

## ARTICLE 10.1. ASSISTANCE TO FAMILIES WITH DEPENDENT CHILDREN

### Rule 1. Definitions and Applicability

#### 470 IAC 10.1-1-1 Definitions

Authority: IC 12-13-7-5; IC 12-13-14-2

Affected: IC 5-22-17-8; IC 12-7-2; IC 12-13-14-1; IC 12-14

Sec. 1. (a) In addition to the definitions in IC 12-7-2 and IC 12-13-14-1, the definitions in this section apply throughout this article.

(b) "Applicant" means the person who requests or applies for TANF assistance, refugee assistance, or other services provided under the Title IV-A plan or under 45 CFR Part 400.

(c) "Assistance group" means those persons whose income, resources, or needs are considered in determining eligibility for TANF assistance or other services provided under the Title IV-A plan or for refugee assistance under 45 CFR 400, Subpart E.

(d) "Assistance to families with dependent children (AFDC)" and "assistance to families with dependent children-unemployed parent (AFDC-UP)" means the financial assistance program established under the Title IV-A plan.

(e) "Attending school full time" means that the educational institution that a student is attending classifies him or her as such.

(f) "Availability date" means the day of the month on which cash assistance is credited to the account of a recipient and becomes available for payment or withdrawal through the recipient's EBT card.

(g) "Available assistance" means cash assistance that is credited to the account of a recipient and is available for payment or withdrawal through the recipient's EBT card.

(h) "Cash assistance" means monetary payments that a recipient is eligible to receive through the Indiana EBT program, as determined by the division. Cash assistance includes, but is not limited to, TANF assistance and refugee assistance.

(i) "EBT" means electronic benefit transfers as a method of distributing cash assistance, described in IC 12-13-14.

(j) "EBT card" means a plastic card that can be used to effect transactions through the Indiana EBT program.

(k) "EBT contractor" means a person, firm, corporation, or other entity that has a contract with the division, pursuant to IC 5-22-17-8, to implement and operate all or any part of an EBT program in Indiana.

(l) "Full-time employment" means employment in excess of one hundred twenty-nine (129) hours per calendar month.

(m) "Full-time student" means an individual who attends an educational institution full time as defined by the institution.

(n) "Indiana manpower placement and comprehensive training (IMPACT)" means the employment and training program administered by the division.

(o) "Mandatory member" is any individual living in the same household as the dependent child who is:

- (1) a natural parent or stepparent;
- (2) an adoptive parent or stepparent; or
- (3) a blood related or adoptive sibling.

(p) "Nonparticipating member" means those persons who receive no TANF assistance or refugee assistance, but whose income, resources, or needs are considered in determining eligibility for TANF assistance or refugee assistance.

(q) "Nonrecipient" means a person who is not a recipient.

(r) "Parent" means the biological or legal parent of the dependent child, but does not include a stepparent or a parent whose rights to the child have been terminated.

(s) "Participating in a strike" means engaging in any activity or lack of activity included in the definition of "strike" in subsection (bb).

(t) "Participating member" means a person who receives a benefit through the Title IV-A plan or 45 CFR 400.

(u) "Participating retailer" means a retailer that owns or operates and [*sic.*, *an*] automated teller machine (ATM) or point of sale (POS) terminal and has a contract with the division or EBT contractor to provide cash assistance to recipients holding EBT cards.

(v) "Part-time employment" means employment of one hundred twenty-nine (129) hours or less per calendar month.

(w) "Payment month" means the calendar month for which TANF assistance or refugee assistance is paid or made available for distribution to eligible recipients through the EBT program.

(x) "Processor" means a person, firm, corporation, or other entity, other than an EBT contractor, that relays electronic transactions between an EBT contractor and a retailer.

(y) "Prospective budgeting" means the determination of eligibility based on the best estimate of income and circumstances that will exist in the payment month.

(z) "Recipient" means a person who is receiving or is eligible to receive cash assistance, or other services provided under the

Title IV-A plan or 45 CFR 400 as determined by the division.

(aa) "Refugee assistance" means monetary payments that the division provides to an eligible refugee who does not receive TANF assistance, pursuant to 8 U.S.C. 1522(e) and 45 CFR 400, Subpart E.

(bb) "Strike" means concerted failure to report for duty, willful absence from one's position, stoppage of work, or abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment, without the lawful approval of the employer, or in any concerted manner interfering with the operation of an employer.

(cc) "TANF assistance" means temporary assistance to needy families in the form or [sic., of] monetary payments that a recipient is eligible to receive, as determined by the division, in accordance with the Title IV-A plan.

(dd) "Title IV-A plan" means an applicable provision of the plan submitted to and accepted by the United States Secretary of Health and Human Services for use of funds received by Indiana as a state family assistance grant under Title IV-A. (*Division of Family Resources; 470 IAC 10.1-1-1; filed Mar 1, 1984, 2:31 p.m.: 7 IR 1022, eff Apr 1 1984; filed Sep 24, 1984, 10:44 a.m.: 8 IR 51; errata, 8 IR 216; filed May 2, 1990, 5:00 p.m.: 13 IR 1708; filed Oct 3, 1990, 1:44 p.m.: 14 IR 271, eff Oct 1, 1990 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty(30) days after filing with the secretary of state. LSA Document #90-72 was filed Oct 3, 1990.]; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1807; filed Mar 23, 2000, 4:57 p.m.: 23 IR 1995; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

#### **470 IAC 10.1-1-2 Applicant and recipient responsibilities**

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 2. (a) In addition to the requirements of 470 IAC 2.1-1-2, the requirements of this rule apply to the AFDC and AFDC-UP programs.

(b) The IMPACT program incorporates the employment and training program provisions at 45 CFR 250 (Job Opportunities and Basic Skills Training Program), including the following:

(1) Employment services, including the following:

- (A) Job search.
- (B) Job placement.
- (C) Job development.
- (D) On-the-job training.
- (E) Community work experience.
- (F) Other work programs.

