

ARTICLE 10.3. TANF ASSISTANCE PROGRAM

Rule 1. Definitions

470 IAC 10.3-1-1 Definitions

Authority: IC 12-13-7-5; IC 12-13-14-2; IC 12-14-28-7

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

Sec. 1. (a) The definitions in IC 12-7-2, IC 12-13-14-1, and 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:

(1) the Title IV-A plan; or

(2) 45 CFR Part 400.

(c) "Assistance group" means those persons whose income, resources, or needs are considered in determining eligibility or payment amount, or both, for:

(1) TANF assistance or other services provided under the Title IV-A plan; or

(2) refugee assistance under 45 CFR 400, Subpart E.

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

(e) "Availability date" means the day of the month on which cash assistance:

(1) is credited to the account of a recipient; and

(2) becomes available for payment or withdrawal through the recipient's EBT card.

(f) "Available assistance" means cash assistance that is:

(1) credited to the account of a recipient; and

(2) available for payment or withdrawal through the recipient's EBT card.

(g) "Caretaker relative" means the specified individual relative who is exercising care and control over the eligible dependent child or children.

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

(1) TANF assistance.

(2) Refugee assistance.

(i) "Dependent child" means a child under eighteen (18) years of age.

(j) "Division" means the family and social services administration's division of family resources.

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

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

(m) "EBT contractor" means:

(1) a person;

(2) a firm;

(3) a corporation; or

(4) another entity;

that has a contract with the division, under IC 5-22-17-8, to operate all or any part of an EBT program in Indiana.

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

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

(p) "Intentional program violation" or "IPV" means an action or statement by an individual for:

(1) the purpose of establishing or maintaining eligibility; or

(2) increasing or preventing the reduction of the TANF grant amount;

that is intentionally false or misleading, a misrepresentation, a concealment, or a withholding of facts.

(q) "Investigation" means the actions taken by the division to determine if a family applying for cash assistance is eligible for assistance.

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

(1) a natural parent;

(2) an adoptive parent; or

(3) a blood-related or adoptive sibling.

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- (s) "Minor parent" means an individual who:
 - (1) has not attained eighteen (18) years of age;
 - (2) is not married; and
 - (3) has a minor child in his or her care.
- (t) "Nonparticipating member" means those persons who receive no TANF assistance or refugee assistance, but whose income or needs are considered in determining eligibility for TANF assistance or refugee assistance.
- (u) "Nonrecipient" means a person who is not a recipient.
- (v) "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.
- (w) "Participating in a strike" means engaging in any activity or lack of activity included in the definition of strike in subsection (ff).
- (x) "Participating member" means a person whose needs are considered in determining eligibility for benefits through:
 - (1) the Title IV-A plan; or
 - (2) 45 CFR 400.
- (y) "Participating retailer" means a retailer that:
 - (1) owns or operates an automated teller machine (ATM) or point of sale (POS) terminal; and
 - (2) has a contract with the division or EBT contractor to provide cash assistance to recipients holding EBT cards.
- (z) "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.
- (aa) "Processor" means:
 - (1) a person;
 - (2) a firm;
 - (3) a corporation; or
 - (4) another entity;other than an EBT contractor, that relays electronic transactions between an EBT contractor and a retailer.
- (bb) "Prospective budgeting" means the determination of eligibility based on the best estimate of income and circumstances that will exist in the payment month.
- (cc) "Recipient" means a person who is receiving or is eligible to receive cash assistance, or other services provided under:
 - (1) the Title IV-A plan; or
 - (2) 45 CFR 400;as determined by the division.
- (dd) "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.
- (ee) "Reinvestigation" means the actions taken by the division to determine if a family remains eligible for cash assistance during a semiannual eligibility review.
- (ff) "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.
- (gg) "TANF assistance" means temporary assistance to needy families in the form of monetary payments or other assistance as defined in 45 CFR 260.31 that a recipient is eligible to receive, as determined by the division, in accordance with the Title IV-A plan.
- (hh) "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 10.3-1-1; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA*)

Rule 2. Applicability

470 IAC 10.3-2-1 Date of application

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5; IC 12-14-28-7
Affected: IC 12-14-1-6; IC 12-14-2-1; IC 12-14-2-12

Sec. 1. For the purpose of determining when notice of the decision to grant or deny assistance must be mailed to an applicant for TANF assistance, the date of application is the date on which the signed application is received by the division or the division's designee. *(Division of Family Resources; 470 IAC 10.3-2-1; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA)*

470 IAC 10.3-2-2 Applications and authorized representative

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5; IC 12-14-28-7

Affected: IC 12-14-1-3; IC 12-14-1-6

Sec. 2. (a) Applications filed for a dependent child shall include all:

- (1) mandatory group members currently in the home; and
- (2) 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) An application for cash assistance:

- (1) shall be completed on the form prescribed by the division; and
- (2) must contain the name, address, and signature of the applicant.

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

(e) An applicant may use an authorized representative to:

- (1) apply for cash assistance;
- (2) represent the applicant in all interviews; and
- (3) 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 10.3-2-2; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA)*

470 IAC 10.3-2-3 Investigations

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5; IC 12-14-28-7

Affected: IC 12-14-1-6

Sec. 3. (a) A representative of the applicant or recipient assistance group shall be interviewed by the division or designee at the time of the initial investigation and at each semiannual reinvestigation of eligibility. The interview may be conducted:

- (1) in the division office;
- (2) at a home visit;
- (3) by telephone; or
- (4) at a community location designated by the division or designee.

