
TITLE 470 DIVISION OF FAMILY RESOURCES

Notice of First Public Comment Period
LSA Document #24-219

TANF 2024

PURPOSE OF NOTICE

The Division of Family Resources (DFR) is soliciting public comment on amending rules at [470 IAC 10.3](#) concerning temporary assistance for needy families (TANF). The DFR seeks comment on the affected citations listed and any other provisions of Title 470 that may be affected by this rulemaking.

ADDITIONAL DOCUMENTS

Regulatory Analysis: [20240703-IR-470240219RAA](#)
Notice of Public Hearing: [20240703-IR-470240219PHA](#)

CITATIONS AFFECTED: [470 IAC 10.3-2-2](#); [470 IAC 10.3-4-2](#); [470 IAC 10.3-4-3](#)

AUTHORITY: [IC 12-13-2-3](#); [IC 12-13-5-3](#); [IC 12-14-28-7](#)

OVERVIEW

Basic Purpose and Background

The DFR is amending rules by updating language to comply with the amendments to [IC 12-14-1-1](#), [IC 12-14-1-1.7](#), and [IC 12-14-2-1](#) under Senate Enrolled Act 265-2023. The proposed rule will increase eligibility for the TANF program.

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Dave Smalley
Indiana Family and Social Services Administration
Division of Family Resources
Indiana Government Center South
402 West Washington Street, Room W392
Indianapolis, IN 46204
(317) 232-2010
david.smalley@fssa.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

Matthew Jaworowski
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 650-0126
majaworowski@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-6](#), specifically [IC 5-28-17-6\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

REQUEST FOR PUBLIC COMMENTS

The DFR is soliciting public comment on the proposed rule. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:

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Amanda DeRoss
Indiana Family and Social Services Administration
Office of General Counsel
Indiana Government Center South
402 West Washington Street, Room W451
Indianapolis, IN 46204

- (2) By electronic mail to fsarulecomments@fssa.in.gov. To confirm timely delivery of submitted comments,

please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will not be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

(3) Attend scheduled public hearing.

COMMENT PERIOD DEADLINE

All comments must be postmarked or time stamped not later than August 2, 2024.

The rule, Regulatory Analysis, appendices referenced in the Regulatory Analysis, and materials incorporated by reference (if applicable) are on file at the Family and Social Services Administration, 402 West Washington Street, Room W451, Indianapolis, Indiana and are available for public inspection. Copies of the rule, Regulatory Analysis, and appendices referenced in the Regulatory Analysis are available at the Family and Social Services Administration office.

If the DFR does not receive substantive comments during the public comment period or public hearing, the rule may be adopted with text that is the same as or does not substantially differ from the text of the proposed rule published in this notice.

PROPOSED RULE

SECTION 1. [470 IAC 10.3-2-2](#) IS AMENDED TO READ AS FOLLOWS:

[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~~ **or a pregnant woman must** include all:

- (1) mandatory group members currently in the home; and
- (2) future mandatory members in the home without requiring additional applications.

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

(c) An application for cash assistance **must**:

- (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~~ **is not be acted upon** ~~accepted~~ 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](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#))

SECTION 2. [470 IAC 10.3-4-2](#) IS AMENDED TO READ AS FOLLOWS:

[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 12-14-1-1](#); [IC 12-14-2-1](#); [IC 30-2-10](#)

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

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

- (A) the property; or
- (B) ~~his or her~~ **their** share of the property.

(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~~ **in determining** 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:~~ **exceeds:**

(1) one thousand dollars (\$1,000) at application; or

(2) ~~one thousand five hundred dollars (\$1,500);~~ once eligibility is established, **the amount set forth in [IC 12-14-1-1\(b\)](#).**

(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)~~ **The amount** of equity in ~~one (1)~~ motor vehicle **vehicles set forth in [IC 12-14-2-1\(b\)\(3\)](#).**

(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~~ **after** the date of signature on the agreement to sell the property.

(9) Individual development accounts. ~~(IDAs).~~

(10) 529 College ~~Saving~~ **Savings** Plans.

(11) Coverdell Education Savings Accounts.

(e) If ~~the~~ **an** assistance group owns more than one (1) motor vehicle:

(1) the equity exclusion ~~shall be~~ **is** applied against the motor vehicle with the highest equity; and

(2) no equity exclusion ~~shall be~~ **is** 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: **owner.**

(Division of Family Resources; [470 IAC 10.3-4-2](#); filed Oct 31, 2007, 9:57 a.m.: [20071128-IR-470070087FRA](#); filed Jul 5, 2011, 1:36 p.m.: [20110803-IR-470100244FRA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#))

SECTION 3. [470 IAC 10.3-4-3](#) IS AMENDED TO READ AS FOLLOWS:

[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 12-14-1-1.7](#); [IC 12-14-2-15](#)

Sec. 3. **(a) Prior to June 30, 2025**, 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 \$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 that 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.

(b) Eligibility determinations after June 30, 2025, and before July 1, 2027, are referenced in [IC 12-14-1-1.7\(b\)](#).

(c) Eligibility determinations after June 30, 2027, are referenced in [IC 12-14-1-1.7\(c\)](#).

(Division of Family Resources; [470 IAC 10.3-4-3](#); filed Oct 31, 2007, 9:57 a.m.: [20071128-IR-470070087FRA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#))

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