(2) Training activities, including the following:

- (A) Job skills assessment.
- (B) Adult basic education.
- (C) High school completion.
- (D) Vocational and other job skills training.

Training and education beyond high school is limited to twenty-four (24) months in duration. Educational placement is to emphasize vocational skills in a course of study which has the greatest degree of possibility for job placement immediately upon completion. Any educational placement must be consistent with the comprehensive assessment completed on the recipient.

(c) The IMPACT program shall be operational statewide.

(d) Except as provided in 45 CFR 250.30, all applicants for, and recipients of, AFDC and AFDC-UP must comply with the requirements of 45 CFR 250.30 and this section.

(e) Any individual exempt under 45 CFR 250.30 who is sixteen (16) years of age or older, and applying for or receiving AFDC or AFDC-UP in any of the ninety-two (92) counties may volunteer for the IMPACT program.

(f) All recipients of AFDC and AFDC-UP who are required to participate in the IMPACT program, and those who volunteer for the IMPACT program, will be referred to IMPACT. IMPACT participants will be considered for placement in an appropriate employment or training activity with an emphasis on immediate job placement, which may be complemented by education or training, consistent with the comprehensive assessment of the recipient.

(g) The following actions constitute failure to cooperate with any of the AFDC and AFDC-UP provisions administered through IMPACT:

- (1) Failure to attend an assessment interview.

- (2) Failure to go to a job interview.
- (3) Voluntary termination of employment without the prior approval of the caseworker.
- (4) Refusal to accept employment.
- (5) Voluntary reduction of employment hours without the prior approval of the caseworker.
- (6) Refusal to cooperate with any employment or training agency whose services are included on an individual's employability plan.
- (7) Failure to attend seventy-five percent (75%) of the scheduled hours for any activity.
- (8) Termination of employment by the employer, because of disciplinary reasons, for example, firing for good cause.

(h) An individual's failure to cooperate or accept employment will result in a sanction that reduces the AFDC benefit for periods of time prescribed in 45 CFR 250.34. For the first failure, the sanction will continue until the failure to comply ceases or employment is accepted. For the second failure, the sanction will continue until the failure to comply ceases or three (3) months, whichever is longer. For any subsequent failure, the sanction will continue until the failure to comply ceases or six (6) months, whichever is longer. An individual's failure to cooperate is considered to have ceased when the participant accepts employment of at least thirty (30) hours at minimum wage or agrees to participate in the program by completing the assigned activity or attending the assigned activity for two (2) weeks, whichever is less.

(i) An individual may be temporarily excused from activities with good cause. Good cause for failure to cooperate with any of the AFDC and AFDC-UP provisions administered through IMPACT shall be limited to the following reasons:

- (1) The individual is the parent or other caretaker relative personally providing care for a child under six (6) years of age, and the employment or training activity would require such individual to work more than twenty (20) hours per week.
- (2) Child or incapacitated adult care is necessary for an individual to participate in an employment or training activity, and such care is not available and the division is unable to provide the care that is needed.
- (3) The participant's employment would result in a net loss of income for the family as defined in 45 CFR 250.35.
- (4) The individual is ill as verified by a licensed medical professional.
- (5) Participation in an employment or training activity would interfere with the individual's unsubsidized employment of at least thirty (30) hours per week at minimum wage.
- (6) The requirements of the employment or training placement are beyond the physical or mental capabilities of the individual as determined by a licensed medical professional.
- (7) The conditions of the employment or training site violate applicable state or federal health and safety standards.
- (8) Wages received by or offered to the individual do not meet applicable federal minimum wage requirements or, if greater than the federal minimum wage rate, are less than the customary wages paid for that activity in the community.
- (9) The failure of the individual to participate occurred as a direct result of the individual's involvement in or remedy of a situation which presented an immediate risk to the health or safety of the individual or others.
- (10) Participation has been determined inappropriate by a judge or licensed health care professional.
- (11) Work demands or conditions render continued employment unreasonable, such as working without being paid on schedule.

(j) Mandatory participants who fail to cooperate will be subject to the program penalties specified in 45 CFR 250.34.

(k) All IMPACT participants will be notified of their rights to a hearing when aggrieved by any action resulting from the IMPACT provisions in accordance with 45 CFR 205.10.

(l) Reimbursement is available to the extent indicated as follows for supportive services necessitated by the individual's participation in an employment or training activity:

Item or Services	Maximum Fee
Activity fees	\$50 per twelve (12) month period
Clothing	\$100 per twelve (12) month period
Driver's training	\$260 maximum (one-time expense)
Driver's license fee	\$10 per twelve (12) month period
Equipment and tools	\$500 per twelve (12) month period
Health, beauty, and personal needs	\$50 per twelve (12) month period
Licensure fees	\$100 per twelve (12) month period
Medical (if not covered by Medicaid)	\$500 per twelve (12) month period
Shoes	\$100 per twelve (12) month period

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Transportation	\$200 per month maximum (\$0.15 per mile if client has a vehicle, or the actual cost of public transportation)
Uniforms	\$100 per twelve (12) month period
Union dues	\$150 for first quarter after obtaining employment
Vehicle repair	\$500 per twelve (12) month period
Weight control	\$300 per twelve (12) month period
Move to accept employment	\$500 (one-time expense)

(m) Each applicant and recipient shall be interviewed by the county office at the time of the initial investigation and at each semiannual reinvestigation of eligibility. The initial interview may be conducted in the county office, at a home visit, or at a community location designated by the county office. The semiannual interview may be conducted by telephone. A face-to-face interview must be conducted by the county office with the recipient at least every twelve (12) months.