(b) A representative of the applicant or recipient assistance group shall participate in any interview or reinvestigation required under subsection (a).

(c) The division shall approve or deny the application within thirty (30) days of the date of application. *(Division of Family Resources; 470 IAC 10.3-2-3; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA)*

Rule 3. Nonfinancial Eligibility Requirements

470 IAC 10.3-3-1 Temporary absence from home

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5; IC 12-14-28-7

Affected: IC 12-14-22-12

Sec. 1. A child receiving TANF assistance or the parent or caretaker relative of the 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 10.3-3-1; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA)*

470 IAC 10.3-3-2 Eligibility of noncitizens

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5; IC 12-14-28-7

Affected: IC 12-14-2.5

Sec. 2. (a) Individuals who are not:

(1) citizens of the United States; and

(2) a qualified alien as defined in Section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996;

are ineligible to receive TANF cash assistance benefits.

(b) Individuals who are not citizens of the United States and are a qualified alien as defined in Section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 who meet all other eligibility criteria may be eligible for TANF cash assistance within the limitations set forth in Sections 402 and 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(c) The income and resources of an alien sponsor shall be deemed available to the alien for purposes of determining eligibility for TANF cash assistance benefits as stated in Sections 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. (*Division of Family Resources; 470 IAC 10.3-3-2; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA; errata filed Feb 4, 2008, 10:26 a.m.: 20080213-IR-470070087ACA*)

470 IAC 10.3-3-3 Restriction in payment to households headed by a minor parent

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5; IC 12-14-28-7

Affected: IC 12-13; IC 12-14-1-1.5

Sec. 3. In accordance with the provisions of Section 408(a)(5) of the Social Security Act, which is incorporated by reference in this section, the state restricts payments made to households headed by minor parents as follows:

(1) A minor parent and the dependent child in his or her care must reside in:

(A) the household of a parent, legal guardian, or other adult relative; or

(B) an adult supervised supportive living arrangement;

in order to receive TANF assistance.

(2) The requirement in subdivision (1) does not apply in the following circumstances:

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

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

(C) 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:

(i) birth of the dependent child; or

(ii) parent's having made application for TANF assistance.

(D) 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.

(3) Except as provided in subdivision (2), there are no circumstances justifying a determination of good cause from the requirement in subdivision (1).

(*Division of Family Resources; 470 IAC 10.3-3-3; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA*)

470 IAC 10.3-3-4 Physical custody of children for the purpose of establishing TANF assistance eligibility

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13; IC 12-14-1-1

Sec. 4. A parent or caretaker relative and the dependent child are not eligible for TANF assistance when the physical custody of the dependent child was obtained for the sole purpose of establishing TANF assistance eligibility. (*Division of Family Resources; 470 IAC 10.3-3-4; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA*)

470 IAC 10.3-3-5 Applicant job search

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13; IC 12-14

Sec. 5. (a) At the time of application for assistance, the parent or caretaker must actively seek employment during the application eligibility determination process as described in 470 IAC 10.3-10-1.

(b) Failure to comply with subsection (a) will result in the denial of benefits. *(Division of Family Resources; 470 IAC 10.3-3-5; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA)*

470 IAC 10.3-3-6 Supplemental Security Income recipients

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13; IC 12-14

Sec. 6. (a) Individuals receiving Supplemental Security Income (SSI) are ineligible for assistance under this rule.

(b) SSI recipients' needs shall not be included in the cash assistance eligibility determination nor shall their income and assets be used in the eligibility determination. *(Division of Family Resources; 470 IAC 10.3-3-6; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA)*

470 IAC 10.3-3-7 Foster care and adoption assistance recipients

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13; IC 12-14

Sec. 7. (a) Children receiving adoption or foster care assistance, whether state, federal, or locally funded, are ineligible for assistance under this rule.

(b) The needs of children defined in subsection (a) shall not be included in the cash assistance eligibility determination nor shall their income and assets be used in the eligibility determination. *(Division of Family Resources; 470 IAC 10.3-3-7; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA)*

470 IAC 10.3-3-8 TANF assisted guardianship recipients

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13; IC 12-14

Sec. 8. (a) Children receiving TANF assisted guardianship benefits through the Indiana department of child services are ineligible for assistance under this rule.

(b) The needs of children defined in subsection (a) shall not be included in the cash assistance eligibility determination nor shall their income and assets be used in the eligibility determination. *(Division of Family Resources; 470 IAC 10.3-3-8; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA)*

470 IAC 10.3-3-9 Household members engaged in strike

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13; IC 12-14

Sec. 9. (a) An assistance group is ineligible for assistance under this rule for any month in which a parent residing in the home or the only child in the assistance group is participating in a strike on the last day of the month.

(b) If any other participating member if *[sic, in]* the assistance group is on strike on the last day of the month:

(1) the individual is ineligible for cash assistance for *[sic]* under this rule; and

(2) the striker's needs are not to be included when determining eligibility for the remainder of the assistance group.

(Division of Family Resources; 470 IAC 10.3-3-9; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA)

470 IAC 10.3-3-10 Indiana residency requirements

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13; IC 12-14

Sec. 10. (a) Only families who are residents of Indiana may receive cash assistance under this rule.

