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TITLE 470 DIVISION OF FAMILY AND CHILDREN

LSA Document #00-79

October 27, 2000

Chairman
c/o George Angelone
Administrative Rules Oversight Committee
302 Statehouse
Indianapolis, Indiana 46204
RE: 470 IAC 14-3-12; LSA Doc. #00-79

Dear Mr. Chairman:

The Family and Social Services Administration Committee adopted this proposed rule, 470 IAC 1-3-12, on September 12, 2000. It was adopted by the Director of the Division of Family and Children on August 30, 2000, following approval by the State Budget Agency on August 7, 2000. Currently, the rule is at the Attorney General's office for review and approval.

The Division of Family and Children (DFC) is providing this written notification to the committee to explain why this rule could not comply with the timeframe specified in IC 4-22-2-19(c)(1). Under IC 4-22-2-19, promulgation of rules requires beginning the rulemaking process within 60 days of the enactment of statutory authority unless an exception applies. IC 4-22-2-19(a)(2) excepts rules from the application of the 60 day requirement if they are amending existing rules. Our proposed rule does not fall under this exception as the proposed rule is a new rule, not an amendment, although the effect is to amend the current rules.

Statutory authority for adoption of a rule by FSSA and DFC has been in place for many years. IC 12-8-1-7; IC 12-8-1-9; IC 12-13-2-3; IC 12-13-5-3. For this rule, the rulemaking process did not begin within 60 days of the effective date of the statutory authority because it was adopted under the division's general statutory authority to adopt rules, not under a particular statute which required rules to be adopted. The division's rulemaking was undertaken when a need was established for a change in the current rule. Research revealed that the current methods of calculating benefits impeded families from achieving independence. The new rule is intended to encourage adults to seek and maintain employment and to facilitate financial stability for families both receiving assistance and transitioning from assistance.

While the division believes that the circumstances of the adoption of this rule do not fall within the intent of IC 4-22-2-19, the division is providing this written notification to the committee explaining why this rule could not be adopted within the timeframe specified in IC 4-22-19.

Sincerely,

Lynne E. Arrowsmith
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