(n) Each applicant and recipient shall participate in any interview or reinvestigation required under subsection (m). Each recipient shall be required to allow the county office caseworker to visit him or her in his or her place of residence during agency working hours at the time of each reinvestigation of eligibility. In the absence of a valid reason for the recipient's refusal or unwillingness to allow said visit or participate in said interview or investigation, the entire assistance group shall be ineligible and the assistance group shall be discontinued. (*Division of Family Resources; 470 IAC 10.1-1-2; filed Mar 1, 1984, 2:31 p.m.: 7 IR 1022, eff Apr 1, 1984; filed Aug 28, 1984, 10:58 a.m.: 7 IR 2521; filed Mar 7, 1985, 2:54 p.m.: 8 IR 798; filed May 23, 1986, 10:40 a.m.: 9 IR 2712; filed Aug 26, 1987, 11:00 a.m.: 11 IR 87; filed Aug 5, 1988, 2:10 p.m.: 11 IR 4098; filed Apr 5, 1990, 1:20 p.m.: 13 IR 1395; filed May 2, 1990, 5:00 p.m.: 13 IR 1709; filed Oct 3, 1990, 1:44 p.m.: 14 IR 272, eff Oct 1, 1990 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #90-72 was filed Oct 3, 1990.]; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1808; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3080; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*)

**470 IAC 10.1-1-2.1 Applications and authorized representative**

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 2.1. (a) Applications filed for a dependent child shall include all mandatory group members currently in the home and all future mandatory members in the home without requiring additional applications.

(b) The applicant or recipient must report to the division any change in household composition, including mandatory group members, within ten (10) days of the change.

(c) The applicant or recipient shall sign an application if the following individuals wish to receive assistance under this article:

- (1) Nonparental caretaker of the dependent child.
- (2) Stepparent of the dependent child, when the natural parent is incapacitated as defined in 470 IAC 10.1-2-1.
- (3) Dependent child who is not a sibling of other dependent children.

(d) An application for the AFDC or AFDC-UP shall be completed on the form prescribed by the division and must contain the name, address, and signature of the applicant.

(e) An application that does not meet the requirements of subsection (d) shall not be acted upon by the county office.

(f) An applicant may use an authorized representative to apply for AFDC or AFDC-UP, to represent the applicant in all interviews, and to notify the county office of any changes. The authorization must be in writing, if the representative is not a member of the assistance group. (*Division of Family Resources; 470 IAC 10.1-1-2.1; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1810; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*)

**470 IAC 10.1-1-3 Date of application**

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14-1-2

Sec. 3. For the purpose of determining when notice of the decision to grant or deny assistance must be mailed to an applicant for AFDC under the provisions of 45 CFR 206.10, the date of application is the date on which the signed application is received by the county office specified in IC 12-14-1-2 or the community location designated by the county office. (*Division of Family Resources; 470 IAC 10.1-1-3; filed Mar 1, 1984, 2:31 p.m.: 7 IR 1023, eff Apr 1, 1984; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1811;*)

*readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

**Rule 2. Eligibility Requirements**

**470 IAC 10.1-2-1 Incapacity determination**

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 1. (a) The incapacity definition applicable to the assistance to families with dependent children program is the definition contained in 45 CFR 233.90.

(b) An applicant or recipient who is receiving supplemental security income or social security on the basis of blindness or disability shall be considered incapacitated for purposes of the assistance to families with dependent children program.

(c) Each applicant for or recipient of assistance to families with dependent children as an incapacitated parent, except those specified in subsection (b) of this section, must undergo an examination by a physician possessing an unlimited license to practice medicine.

(d) The county department shall determine whether the applicant or recipient is incapacitated based upon:

(1) a written report from the examining physician on a form provided by the state department or in any other format that contains the same information as requested on this form;

(2) social and occupational information regarding the applicant or recipient; and

(3) the opinion of the state department's medical review team if the county director determines that this opinion is necessary for his determination.

*(Division of Family Resources; 470 IAC 10.1-2-1; filed Mar 1, 1984, 2:31 pm: 7 IR 1023, eff Apr 1, 1984; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

**470 IAC 10.1-2-2 Temporary absence from home**

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 2. A child receiving AFDC or the parent or caretaker relative of said child, may continue to receive assistance if he or she is temporarily absent from the home. The temporary absence is limited to situations in which the child, parent, or caretaker is expected to return to the home by the end of the next payment period. *(Division of Family Resources; 470 IAC 10.1-2-2; filed Mar 1, 1984, 2:31 p.m.: 7 IR 1023, eff Apr 1, 1984; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1811; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

**470 IAC 10.1-2-3 Absence from home as related to work registration (Repealed)**

Sec. 3. *(Repealed by Division of Family and Children; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1818)*

**470 IAC 10.1-2-4 Eligibility of aliens**

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 4. Any alien whose sponsor is a public or private agency or organization is ineligible for assistance for three years from the date of the alien's entry into the U.S., unless the sponsoring public or private agency or organization is either no longer in existence or has been unable to meet the alien's needs as verified by a sworn statement from the executive officer of the agency/organization disclosing the agency's/organization's financial status. *(Division of Family Resources; 470 IAC 10.1-2-4; filed Apr 10, 1985, 2:20 pm: 8 IR 991; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

**470 IAC 10.1-2-5 Restriction in payment to households headed by a minor parent**

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14

Sec. 5. (a) In accordance with the provisions of 45 CFR 233.107, which is incorporated by reference in this section, the state adopts the option to restrict Assistance to Families with Dependent Children (AFDC) payments made to households headed by minor parents.

(b) A minor parent and the dependent child in her care must reside in the household of a parent, legal guardian, or other adult relative, or in an adult supervised supportive living arrangement in order to receive AFDC.

(c) The requirement in subsection (b) does not apply in the following circumstances:

(1) The minor parent has no living parent or legal guardian whose whereabouts are known.

(2) No living parent or legal guardian of the minor parent allows the minor parent to live in his or her home.

(3) The minor parent lived apart from his or her own parent or legal guardian for a period of at least one (1) year before either the birth of the dependent child or the parent's having made application for AFDC.

(4) The physical or emotional health or safety of the minor parent or dependent child would be jeopardized if they resided in the same residence with the minor parent's parent or legal guardian.