(b) "Resident of Indiana" means an individual who is living in Indiana voluntarily with the intention of making a home in Indiana and not for a temporary purpose.

(c) Residence does not depend upon the reason for which the individual entered Indiana except insofar as it may bear upon whether he or she is here voluntarily or for a temporary purpose.

(d) A child is a resident of the state in which the caretaker relative is a resident.

(e) Residents of Indiana who leave the state for shelter from domestic violence are to be considered Indiana residents unless they specifically state that they have no intention of returning to Indiana. (*Division of Family Resources; 470 IAC 10.3-3-10; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA; errata filed Feb 4, 2008, 10:26 a.m.: 20080213-IR-470070087ACA*)

470 IAC 10.3-3-11 Investigations

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-14-8-4

Sec. 11. The county office may conduct further investigations if the:

(1) division requires investigation; or

(2) county office believes further investigation is necessary.

(*Division of Family Resources; 470 IAC 10.3-3-11; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA*)

470 IAC 10.3-3-12 Review of decisions; consideration of applications

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-14-8-3

Sec. 12. The division may do the following:

(1) Review a decision of a county office.

(2) Consider an application upon which a decision has not been made by the county office within a reasonable time.

(*Division of Family Resources; 470 IAC 10.3-3-12; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA*)

Rule 4. Fiscal Eligibility Requirements

470 IAC 10.3-4-1 TANF assistance eligibility test

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13; IC 12-14-2-5.1; IC 12-15

Sec. 1. In determining continuing eligibility for TANF assistance, the division shall use the federal poverty guideline for the family size. Assistance units with earnings and other countable income at least equal to the federal poverty guideline for the family size shall be ineligible for TANF assistance. (*Division of Family Resources; 470 IAC 10.3-4-1; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA*)

470 IAC 10.3-4-2 Real and personal property ownership

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5; IC 12-14-28-7

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

Sec. 2. (a) The following definitions apply throughout this rule:

(1) "Availability" means that the individual has the right, authority, or ability to liquidate:

(A) the property; or

(B) his or her share of the property.

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- (2) "Equity value" means the current market value less the total liens or encumbrances against the property.
- (3) "Liquid assets" means the cash or financial instruments that are convertible into cash.
- (4) "Market value" means the price that the property can reasonably be sold for on the open market.
- (b) The limitations set forth in this rule regarding ownership of real and personal property apply to the determination of eligibility for TANF assistance.
- (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:
 - (1) one thousand dollars (\$1,000) at application; or
 - (2) one thousand five hundred dollars (\$1,500), once eligibility is established.
- (d) The value of the following items of real and personal property is exempt from consideration in determining eligibility for assistance:
 - (1) The home that is the usual residence of the assistance group.
 - (2) Five thousand dollars (\$5,000) 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 disabled person.
 - (4) All household goods and personal effects.
 - (5) Livestock, farm implements, and tools used in the production of:
 - (A) meat;
 - (B) dairy products; and
 - (C) produce;for home consumption.
 - (6) The proceeds, or any interest earned on the proceeds, of casualty insurance received as a result of:
 - (A) damage;
 - (B) destruction;
 - (C) loss; or
 - (D) 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 TANF assistance group.
 - (8) Real property that is for sale is exempt for one (1) six (6) month period beginning from the date of signature on the agreement to sell the property.
 - (9) Individual development accounts (IDAs).
- (e) If the assistance group owns more than one (1) motor vehicle:
 - (1) the equity exclusion shall be applied against the motor vehicle with the highest equity; and
 - (2) 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 that 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 that are not liquid assets are presumed to be proportionately available to each of the joint owners. (*Division of Family Resources; 470 IAC 10.3-4-2; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA*)

470 IAC 10.3-4-3 Standard of need

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5; IC 12-14-28-7

Affected: IC 12-14-2; IC 12-14-2-15

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Sec. 3. The following is the standard of need used to determine eligibility for TANF cash assistance:

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

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

+ \$65 for each additional unit member.

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

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

+ \$65 for each additional unit member.

(Division of Family Resources; 470 IAC 10.3-4-3; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA)

470 IAC 10.3-4-4 Countable income determination

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-14-2

Sec. 4. (a) In addition to the income sources specifically excluded under federal law, the following income is excluded from consideration in determining eligibility and the amount of the assistance payment:

(1) Assistance provided by a township trustee or other agency that provides in-kind assistance based on need through vendor payments.

(2) Nonexempt educational income not:

(A) received directly by; or

(B) made available to;

a member of a TANF group.

(3) A loan for which there is a verified repayment schedule in effect.

(4) Tax refunds.

(5) Home energy assistance administered or funded by the office of the lieutenant governor.

(6) Workforce Investment Act income.

(7) The value of the monthly food stamp allotment.

(8) Contributions from a Supplemental Security Income recipient in the household.

(9) Earned income of a TANF dependent child who is a full-time student.

(10) The first thirty dollars (\$30) of all infrequent and inconsequential contributions received by an individual during a calendar quarter.

(11) The income of a nonparent caretaker who is not included as a member of the assistance group.

(b) When determining eligibility and the amount of the assistance payment, the computations in this subsection shall be made to establish countable gross income for the payment month. Income received other than monthly shall be converted to a monthly amount as follows:

(1) Income received weekly shall be multiplied by four and three-tenths (4.3).

