 by granting loan repayment assistance to eligible employees.

3 (f) The fund consists of appropriations to the fund, gifts, grants,  
 4 devises, or bequests made to the state to achieve the purposes of the  
 5 fund.

6 (g) The department shall administer the fund. The expenses of  
 7 administering the fund shall be paid from money in the fund.

8 (h) The treasurer of state shall invest the money in the fund not  
 9 currently needed to meet the obligations of the fund in the same  
 10 manner as other public funds. Interest that accrues from these  
 11 investments shall be deposited in the fund.

12 (i) Money in the fund at the end of the state fiscal year does not  
 13 revert to the state general fund.

14 (j) Money in the fund is appropriated continuously for the  
 15 purposes specified in subsection (e).

16 (k) Money in the fund shall be used to provide loan repayment  
 17 assistance to individuals who qualify for assistance under  
 18 subsection (m).

19 (l) The department shall receive and consider all applications  
 20 for loan repayment assistance from eligible employees.

21 (m) To qualify for loan repayment assistance under this section,  
 22 an individual must:

23 (1) be an employee;

24 (2) in the case of an aspiring student, intend to pursue an  
 25 advanced degree in an area related to the purpose of the  
 26 department;

27 (3) in the case of a current student, be in pursuit of an  
 28 advanced degree in an area related to the purpose of the  
 29 department;

30 (4) in the case of a recent graduate:

31 (A) possess an advanced degree from a postsecondary  
 32 educational institution in an area related to the purpose of  
 33 the department; and

34 (B) have applied for loan repayment assistance not later  
 35 than twenty-four (24) months after graduating from a  
 36 postsecondary educational institution;

37 (5) enter into a written contract with the department agreeing  
 38 to at least three (3) consecutive years of employment with the  
 39 department; and

40 (6) meet any other criteria required by the department.

41 (n) The employment commitment required by subsection (m)(5)  
 42 may not be fulfilled by service rendered before the employee's



1 application for loan repayment assistance.

2 (o) An employee is eligible to receive loan repayment assistance  
3 under this section only if an appropriation has been made to carry  
4 out the purposes of the fund.

5 (p) Loan repayment assistance shall be disbursed from the fund  
6 in accordance with the following guidelines:

7 (1) An eligible employee with one (1) year of service shall  
8 receive a stipend of not more than five thousand dollars  
9 (\$5,000) to apply toward any outstanding student loans or  
10 tuition costs.

11 (2) An eligible employee with two (2) years of service shall  
12 receive a stipend of not more than seven thousand five  
13 hundred dollars (\$7,500) to apply toward any outstanding  
14 student loans or tuition costs.

15 (3) An employee with three (3) or more years of service shall  
16 receive a stipend of not more than ten thousand dollars  
17 (\$10,000) to apply toward any outstanding student loans or  
18 tuition costs.

19 (q) All stipends renew annually unless:

20 (1) the fund lacks sufficient capital;

21 (2) an employee is terminated or leaves the department;

22 (3) the outstanding balance on an eligible student loan or  
23 tuition cost is paid; or

24 (4) an employee fails to maintain eligibility under subsection  
25 (m).

26 (r) The department shall maintain complete and accurate  
27 records in implementing the fund, including records of the  
28 following:

29 (1) The number of applications for loan repayment assistance.

30 (2) The number and amounts of all disbursed loan repayments  
31 made by the department.

32 (3) Any other pertinent information requested or required by  
33 the department.

34 (s) An eligible employee must apply for loan repayment  
35 assistance on a form supplied by the department.

36 (t) The department may adopt rules under IC 4-22-2 necessary  
37 to carry out this section, including rules governing the enforcement  
38 of any employment requirements.

39 SECTION 3. IC 31-25-2-16.5 IS ADDED TO THE INDIANA  
40 CODE AS A NEW SECTION TO READ AS FOLLOWS  
41 [EFFECTIVE JULY 1, 2015]: Sec. 16.5. (a) As used in this section,  
42 "department" has the meaning set forth in IC 31-25-2-1.



1 (b) As used in this section, "employee" has the meaning  
2 specified in section 16.2(c) of this chapter.