(d) Except as provided in subsection (c), there are no circumstances justifying a determination of good cause from the requirement in subsection (b). (*Division of Family Resources; 470 IAC 10.1-2-5; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2025; errata filed May 10, 1995, 1:45 p.m.: 18 IR 2262; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

**470 IAC 10.1-2-6 Physical custody of children for the purpose of establishing Assistance to Families with Dependent Children eligibility**

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14

Sec. 6. A parent or caretaker relative and the dependent child are not eligible for Assistance to Families with Dependent Children (AFDC) when the physical custody of the dependent child was obtained for the sole purpose of establishing AFDC eligibility. (*Division of Family Resources; 470 IAC 10.1-2-6; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

**Rule 3. Determination of Need**

**470 IAC 10.1-3-1 Real and personal property ownership**

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14; IC 30-2-10

Sec. 1. (a) The following definitions apply throughout this rule:

(1) "Availability" means that the individual has the right, authority, or ability to liquidate the property, or his or her share of the property.

(2) "Liquid assets" means the cash or financial instruments which are convertible into cash.

(3) "Market value" means the price that the property can reasonably be sold for on the open market.

(4) "Equity value" means the current market value less the total liens or incumencies against the property.

(b) The limitations set forth in this rule regarding ownership of real and personal property apply to the determination of eligibility for assistance to families with dependent children, subject to the definitions and requirements of 45 CFR 233.20.

(c) An assistance group is ineligible for assistance if the total value of their equity in real and personal property, unless exempted by subsection (d), is in excess of one thousand dollars (\$1,000).

(d) The value of the following items of real and personal property is exempt from consideration in determining eligibility for assistance:

(1) The home which is the usual residence of the assistance group.

(2) One thousand dollars (\$1,000) of equity in one (1) motor vehicle.

(3) The equity value of any apparatus installed in a motor vehicle for the use or benefit of a handicapped person.

(4) All household goods and personal effects.

(5) Livestock, farm implements, and tools used in the production of meat, dairy products, and produce for home consumption.

(6) The proceeds, or any interest earned on the proceeds, of casualty insurance received as a result of damage, destruction, loss, or theft of exempt real or personal property if the applicant or recipient demonstrates that the proceeds are being used to replace

the damaged, destroyed, lost, or stolen exempt property.

(7) One (1) burial plot and one thousand five hundred dollars (\$1,500) equity value in one (1) written funeral contract for each member of the AFDC group.

(8) Real property which is for sale is exempt for one (1) six (6) month period beginning from the date of signature on the agreement as required by 45 CFR 233.20.

(e) If the assistance group owns more than one (1) motor vehicle, the equity exclusion shall be applied against the motor vehicle with the highest equity, and no equity exclusion shall be applied to the other motor vehicles.

(f) The proceeds from the sale of an item of real or personal property are considered a resource subject to this rule.

(g) Liquid assets which are jointly owned between participating assistance group members and individuals who are nonrecipients are presumed to be available in total to the assistance group member. This presumption of availability may be rebutted as provided in subsection (h).

(h) The presumption of jointly owned liquid assets under subsection (g) may be successfully rebutted under the following circumstances:

(1) Verification of each owner's share.

(2) Assets of the participating assistance group member are not commingled with an individual who is not a participating member of the same assistance group.

(i) Jointly owned real and personal resources which are not liquid assets are presumed to be proportionately available to each of the joint owners. (*Division of Family Resources; 470 IAC 10.1-3-1; filed Mar 1, 1984, 2:31 p.m.: 7 IR 1023, eff Apr 1, 1984; filed Mar 7, 1985, 2:54 p.m.: 8 IR 799; errata, 8 IR 1160; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1811; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

**470 IAC 10.1-3-2      Prospective budgeting for calculation of assistance (Repealed)**

*Sec. 2. (Repealed by Division of Family and Children; filed May 2, 1990, 5:00 p.m.: 13 IR 1715)*

**470 IAC 10.1-3-3      Standard of need (Repealed)**

*Sec. 3. (Repealed by Division of Family and Children; filed Aug 26, 1987, 11:00 am: 11 IR 90)*

**470 IAC 10.1-3-3.1      Standard of need**

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 3.1. In accordance with the requirements of 45 C.F.R. 233.20, the following is the standard of need used to determine eligibility for the assistance to families with dependent children program:

(1) Standard for assistance units which include the dependent child's parent or caretaker:

1	Person Unit \$155	2	Person Unit \$255	3	Person Unit \$320	4	Person Unit \$385	5	Person Unit \$450
6	Person Unit \$515	7	Person Unit \$580	8	Person Unit \$645	9	Person Unit \$710	10	Person Unit \$775

+ \$65 for each additional unit member.

(2) Standard for assistance units which include only dependent children:

1	Person Unit \$155	2	Person Unit \$220	3	Person Unit \$285	4	Person Unit \$350	5	Person Unit \$415
6	Person Unit \$480	7	Person Unit \$545	8	Person Unit \$610	9	Person Unit \$675	10	Person Unit \$740

+ \$65 for each additional unit member.

*(Division of Family Resources; 470 IAC 10.1-3-3.1; filed Apr 5, 1990, 1:50 p.m.: 13 IR 1390; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

**470 IAC 10.1-3-4 Countable income; determination (Repealed)**

Sec. 4. (Repealed by Division of Family and Children; filed Sep 30, 2003, 11:45 a.m.: 27 IR 500)

**470 IAC 10.1-3-4.1 Parents of minor caretaker (Repealed)**

Sec. 4.1. (Repealed by Division of Family and Children; filed Sep 30, 2003, 11:45 a.m.: 27 IR 500)

**470 IAC 10.1-3-5 Good cause for terminating employment, reducing earnings, or refusing a bona fide offer of employment (Repealed)**

Sec. 5. (Repealed by Division of Family and Children; filed Sep 30, 2003, 11:45 a.m.: 27 IR 500)

**470 IAC 10.1-3-6 Nonrecurring lump sum income; treatment**

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 6. (a) Income is the revenue received by a member of the AFDC assistance group, a nonrecipient parent, or a stepparent living in the home within a calendar month.