(2) Income received every two (2) weeks shall be multiplied by two and fifteen-hundredths (2.15).

(3) Income received twice per month shall be multiplied by two (2).

(4) Income that is not expected to continue throughout the payment month shall count only to the extent it is anticipated to be received during the payment month.

(5) Income resulting from a contractual agreement shall be prorated over the number of months covered under the contract, and the resultant amount shall be considered available monthly income during these months.

(6) Income received on a quarterly, semiannual, or annual basis shall be divided by the appropriate number of months to establish the monthly amount.

(7) Income received to defray the cost of education shall be prorated over the period intended to be covered by the income.

- (8) Fluctuating income may be averaged to determine a monthly amount.
- (9) The countable self-employment income is determined by subtracting from the total income the deduction listed in clause (A) or (B) as follows, whichever is greater:
 - (A) Deduct forty percent (40%) of the gross income.
 - (B) Deduct actual business expenses as follows when there is proof of such expenses:
 - (i) Wages, commissions, and mandated costs relating to the wages for employees of the self-employed.
 - (ii) The cost of shelter in the form of rent, mortgage, or contract payments, including interest, taxes, and utilities.
 - (iii) The cost of inventory, machinery, and equipment in the form of rent, loans, direct purchase, and contract payments, including the interest on the loans or contract payments.
 - (iv) Insurance on the real and personal property of the business.
 - (v) The cost of repairs on the business equipment or shelter.
 - (vi) The cost of any travel required. If the actual cost cannot be determined, twenty-five cents (\$0.25) per mile shall be used to calculate the expense.
- (c) The following deductions may be applied against an individual's gross countable income to determine eligibility:
 - (1) The first ninety dollars (\$90) of the earned income of:
 - (A) an applicant;
 - (B) a recipient; or
 - (C) a financially responsible adult.
 - (2) Thirty dollars (\$30) of an applicant's or a recipient's earned income remaining after the deduction in subdivision (1) for a period not to exceed twelve (12) consecutive months.
 - (3) One-third (1/3) of the applicant's or recipient's remaining earned income following the deductions in subdivisions (1) and (2) for a period not to exceed four (4) consecutive months.
 - (4) Mandatory deductions withheld from the unearned income of:
 - (A) an applicant;
 - (B) a recipient; or
 - (C) a financially responsible nonrecipient adult.
 - (5) An amount equal to the unmet need, based on the standard of need in section 3 of this rule, of the applicant's or recipient's spouse and their nonrecipient dependent children under eighteen (18) years of age living in the home.
 - (6) An amount equal to the unmet need, based on the standard of need in section 3 of this rule, of the financially responsible adult's nonrecipient dependent children under eighteen (18) years of age living in the home.
 - (7) The actual costs of tuition, mandatory books, fees, and transportation directly associated with education from the nonexempt educational income of an undergraduate student when the individual's exempt educational income is insufficient to meet those expenses.
 - (8) Child support payments for nonrecipient children living outside the home made by the spouse of an applicant or a recipient.
 - (9) Child support payments for nonrecipient children living outside the home made by the nonrecipient parent of a minor applicant or recipient parent or caretaker living in the home.
 - (d) The following deductions may be applied against an individual's gross countable income to determine the amount of TANF assistance:
 - (1) Seventy-five percent (75%) of the earned income received by a recipient.
 - (2) Mandatory deductions withheld from the unearned income of:
 - (A) an applicant;
 - (B) a recipient; or
 - (C) a financially responsible nonrecipient adult.
 - (3) An amount equal to the unmet need, based on the standard of need in section 3 of this rule, of the applicant's or recipient's spouse and their nonrecipient dependent children under eighteen (18) years of age living in the home.
 - (4) An amount equal to the unmet need, based on the standard of need in section 3 of this rule, of the financially responsible adult's nonrecipient dependent children under eighteen (18) years of age living in the home.
 - (5) The actual costs of tuition, mandatory books, fees, and transportation directly associated with education from the nonexempt educational income of an undergraduate student when the individual's exempt educational income is insufficient to meet those expenses.
 - (6) Child support payments for nonrecipient children living outside the home made by the spouse of an applicant or a recipient.

(7) Child support payments for nonrecipient children living outside the home made by the nonrecipient parent of a minor applicant or recipient parent or caretaker living in the home.

(Division of Family Resources; 470 IAC 10.3-4-4; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA)

470 IAC 10.3-4-5 Lump sum payments

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5; IC 12-14-28-7

Affected: IC 12-14

Sec. 5. (a) Money received in the form of a nonrecurring lump sum payment shall be counted as a resource starting in the month received unless specifically excluded under federal law.

(b) Money received in the form of a recurring lump sum payment shall be deemed as unearned income in the month received unless specifically excluded from consideration as income under federal law. *(Division of Family Resources; 470 IAC 10.3-4-5; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA; errata filed Feb 4, 2008, 10:26 a.m.: 20080213-IR-470070087ACA)*

Rule 5. Payment of Assistance/EBT

470 IAC 10.3-5-1 Payment of assistance

Authority: IC 12-13-14-2; IC 12-14-28-7

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

Sec. 1. (a) TANF assistance shall only be awarded to an eligible dependent child less than 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) As provided in either of the following, a benefit shall be issued by the auditor of state's office to the recipient as follows:

(1) 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.