3 (c) As used in this section, "fund" refers to the department of  
4 child services professional development fund established by  
5 subsection (f).

6 (d) As used in this section, "professional development course"  
7 means a course or opportunity that awards or provides:

- 8 (1) certifications;
- 9 (2) conferences;
- 10 (3) mentoring;
- 11 (4) seminars;
- 12 (5) leadership skills; or
- 13 (6) lectures;

14 in an area related to the department's purpose.

15 (e) As used in this section, "stipend" refers to money disbursed  
16 from the fund established by subsection (f).

17 (f) The department of child services professional development  
18 fund is established. The purpose of the fund is to encourage  
19 employees:

- 20 (1) to undertake professional development courses;
- 21 (2) to improve their skills, knowledge, competence, and  
22 effectiveness; and
- 23 (3) to remain abreast of developments in areas consistent with  
24 the purpose of the department;

25 by providing a stipend of not more than three hundred dollars  
26 (\$300) for fees and costs associated with admission to a  
27 professional development course.

28 (g) The fund consists of appropriations to the fund, gifts, grants,  
29 devises, or bequests made to the state to achieve the purposes of the  
30 fund.

31 (h) The department shall administer the fund. The expenses of  
32 administering the fund shall be paid from money in the fund.

33 (i) The treasurer of state shall invest the money in the fund not  
34 currently needed to meet the obligations of the fund in the same  
35 manner as other public funds. Interest that accrues from these  
36 investments shall be deposited in the fund.

37 (j) Money in the fund at the end of the state fiscal year does not  
38 revert to the state general fund.

39 (k) Money in the fund is appropriated continuously for the  
40 purposes specified in subsection (f).

41 (l) Money disbursed from the fund must be used to:

- 42 (1) pay the fees and costs of a professional development



- 1 course; and  
 2 (2) attend a professional development course.  
 3 (m) The department shall receive and consider all applications  
 4 for a stipend from eligible employees.  
 5 (n) To qualify for a stipend, an individual must:  
 6 (1) be an employee of the department;  
 7 (2) have completed not less than one (1) year of employment;  
 8 and  
 9 (3) either:  
 10 (A) be admitted to a professional development course in an  
 11 area related to the department's purpose; or  
 12 (B) intend to attend a professional development course in  
 13 an area related to the department's purpose.  
 14 (o) All recipients of a stipend must verify completion of the  
 15 professional development course for which the stipend was sought.  
 16 (p) An employee may receive not more than two (2) stipends per  
 17 year.  
 18 (q) Employees may not petition the department for a stipend  
 19 after providing notice of resignation from the department.  
 20 (r) The department shall maintain complete and accurate  
 21 records in implementing the fund, including records of the  
 22 following:  
 23 (1) The receipt, disbursement, and use of money from the  
 24 fund.  
 25 (2) The number of applications for professional development  
 26 stipends.  
 27 (3) The number and amount of all disbursed stipends.  
 28 (4) Any other pertinent information requested or required by  
 29 the department.  
 30 (s) All candidates must apply for a professional development  
 31 stipend on a form supplied by the department.  
 32 (t) The department may adopt rules under IC 4-22-2 necessary  
 33 to carry out this section, including rules governing the enforcement  
 34 of any employment requirements.  
 35 SECTION 4. IC 31-25-2-16.9 IS ADDED TO THE INDIANA  
 36 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 2015]: Sec. 16.9. (a) This section applies to  
 38 any appropriation, including an appropriation made in a budget  
 39 bill (as defined in IC 4-12-1-2), made to the department for the  
 40 purpose of providing training and facilitating compliance with and  
 41 enforcement of IC 31-25 through IC 31-28.  
 42 (b) Money appropriated to the department does not revert to



1 the state general fund at the end of any state fiscal year.  
2 Appropriated funds must remain available to the department until  
3 the purpose of the appropriation is fulfilled.

4 (c) Notwithstanding IC 4-9.1-1-7, IC 4-12-1-12, IC 4-13-2-23, or  
5 another law, appropriated funds may not be transferred, assigned,  
6 or reassigned for any other purpose.