(b) Nonrecurring income is income which is not expected to be received again by a member of the assistance group, a nonrecipient parent, or a stepparent living in the home.

(c) Nonrecurring income received by a nonrecipient parent or stepparent will not be considered as lump sum income; however, it will be considered as income in the month of receipt, subjected when applicable to subsection (d).

(d) The nonrecurring income received in a lump sum payment by a member of an AFDC assistance group will not be considered as income when the payment is any of the following:

(1) Received as a result of a settlement or judgment due to the injury or death of a member of the AFDC assistance group or the nonrecipient parent or stepparent living in the home who is not a member of the AFDC assistance group, and the money is used to pay any of the following:

(A) Incurred medical expenses.

(B) Incurred legal fees.

(C) Funeral and burial expenses for any member of the AFDC group, the nonrecipient parent or stepparent, or their dependents.

(2) Received as compensation for replacement of lost, stolen, damaged, or destroyed real or personal property excluded as a resource under section 1 of this rule.

(3) Received as an inheritance by a beneficiary and is used for the burial expenses of the deceased benefactor.

(4) A federal or state income tax refund.

(5) A refunded security deposit paid on rental property or utilities.

(6) Deposited in a guardianship account.

(7) Property or funds received resulting from a dissolution of marriage.

(e) Nonrecurring lump sum income, received by a member of an AFDC assistance group, except as exempted in subsection (d), shall be considered as income to the group in the month of receipt and budgeted in accordance with 45 CFR 233.20 to determine the group's eligibility.

(f) When, as provided for in 45 CFR 233.20, receipt of nonrecurring, nonexempt lump sum income by a member of the AFDC assistance group results in the ineligibility of the assistance group for a specified period of time, the period of ineligibility will be shortened if any of the following occurs:

(1) The applicant seeking to shorten the period of ineligibility declares, under oath, that the income was used, prior to the onset of life-threatening circumstances, as defined in subsection (g), to meet essential needs and the remaining income has been or will be expended, in part or in full, in connection with these life-threatening circumstances, and the assistance group currently has no other income or resources sufficient to meet these life-threatening circumstances.

(2) An event, as defined in subsection (h), occurs which, had the family been receiving assistance for the month of the occurrence, would result in a change in the amount of assistance payable for such month.



(3) The income received has become unavailable to the members of the family for reasons beyond their control, as defined in subsection (i).

(4) The family incurs, becomes responsible for, and pays medical expenses, as defined in subsection (j).

(g) For the purposes of determining the shortened period of ineligibility, life-threatening circumstances are as follows:

(1) Emergency or other necessary medical care for any member of the formerly eligible AFDC assistance group, the stepparent, or their dependents.

(2) Replacement of lost, stolen, damaged, or destroyed real or personal property excluded as a resource under section 1 of this rule.

(h) For the purpose of determining the shortened period of ineligibility, an event is anything that would increase the formerly eligible AFDC assistance group's standard of need.

(i) For the purpose of determining the shortened period of ineligibility, "reasons beyond their control" means anything that would not be the deliberate act of the formerly eligible AFDC assistance group resulting in the depletion of the lump sum income.

(j) For the purpose of determining the shortened period of ineligibility, "medical expenses" means any medical expenses incurred by the formerly eligible AFDC assistance group, nonrecipient parents, and nonrecipient stepparents. (*Division of Family Resources; 470 IAC 10.1-3-6; filed Mar 1, 1984, 2:33 p.m.: 7 IR 1048, eff Apr 1, 1984; filed Apr 10, 1985, 2:22 p.m.: 8 IR 987; filed May 2, 1990, 5:00 p.m.: 13 IR 1714; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1815; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

#### **Rule 4. Monthly Reports (Repealed)**

*(Repealed by Division of Family and Children; filed May 2, 1990, 5:00 p.m.: 13 IR 1715)*

#### **Rule 5. Payment of Assistance**

##### **470 IAC 10.1-5-1 Payment of assistance**

Authority: IC 12-13-14-2

Affected: IC 12-13-14

Sec. 1. (a) TANF assistance shall only be awarded to (a) eligible dependent child under eighteen (18) years of age and to the following eligible person with whom the child resides:

(1) The parent.

(2) The spouse of the child's physically or mentally incapacitated parent.

(3) Other caretaker relative who requests assistance.

(b) Refugee assistance shall only be awarded to a refugee, as defined in 8 U.S.C. 1101(a)(42), who is eligible for monetary payments under the applicable provisions of 45 CFR 400, Subpart E.

(c) Except as provided in either of the following, a warrant shall be issued by the state auditor's office to the recipient at his or her actual residence or mailing address as follows:

(1) On and after the date an EBT program is implemented in a county, TANF assistance or refugee assistance shall be issued to eligible recipients in that county through an EBT system as described in IC 12-13-14. The county office or EBT contractor will issue to or on behalf of the recipient an EBT card that will enable the recipient to receive any available assistance for which the recipient is eligible. After a recipient receives an EBT card, a warrant will not be issued to that recipient, except as described in subdivision (2).

(2) If the division determines that:

(A) the EBT system is or has been inoperative in all or a substantial part of a county; and

(B) the unavailability of the system is causing or may cause a significant hardship to eligible recipients in that county who are unable to access their cash assistance;

the division may authorize the state auditor or other entity designated by the division to issue warrants to eligible recipients. Warrants will be issued pursuant to this subdivision not later than ten (10) calendar days after receipt of notice of the authorization. A single warrant will be issued to the recipient pursuant to any authorization under this subdivision, in an amount not exceeding the remaining undistributed cash assistance, if any, as determined by the division, for the recipient's current benefit period.

(d) If the recipient has a legal guardian, the warrant or EBT card may be issued in the name of the recipient and mailed or provided to the guardian. If the recipient has a protective payee, the warrant or EBT card shall be issued in the name of the protective

payee and mailed or provided to the payee.