(2) If the division determines that the:

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

(B) 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 auditor of state or other entity designated by the division to issue warrants to eligible recipients.

Warrants will be issued under 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 under 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 may be made to an individual other than the eligible recipient when the recipient payee:

- (1) exhibits a clear inability to manage money; or
- (2) makes a written request for protective payment.

(g) If the recipient is eligible to receive food stamp assistance under 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 10.3-5-1; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA)*

470 IAC 10.3-5-2 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) When recovery of an incorrect payment is made from a recipient's TANF assistance payment, the assistance unit shall retain in the payment month an amount equal to ninety percent (90%) of the amount of the TANF assistance payable to a family of the same size that has no income.

(b) Good cause for an alien sponsor's failure to provide correct information regarding his or her income and resources is limited to the legal incompetence of the sponsor at the time the information was provided to the county department. "Alien sponsor" has the meaning set forth in 45 CFR 400.

(c) When:

(1) an underpayment of benefits to a unit has been established; and

(2) a member of the unit is obligated to repay TANF benefits that were issued to him or her in error;

the amount of the underpaid benefit total shall be credited against the TANF indebtedness before any monies are paid directly to the unit as a result of the underpayment. *(Division of Family Resources; 470 IAC 10.3-5-2; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA; errata filed Feb 4, 2008, 10:26 a.m.: 20080213-IR-470070087ACA)*

470 IAC 10.3-5-3 Replacement of lost or stolen EBT 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 10.3-5-3; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA)*

470 IAC 10.3-5-4 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:

(A) the auditor of state to issue a stop payment order; and

(B) a replacement warrant;

within two (2) working days of the notification from the recipient of loss or theft.

(2) Inform the recipient of the following:

(A) That he or she must complete and sign an affidavit at the county office before a replacement warrant will be issued or delivered.

(B) That failure to execute the affidavit immediately will delay issuance of the replacement warrant.

(C) 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 10.3-5-4; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA)

470 IAC 10.3-5-5 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 the following:

- (1) A time schedule during which a recipient may withdraw available assistance through the EBT program.
- (2) Times when available assistance that the recipient has not withdrawn will be suspended or expunged.
- (b) The county office will notify recipients of:
 - (1) the time and procedure for suspension or expungement of available assistance;
 - (2) any retention of available assistance off-line; and
 - (3) 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 10.3-5-5; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA*)

470 IAC 10.3-5-6 Participation of retailers and processors in EBT 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 not be a facility or establishment that is described in IC 12-13-14-4.5(c).

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

(d) Each contract:

- (1) shall be in a form approved by the division as a standard contract for a participating retailer or processor; and
- (2) 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 10.3-5-6; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA*)

470 IAC 10.3-5-7 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:

- (1) upon receipt of notice of termination; or
- (2) at any later time stated in the notice.

(b) A retailer or processor does not have a property interest in any contract for distribution of cash assistance under 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 under 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 10.3-5-7; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA*)

470 IAC 10.3-5-8 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:

(1) be posted in a prominent location not more than eighteen (18) inches from the ATM or POS terminal; and
(2) 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:

(A) office;

(B) agency;

(C) unit;

(D) body;

(E) officer;

(F) employee; or

(G) 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 10.3-5-8; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA)

470 IAC 10.3-5-9 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:

(1) established;

(2) reviewed; and

(3) 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 under 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 10.3-5-9; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA)*

470 IAC 10.3-5-10 Time limited benefits

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13; IC 12-14-2-5.1; IC 12-14-2-5.2

Sec. 10. (a) The receipt of TANF assistance shall be limited to a total of sixty (60) months as defined in Section 408(a)(7) of the Social Security Act.

(b) The receipt of TANF assistance shall be limited to a total of twenty-four (24) months for adults who are not exempt from the IMPACT program.

(c) Assistance received by adults who were subject to time limited benefits prior to implementation of this rule shall be counted

towards the twenty-four (24) month time limit.

(d) An extension of the twenty-four (24) month time limit shall be granted, in any of the following circumstances, to an individual who has cooperated with program requirements and who has substantially complied with the requirements of their self-sufficiency or employability plan:

(1) The division substantially failed to provide the services specified in the individual's self-sufficiency or employability plan.

(2) The director of the division or designee makes a determination that there are other unique circumstances, such as the adverse effects of a natural disaster or other catastrophic event beyond the control of the individual, that temporarily prevent the individual from obtaining or retaining employment.

(e) Individuals may earn one (1) month of assistance for every six (6) consecutive months of full-time unsubsidized employment or self-employment since the date of application for assistance. The following apply:

(1) For this section, full-time employment for employed individuals is as defined by the employer.

(2) For this section, full-time employment for self-employed individuals is defined as working an average of thirty-five (35) hours at minimum wage. To determine if the self-employed individual meets the thirty-five (35) hour requirement, the division shall:

(A) calculate the individual's countable self-employment income as outlined in 470 IAC 10.3-4-4(b)(9); and

(B) divide the income by the federal minimum wage.

(3) To qualify for credit under this subsection, a person must:

(A) contact the division claiming to have earned a credit; and

(B) provide documentation for the periods of employment.

(4) A month that a recipient was ineligible for cash assistance benefits due to serving a sanction for not cooperating with IV-D or IMPACT is not considered a month of consecutive full-time employment for purposes of calculating the entitlement to additional months.

(5) An individual may not retain credit for more than twenty-four (24) months of TANF assistance at any one (1) time.

(Division of Family Resources; 470 IAC 10.3-5-10; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA)

Rule 6. Burial Expenses

470 IAC 10.3-6-1 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 TANF assistance is that person for whom the recommendation to grant assistance:

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

(2) 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:

(A) is the cemetery representative; or

(B) 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.

(Division of Family Resources; 470 IAC 10.3-6-1; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA)

Rule 7. Fraud Control Program

470 IAC 10.3-7-1 Program established

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13; IC 12-14

Sec. 1. The state will operate a TANF cash assistance fraud control program. (*Division of Family Resources; 470 IAC 10.3-7-1; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA*)

470 IAC 10.3-7-2 TANF assistance fraud penalty

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13; IC 12-14

Sec. 2. The disqualification penalties under the state's TANF assistance fraud control program are as follows:

(1) An individual found to have committed an IPV by an administrative disqualification hearing will be ineligible:

- (A) for six (6) months for the first offense;
- (B) for twelve (12) months for the second offense; and
- (C) permanently for a third offense.

(2) An individual convicted in a state or federal court of a misdemeanor of having committed fraud for the purposes of establishing or maintaining eligibility or increasing benefits under TANF assistance will be ineligible for TANF assistance:

- (A) for twelve (12) months for the first and second offense; and
- (B) permanently for a third offense.

(3) If the conviction is a felony, the individual shall be ineligible for TANF assistance:

- (A) for ten (10) years for the first and second offenses; and
- (B) permanently for a third offense.

(*Division of Family Resources; 470 IAC 10.3-7-2; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA*)

Rule 8. Sanctions/Penalties

470 IAC 10.3-8-1 Sanctions for noncompliance with child support enforcement

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5; IC 12-14-28-7

Affected: IC 12-14-1-5; IC 12-14-2-24; IC 12-14-7

Sec. 1. (a) Noncompliance with the IV-D child support program, without good cause, shall result in the disqualification of the family from the cash assistance program.

(b) An individual's failure to comply is considered to have ceased when the IV-D agency has determined the applicant or recipient to be in compliance.

(c) If the required child support action would result in harm or threat of harm to the parent or dependent child, then good cause for failure to comply with the requirements of this section is shown. (*Division of Family Resources; 470 IAC 10.3-8-1; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA*)

470 IAC 10.3-8-2 Penalty for voluntary termination of employment

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13; IC 12-14-2-20

Sec. 2. (a) The amount of TANF assistance benefits for an applicant or recipient family, which includes an individual:

- (1) whose needs and income are considered in determining TANF assistance eligibility; and
- (2) who has, without good cause, voluntarily reduced hours of employment or quit a job of twenty (20) hours or more per week during the six (6) month period immediately preceding the date of application for TANF assistance or at any time thereafter;

shall be calculated without consideration of the needs of that individual for a period of six (6) months from the date the individual quit or had a reduction in earnings.

(b) As used in this section, "good cause" means any of the following:

(1) A substantiated incident of discrimination by any employer based on:

- (A) age;
- (B) race;
- (C) sex;
- (D) color;
- (E) handicap;
- (F) religious beliefs;
- (G) national origin;
- (H) political beliefs; or
- (I) marital status.

(2) Work demands or conditions that render continued employment financially unacceptable, such as working without being paid on schedule.

(3) Leaving a job in connection with patterns of employment in which workers frequently move from one (1) employer to another, such as:

- (A) migrant farm labor; or
- (B) construction work.

(4) The individual quit to accept a bona fide job offer, which would result in increased earnings or benefits, with the approval of the division or designee.

(5) The individual was unable to obtain or maintain necessary care for:

- (A) a dependent minor child; or
- (B) an incapacitated adult;

residing in the home.

(6) The employment site violates applicable state or federal health and safety standards.

(Division of Family Resources; 470 IAC 10.3-8-2; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA; errata filed Feb 4, 2008, 10:26 a.m.: 20080213-IR-470070087ACA)

470 IAC 10.3-8-3 Sanctions for noncompliance with IMPACT

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-14-5

Sec. 3. (a) Noncompliance with the provisions of the IMPACT employment and training requirements, without good cause, shall result in the disqualification of the family from the cash assistance program.

(b) Good cause for failure to comply with the requirements of this section shall be limited to the following:

(1) The required actions were beyond the capability of the individual to perform.

(2) The agency failed to provide the services needed by the individual to perform the required action.

(Division of Family Resources; 470 IAC 10.3-8-3; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA)

Rule 9. Personal Responsibility Agreement

470 IAC 10.3-9-1 Personal responsibility agreement

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13; IC 12-14-2-21

Sec. 1. (a) Each parent or caretaker relative shall sign a personal responsibility agreement that sets forth in writing the self-sufficiency activities for the assistance group.

(b) TANF assistance benefits shall be reduced by ninety dollars (\$90) per month for a parent or caretaker relative's failure or refusal, without good cause, to sign a personal responsibility agreement.

(c) As used in this section, "good cause" means that the individual:

- (1) is determined to be mentally incompetent by a licensed mental health professional; and
- (2) does not understand the requirements of the personal responsibility agreement.