(e) TANF assistance or refugee assistance shall be issued to an eligible recipient monthly, according to an availability date schedule determined by the division, beginning with the first calendar month after the application for assistance is filed. If the application is filed on the first day of a thirty-one (31) day month, a prorated assistance amount shall be issued for one (1) day of that month.

(f) Issuance of the warrant or EBT card is made to an individual other than the eligible recipient when any of the following occurs:

(1) The recipient payee is subject to:

(A) the program penalties specified in 45 CFR 232.11, 45 CFR 232.12, or 45 CFR 250.34, (as those regulations were in effect immediately before their repeal); or

(B) payment restrictions specified in 45 CFR 233.107.

(2) The recipient payee exhibits a clear inability to manage money.

(3) The recipient payee makes a written request for protective payment.

(g) If the recipient is eligible to receive food stamp assistance pursuant to 7 CFR 274.12 and 470 IAC 6-6, the county office or EBT contractor may, if authorized by the division, issue a single EBT card to be used for both food stamp and cash assistance.

(h) The county office or EBT contractor will notify the recipient of the availability date for cash assistance.

(i) In lieu of issuance of cash assistance through the EBT program, the division may elect to issue the assistance by direct deposit to a checking or savings account that a recipient maintains in a financial institution if the recipient requests this method of payment by application to the county office. (*Division of Family Resources; 470 IAC 10.1-5-1; filed Mar 1, 1984, 2:31 p.m.: 7 IR 1025, eff Apr 1, 1984; filed Aug 26, 1987, 11:00 a.m.: 11 IR 90; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1816; filed Mar 23, 2000, 4:57 p.m.: 23 IR 1996; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

#### **470 IAC 10.1-5-2 Recovery of incorrect payments**

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 2. (a) As required by 45 CFR 233.20, when recovery of an incorrect payment is made from a recipient's assistance to families with dependent children payment, the assistance unit shall retain in the payment month an amount equal to ninety percent (90%) of the amount of the assistance to families with dependent children payable to a family of the same size which has no income.

(b) As required by 45 CFR 233.52, good cause for an alien sponsor's failure to provide correct information regarding his income and resources is limited to the legal incompetence of the sponsor at the time the information was provided to the county department.

(c) When an underpayment of benefits to a unit has been established and a member of the unit is obligated to repay AFDC benefits which were issued to him in error, the amount of the underpaid benefit total shall be credited against the AFDC indebtedness before any monies are paid directly to the unit as a result of the underpayment. (*Division of Family Resources; 470 IAC 10.1-5-2; filed Mar 1, 1984, 2:31 pm: 7 IR 1025, eff Apr 1, 1984; filed Aug 26, 1987, 11:00 am: 11 IR 90; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

#### **470 IAC 10.1-5-3 Replacement of lost or stolen electronic benefit transfer cards**

Authority: IC 12-13-14-2

Affected: IC 12-13-14

Sec. 3. The division will replace lost, stolen, or damaged EBT cards, in accordance with the procedure described in 470 IAC 6-6-2. 470 IAC 6-6-2(d) applies if the recipient does not have a cash assistance credit in the EBT system in an amount equal to or exceeding the applicable replacement card fee. (*Division of Family Resources; 470 IAC 10.1-5-3; filed Mar 23, 2000, 4:57 p.m.: 23 IR 1997; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

#### **470 IAC 10.1-5-4 Replacement of lost or stolen warrants**

Authority: IC 12-13-7-5; IC 12-13-14-2

Affected: IC 12-14-2

Sec. 4. Whenever a recipient of cash assistance notifies a county office of the loss or theft of his or her warrant, the county office shall do the following:

- (1) Request the auditor of state to issue a stop-payment order and request a replacement warrant within two (2) working days of the notification from the recipient of loss or theft.
- (2) Inform the recipient that he or she must complete and sign an affidavit at the county office before a replacement warrant will be issued or delivered and that failure to execute the affidavit immediately will delay issuance of the replacement warrant.
- (3) Inform the recipient of the right to appeal to the division if a replacement warrant is not issued and delivered, or made available for delivery upon receipt of the signed affidavit, within ten (10) working days after the date the recipient notifies the county office of the loss or theft.

*(Division of Family Resources; 470 IAC 10.1-5-4; filed Mar 23, 2000, 4:57 p.m.: 23 IR 1997; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

**470 IAC 10.1-5-5      Suspension and expungement of cash assistance**

Authority: IC 12-13-14-2  
Affected: IC 12-13-14; IC 12-14-2

Sec. 5. (a) The division will establish a time schedule during which a recipient may withdraw available assistance through the EBT program, and times when available assistance that the recipient has not withdrawn will be suspended or expunged.

(b) The county office will notify recipients of the time and procedure for suspension or expungement of available assistance, any retention of available assistance off-line, and the procedure for reactivating suspended accounts, as part of required recipient training at the time the initial certification period is established and at the time of recertification. *(Division of Family Resources; 470 IAC 10.1-5-5; filed Mar 23, 2000, 4:57 p.m.: 23 IR 1998; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

**470 IAC 10.1-5-6      Participation of retailers and processors in electronic benefit transfer system**

Authority: IC 12-13-14-2; IC 12-13-14-4.5  
Affected: IC 12-13-14-4.5

Sec. 6. (a) An EBT contractor may, on behalf of the division, contract with any retailer for distribution of available assistance through automated teller machine (ATM) or point of sale (POS) terminals owned or operated by the retailer, at a business location where the retailer sells or transfers property or provides or performs services to consumers.

(b) The business location of the retailer at which distribution of available assistance is authorized shall be a facility or establishment that is not described in IC 12-13-14-4.5(c).

(c) An EBT contractor may, on behalf of the division, contract with any processor that participate [*sic., participates*] in operation of the EBT program in Indiana, on behalf of one (1) or more retailers.

(d) Each contract shall be in a form approved by the division as a standard contract for a participating retailer or processor. The contract may incorporate by reference operational standards or rules applicable to operation of the EBT program in Indiana.