(Division of Family Resources; 470 IAC 10.3-9-1; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA)

470 IAC 10.3-9-2 Family benefit cap

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13; IC 12-14-2-5.3; IC 12-14-2-21; IC 35-42-4-3

Sec. 2. (a) No additional TANF assistance shall be issued due to the birth of a child when the birth occurs more than ten (10) calendar months after the date of authorization for TANF assistance, except as specified in this section.

(b) The benefit cap shall not apply:

(1) when the additional child was conceived as a result of incest or rape that:

(A) would be considered a crime under state law or conduct that is a crime under IC 35-42-4-3; and

(B) is verified by physician statement or police records;

(2) to children who are the firstborn (including all children in the case of a multiple birth) of minors included in a TANF assistance group who become first-time minor parents; or

(3) to a child who:

(A) does not reside with his or her parent;

(B) was conceived in a month the family was not receiving TANF assistance; or

(C) has a substantial physical or mental disability.

(c) The additional child and any mandatory members shall be:

(1) included in the need standard for purposes of determining TANF assistance eligibility; and

(2) considered TANF assistance recipients and eligible for Medicaid.

In determining the TANF assistance payment for a family, the needs and income of the additional child and any additional individuals who were not in the assistance unit at the time of the additional child's birth and would not have been included in the assistance unit at the time of the child's birth had the child not been born will not be considered. *(Division of Family Resources; 470 IAC 10.3-9-2; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA)*

470 IAC 10.3-9-3 Immunization requirement

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13; IC 12-14-2-21

Sec. 3. (a) At:

(1) the next scheduled redetermination of eligibility following the authorization of initial eligibility for TANF assistance; and

(2) each subsequent redetermination of eligibility;

it shall be verified that all children who are TANF assistance recipients have received their childhood immunizations as recommended by the American Academy of Pediatrics.

(b) If the parent or caretaker relative fails or refuses to comply with the immunization requirements, the division shall review the circumstances to determine whether a fiscal penalty under subsection (c) should be imposed. A fiscal penalty shall not be imposed until:

(1) the reason for the failure to comply has been identified; and

(2) any barriers to compliance have been addressed.

(c) TANF assistance benefits shall be reduced by ninety dollars (\$90) per month for a parent or caretaker relative's failure or refusal, without good cause, to comply with the requirements of this section.

(d) As used in this section, "good cause" means the recipient:

(1) refuses to have a child immunized because of religious beliefs; or

(2) has documented medical evidence from a licensed health care professional that an immunization is not available or appropriate for a child.

(e) Fiscal penalties imposed under subsection (c) shall cease when the division receives verification that the required immunizations have been received. *(Division of Family Resources; 470 IAC 10.3-9-3; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA)*

470 IAC 10.3-9-4 School attendance requirement

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13; IC 12-14-2; IC 20-33-2-46

Sec. 4. (a) If a child who is a TANF assistance recipient has more than three (3) unexcused absences as defined by the school district during a semester or grading period, an evaluation of the circumstances shall be completed to determine the reasons for the child's nonattendance. A written plan shall be developed that is designed to:

- (1) remedy the child's attendance problems;
- (2) establish milestones for attendance; and
- (3) redress problems associated with an inadequate level of attendance.

(b) If the parent or caretaker relative fails or refuses, without good cause, to:

- (1) comply with the written plan developed under subsection (a); or
- (2) consent to the release of school attendance information when the consent is required to obtain school attendance information;

the TANF assistance benefit shall be reduced by an amount equal to removing the needs of the parent or caretaker in the calculation of the TANF assistance payment until compliance.

(c) If the:

- (1) parent or caretaker relative has cooperated in the plan developed under subsection (a); and

- (2) child's attendance in any subsequent semester or grading period is not at an adequate level;

the family's TANF assistance grant shall be reduced by an amount equal to removing the needs of the relevant child until the end of the semester or grading period.

(d) If the:

- (1) parent or caretaker relative fails or refuses to cooperate in the plan developed under subsection (a); and

- (2) child does not meet the attendance standard;

the TANF assistance benefit shall be reduced by an amount equal to removing the needs of the parent or caretaker relative and the child.

(e) As used in this section, "good cause" means any of the following:

(1) The:

- (A) child's absence is due to behavioral problems that are being monitored by the school or other treatment professional; and

- (B) parent is complying with a plan established by a recognized treatment professional;

but the child is suspended or expelled and no alternative education situation exists for the child as confirmed by the school counselor.

(2) The child has a physical or mental condition as determined by a licensed health care professional, consistent with IC 20-33-2-46, that, as confirmed by the school, prohibits the child from integrating into the normal school environment and there is no alternative educational situation for the child.

(3) The actions required of the parent or caretaker relative under subsection (a) were beyond the capability of the parent or caretaker relative.

(4) The division did not provide the services needed in order for the parent or caretaker relative to perform the required actions.

(Division of Family Resources; 470 IAC 10.3-9-4; filed Oct 31, 2007, 9:57 a.m.; 20071128-IR-470070087FRA)

470 IAC 10.3-9-5 Requirement for a safe secure home

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13; IC 12-14-2-21

Sec. 5. (a) Recipients shall raise their children in a safe, secure home.

(b) As used in this section, "safe, secure home" means that the home is free of substantiated:

- (1) domestic violence; or
- (2) incidents of child abuse or neglect.

(c) Failure or refusal, without good cause, to comply with counseling or other actions determined to be appropriate related to instances of substantiated child abuse or neglect or domestic violence shall result in the imposition of a fiscal penalty of ninety dollars

(\$90) per month until compliance.

(d) As used in this section, "good cause" means either of the following:

(1) The required actions were beyond the capability of the individual to perform.

(2) The agency did not provide the services needed by the individual to perform the required actions.

(Division of Family Resources; 470 IAC 10.3-9-5; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA)

470 IAC 10.3-9-6 Prohibition on use of illegal drugs

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-13; IC 12-14-2-21

Sec. 6. (a) Recipients shall not use illegal drugs or abuse other substances that would interfere with their ability to be self-sufficient.

(b) Individuals found out of compliance with this section shall be referred to a state-approved alcohol and drug addiction service provider for an assessment and treatment recommendation.

(c) Failure or refusal, without good cause, to comply with a treatment program, as recommended by the addiction service provider, shall result in the imposition of a fiscal penalty of ninety dollars (\$90) per month until compliance.

(d) As used in this section, "good cause" means either of the following:

(1) The required actions were beyond the capability of the individual to perform.

(2) The agency or addiction service provider did not provide the services needed by the individual to perform the required actions.

(Division of Family Resources; 470 IAC 10.3-9-6; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA)

Rule 10. Employment and Training

470 IAC 10.3-10-1 Applicant and recipient IMPACT responsibilities

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-13-7-5; IC 12-14-28-7

Affected: IC 12-14-5

Sec. 1. (a) The requirements of this rule apply to the TANF assistance program.

(b) The IMPACT program provides the following employment and training activities:

(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 twelve (12) months. Educational placement is to emphasize vocational skills in a course of study that has the greatest possibility for job placement immediately upon completion. Educational placement must be consistent with the comprehensive assessment completed on the recipient.

(c) The IMPACT program shall be operational statewide.

(d) All:

(1) applicants for; and

(2) recipients of;

TANF assistance must comply with the requirements of this section.

(e) Unless exempted under subsection (f), the following participating members of a TANF assistance group are required to

participate in the IMPACT program:

- (1) Caretaker relatives.
- (2) Individuals who are at least sixteen (16) years of age.
- (f) The following are exempt from participating in the IMPACT program:
 - (1) Individuals under sixteen (16) years of age.
 - (2) Individuals in their third trimester of pregnancy.
 - (3) Individuals responsible for the care for a child under twelve (12) weeks of age.
 - (4) Individuals receiving:
 - (A) Supplemental Security Income (SSI);
 - (B) Social Security Disability Assistance (SSDA); or
 - (C) other assistance due to disability.
 - (5) Individuals eligible for Medicaid for the disabled or blind.
 - (6) SSI application process.
 - (7) Individuals sixteen (16) or seventeen (17) years of age who are:
 - (A) full-time students, as defined by the school, attending secondary or elementary school; and
 - (B) not a minor parent TANF head of household.
 - (8) Individuals at least sixty (60) years of age.
- (g) All applicants of TANF assistance who are required to participate will be:
 - (1) referred to IMPACT; and
 - (2) required to participate in:
 - (A) orientation;
 - (B) assessment; and
 - (C) job search;

activities as a condition of eligibility.

(h) All recipients of TANF assistance who are required to participate in 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.

(i) The following actions constitute failure to cooperate with any of the TANF assistance program provisions administered through IMPACT:

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

(j) An individual's failure to cooperate is considered to have ceased when the participant:

- (1) accepts employment of at least thirty (30) hours per week at minimum wage; or
- (2) agrees to participate in the program by completing the assigned activity or attending the assigned activity for two (2) weeks.

(k) An individual may be temporarily excused from activities with good cause. Good cause for failure to cooperate with any of the TANF assistance program provisions administered through IMPACT shall be limited to the following reasons:

- (1) The required actions were beyond the capability of the individual to perform.
- (2) The agency did not provide the services needed by the individual to perform the required actions.
- (l) Participants who fail to cooperate will be subject to the program penalties specified in 470 IAC 10.3-8-3.

(m) 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 470 IAC 10.3-11-1. (*Division of Family Resources; 470 IAC 10.3-10-1; filed Oct 31, 2007,*

9:57 a.m.: 20071128-IR-470070087FRA; errata filed Feb 4, 2008, 10:26 a.m.: 20080213-IR-470070087ACA)

Rule 11. Appeals; Confidentiality

470 IAC 10.3-11-1 Appeals

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-14-8-1

Sec. 1. If:

(1) an application is:

(A) not acted upon by the division within a reasonable time after the filing of the application; or

(B) denied; or

(2) assistance previously granted is modified or revoked;

the applicant may appeal to the division in the manner and form required by the division. (*Division of Family Resources; 470 IAC 10.3-11-1; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA*)

470 IAC 10.3-11-2 Hearing on appeal

Authority: IC 12-13-2-3; IC 12-13-5-3; IC 12-14-28-7

Affected: IC 12-14-8-2

Sec. 2. The division shall, upon receipt of an appeal, give the applicant an opportunity for a fair hearing. (*Division of Family Resources; 470 IAC 10.3-11-2; filed Oct 31, 2007, 9:57 a.m.: 20071128-IR-470070087FRA*)

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