(e) A retailer may limit the amount of available assistance that an eligible recipient may withdraw through the retailer's ATM or POS terminals in a manner that is not more restrictive than the limit on cash payments that the retailer provides to customers who are nonrecipients.

(f) The division will not provide equipment to a processor or retailer for distribution of cash assistance. *(Division of Family Resources; 470 IAC 10.1-5-6; filed Mar 23, 2000, 4:57 p.m.: 23 IR 1998; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

**470 IAC 10.1-5-7      Termination of contracts**

Authority: IC 12-13-14-2  
Affected: IC 12-13-14

Sec. 7. (a) The division may at any time request an EBT contractor to terminate the contract of any participating retailer or processor, in the discretion of the division, with or without cause, effective upon receipt of notice of termination or at any later time state [*sic., stated*] in the notice.

(b) A retailer or processor does not have a property interest in any contract for distribution of cash assistance pursuant to this rule.

(c) Termination of a contract with a participating retailer that is a food retailer does not terminate the authorization for the food retailer to distribute food stamp assistance pursuant to 470 IAC 6-6, if the retailer continues to be a qualified food retailer after the effective date of termination. (*Division of Family Resources; 470 IAC 10.1-5-7; filed Mar 23, 2000, 4:57 p.m.: 23 IR 1998; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

**470 IAC 10.1-5-8 Notices to recipients at excluded establishments**

Authority: IC 12-13-14-4.5

Affected: IC 12-13-14-4.5

Sec. 8. (a) The owner or operator of any establishment described in IC 12-13-14-4.5(c) at which an automated teller machine (ATM) or point of sale (POS) terminal is located shall be responsible for posting the sign containing notice that the ATM or POS terminal may not be used for distribution of TANF assistance or refugee assistance, as required by IC 12-13-14-4.5(d).

(b) The sign shall be posted in a prominent location not more than eighteen (18) inches from the ATM or POS terminal and shall contain the following statement, in letters not less than one-fourth (1/4) inch in height, "Indiana law, IC 12-13-14-4.5, prohibits the use of an Indiana Hoosier Works EBT card at this machine to access TANF or refugee benefits."

(c) The following shall have no responsibility for enforcement of compliance with this section or IC 12-13-14-4.5(d):

(1) The division.

(2) A county office.

(3) Any office, agency, unit, body, officer, employee, or agent of the Indiana family and social services administration established under IC 12.

(4) The EBT contractor.

(5) The owner or operator of an ATM or POS terminal located in an establishment described in IC 12-13-14-4.5(c) if the person is not the owner or operator of the establishment.

(*Division of Family Resources; 470 IAC 10.1-5-8; filed Mar 23, 2000, 4:57 p.m.: 23 IR 1998; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

**470 IAC 10.1-5-9 Retailer transaction fees payable by division**

Authority: IC 12-13-14-2

Affected: IC 12-13-14-12

Sec. 9. (a) If any transaction fee is payable by the division to a participating retailer for use of a point of sale (POS) terminal owned or operated by the participating retailer for a transaction in which cash assistance is distributed to an eligible recipient, the fee shall be established, reviewed, and revised by the division in accordance with IC 12-13-14-12.

(b) A transaction fee, if applicable, may be modified or terminated by the division in accordance with IC 12-13-14-12 for future EBT program transactions, by notice to participating retailers in a manner determined by the division, at any time during the term of a retailer contract, without approval or consent of the participating retailer.

(c) Any transaction fee established by the division pursuant to IC 12-13-14-12 for use of a POS terminal shall be applicable to all participating retailers on an equal and uniform basis. (*Division of Family Resources; 470 IAC 10.1-5-9; filed Mar 23, 2000, 4:57 p.m.: 23 IR 1999; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

**Rule 6. Burial Expenses**

**470 IAC 10.1-6-1 Payment of burial expenses**

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14-6

Sec. 1. (a) For the purpose of implementing IC 12-14-6, a recipient of AFDC is that person for whom:

(1) the recommendation to grant assistance was approved by the county director of the county office prior to, or on, the date of the person's death; or

(2) the recommendation to grant assistance is approved by the county director of the county office after the date of the person's death and the deceased was eligible on the date of death.

(b) The county office shall pay for the cost of the deceased recipient's burial expenses subject to the following limitations:

(1) Payment will be made only to the funeral director or cemetery representative upon submission of a completed claim form prescribed by the division.

(2) Payment shall not be made to a funeral director who submits a claim for cemetery expenses unless the director attaches proof to the claim that the director is the cemetery representative or has been designated the cemetery representative.

(3) In determining the amount to be paid by the county office to the funeral director, contributions paid and payments made or available from the estate of the deceased recipient in excess of the exclusion provided by IC 12-14-6 shall be subtracted from the statutory maximum. The balance of the unpaid expenses, up to the statutory maximum, shall be paid by the county office.

(4) In determining the amount to be paid by the county office to the cemetery representative, contributions paid and payments made or available from the estate of the deceased recipient in excess of the statutory exclusion shall be subtracted from the statutory maximum. The balance of the unpaid expenses, up to the statutory maximum, shall be paid by the county office.

(c) This rule becomes effective September 1, 1985. (*Division of Family Resources; 470 IAC 10.1-6-1; filed Mar 1, 1984, 2:31 p.m.: 7 IR 1026, eff Apr 1, 1984; filed Aug 2, 1985, 2:39 p.m.: 8 IR 2024, eff Sep 1, 1985; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1817; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

#### **Rule 7. Eligibility of 18-21 Year Old**

##### **470 IAC 10.1-7-1 Eligibility of 18 to 21 year old (Repealed)**

Sec. 1. (*Repealed by Division of Family and Children; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1818*)

##### **470 IAC 10.1-7-2 Supplemental security income recipients; determination of Medicaid eligibility (Repealed)**

Sec. 2. (*Repealed by Division of Family and Children; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1818*)

##### **470 IAC 10.1-7-3 Medicaid eligibility for pregnant women (Repealed)**

Sec. 3. (*Repealed by Division of Family and Children; filed Aug 26, 1987, 11:00 am: 11 IR 90*)

##### **470 IAC 10.1-7-4 Medicaid eligibility for pregnant women; unemployed parent (Repealed)**

Sec. 4. (*Repealed by Division of Family and Children; filed Aug 26, 1987, 11:00 am: 11 IR 90*)

#### **Rule 8. Child Support Collection (Repealed)**

(*Repealed by Division of Family and Children; filed Aug 26, 1987, 11:00 am: 11 IR 90*)

#### **Rule 9. AFDC-UP Demonstration Project (Repealed)**

(*Repealed by Division of Family and Children; filed Oct 3, 1990, 1:44 p.m.: 14 IR 274, eff Oct 1, 1990 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the Secretary of State. LSA Document #90-72 was filed Oct 3, 1990.]*)

#### **Rule 10. Assistance to Families with Dependent Children-Unemployed Parent (AFDC-UP)**

##### **470 IAC 10.1-10-1 AFDC-UP eligibility**

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 1. (a) The assistance to families with dependent children-unemployed parent (AFDC-UP) program is available in every county to families with a dependent child in which the principal wage earner is unemployed as defined in 45 CFR 233.100 and who meet all assistance to families with dependent children (AFDC) requirements.

(b) The principal wage earner is the parent, in a two (2) parent family unit, who has earned the greater amount of income in the twenty-four (24) months prior to the month of application or, if both parents earned an equal amount of income, the parent designated as principal wage earner by the parents.

(c) Once determined eligible, the family unit may continue to receive assistance so long as they meet all eligibility requirements.

(d) When the family unit consists of children who qualify for AFDC-UP in addition to children who qualify for AFDC, the family's eligibility and assistance payment is determined by including all eligible family members in the AFDC-UP assistance unit.

(e) The employment and training participation requirements, exemptions, and sanctions specified in 45 CFR 250.30 through 45 CFR 250.36 shall apply to both parents receiving AFDC-UP. (*Division of Family Resources; 470 IAC 10.1-10-1; filed Oct 3, 1990, 1:44 p.m.: 14 IR 274, eff Oct 1, 1990 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #90-72 was filed Oct 3, 1990.]; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

## **Rule 11. Child Care**

### **470 IAC 10.1-11-1 Definitions**

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 1. (a) As used in this rule, "child care" means a service that provides for the care, health, safety, and supervision of a child's social, emotional, and educational growth.

(b) As used in this rule, "dependent child" means an individual who meets the conditions of 45 CFR 255.2(a), as revised and effective on October 1, 1991, for purposes of guaranteed child care or 45 CFR 256.2(a), as revised and effective on October 1, 1991, for purposes of transitional child care.

(c) As used in this rule, "guaranteed child care" means child care provided to an assistance group in accordance with 45 CFR 255, as revised and effective on October 1, 1991, (not including tertiary Code of Federal Regulations citations resulting therefrom).

(d) As used in this rule, "transitional child care" means child care provided to an assistance group in accordance with 45 CFR 256, as revised and effective on October 1, 1991, (not including tertiary Code of Federal Regulations citations resulting therefrom). (*Division of Family Resources; 470 IAC 10.1-11-1; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1817; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

### **470 IAC 10.1-11-2 Eligibility for guaranteed child care**

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 2. (a) The AFDC assistance group may receive guaranteed child care benefits under the following circumstances:

(1) A participating member of the assistance group is employed and chooses to receive guaranteed child care in lieu of the dependent care disregard.

(2) A participating member is taking part in an IMPACT approved training or educational activity.

(3) A participating member is in a non-IMPACT, self-initiated training or educational program and is making satisfactory progress as determined by the school or administration.

(b) The assistance group may not receive, concurrently, both guaranteed child care and the earned income disregard for a dependent child.

(c) Guaranteed child care shall not be paid for a child of an assistance group member as described in subsection (a)(1) during any interruption in employment of the assistance group member. (*Division of Family Resources; 470 IAC 10.1-11-2; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1818; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235*)

### **470 IAC 10.1-11-3 Application for transitional child care**

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 3. (a) An application for transitional child care shall be completed on the form prescribed by the county office and must

contain the applicant's name and signature.

(b) An application that does not meet the requirements of this section shall not be acted upon by the county office.

(c) An applicant may use an authorized representative to apply for transitional child care, to represent the applicant in all interviews, and to notify the county office of any changes. The authorization must be in writing, if the representative is not a member of the assistance group. *(Division of Family Resources; 470 IAC 10.1-11-3; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1818; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

**470 IAC 10.1-11-4 Determining income for transitional child care**

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 4. The county office shall determine the income for the assistance group in accordance with the budgeting methodology established in this article. *(Division of Family Resources; 470 IAC 10.1-11-4; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1818; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

**470 IAC 10.1-11-5 Provider payment**

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5

Affected: IC 12-14

Sec. 5. (a) In automated counties, the state auditor shall provide reimbursement for services to the provider of child care after child care has been received by the recipient and after the provider has submitted a claim for payment of services to the county office. In nonautomated counties, the county office shall provide reimbursement.

(b) Payment for child care may be made directly to the recipient when the provider of child care services refuses to accept a vendor payment from the state or county auditor. *(Division of Family Resources; 470 IAC 10.1-11-5; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1818; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

**Rule 12. Fraud Control Program**

**470 IAC 10.1-12-1 Program established; disqualification procedures**

Authority: IC 12-13-2-3; IC 12-13-5-3

Affected: IC 12-13; IC 12-14

Sec. 1. In accordance with the provisions of 45 CFR 235.112, the state elects to establish and operate an Assistance to Families with Dependent Children fraud control program. The program shall be carried out in accordance with the requirements of 45 CFR 235.112(a) through 45 CFR 235.112(d) and the disqualification hearing procedures under 45 CFR 235.113(a) through 45 CFR 235.113(c), which are incorporated by reference in this rule. *(Division of Family Resources; 470 IAC 10.1-12-1; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2026; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

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