

Document: Proposed Rule

Source: August 1, 2001, Indiana Register, Volume 24, Number 11

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TITLE 470 DIVISION OF FAMILY AND CHILDREN

Proposed Rule

LSA Document #01-174

DIGEST

Adds 470 IAC 10.2 to establish and regulate the short term empowerment process (STEP), which will provide voucher assistance to families who are experiencing an employment crisis and who are not receiving temporary assistance to needy families (TANF). The purpose of STEP is to assist such families during a crisis in order to avoid the need for long term TANF assistance. 470 IAC 10.2 will define terms and funding, establish eligibility guidelines, and proscribe the requirements for administration of STEP by local offices of family and children. Effective 30 days after filing with the secretary of state.

470 IAC 10.2

SECTION 1. 470 IAC 10.2 IS ADDED TO READ AS FOLLOWS:

ARTICLE 10.2. SHORT TERM EMPOWERMENT PROCESS

Rule 1. Definitions; Purpose; Applicability

470 IAC 10.2-1-1 Definitions

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

Affected: IC 12-7-2; IC 12-13-14-1

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) “Dependent child” means a child under eighteen (18) years of age who meets the conditions of 45 CFR 233.90, as revised and effective on October 1, 1991 (not including tertiary Code of Federal Regulations citations resulting therefrom) or 45 CFR 233.100, as revised and effective on October 1, 1991 (not including tertiary Code of Federal Regulations citations resulting therefrom).

(c) “Division” means the division of family and children.

(d) “Indiana manpower placement and comprehensive training program (IMPACT)” means the employment and training program administered by the division.

(e) “Local office” refers to the local county office of the division.

(f) “STEP” refers to the short term empowerment process.

(g) “Temporary assistance to needy families (TANF)” refers to the program established under Title IV-A of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) in which states will:

- (1) provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;
- (2) end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage; and
- (3) prevent and reduce the incidence of out-of-wedlock pregnancies and encourage the formation and maintenance of two (2) parent families.

(Division of Family and Children; 470 IAC 10.2-1-1)

470 IAC 10.2-1-2 Purpose and applicability

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

Affected: IC 12-13

Sec. 2. (a) STEP is designed to provide services to families that are in an employment crisis. An employment crisis is defined as the:

- (1) client is in imminent danger of losing current employment unless a specific need or issue is met or resolved; or**
 - (2) inability to accept a bona fide offer of new employment (as confirmed by the prospective employer);**
- unless a specific need or issue is met or resolved.**

(b) It is not the intent of STEP to meet all of a family's needs. Community and agency collaboration must be enhanced to ensure that proper referrals are made in regard to issues such as domestic violence and child support, as well as children's needs not covered by the division, and any other issues that would be identified in the assessment process.

(c) STEP services are limited in the county by the available program funding. Once the funding level for the program is approved, the local office is expected to provide services within existing funding to all eligible families on a first come, first served basis. New applications can be approved until the funding appropriation is obligated. Once program funding is obligated, applications are to be denied. (Division of Family and Children; 470 IAC 10.2-1-2)

Rule 2. Statewide Eligibility Requirements and Benefit Delivery

470 IAC 10.2-2-1 Eligibility requirements

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

Affected: IC 12-13

Sec. 1. (a) The applicant must have a dependent child under eighteen (18) years of age, as defined in 470 IAC 10.2-1-1(b), living with them.

(b) The family's gross income must be between one hundred percent (100%) and two hundred fifty percent (250%) of the federal poverty level dependent upon each local office service plan. Each local office may determine the percent of poverty level, within this range, to be used in that county. The local office will be consistent in the use of this level and consistent in the determination of income.

(c) Individuals receiving TANF benefits are not eligible for STEP as these individuals are eligible to receive supportive services well in excess of that offered by STEP in order to avert an employment crisis.

(d) There is a one thousand five hundred dollar (\$1,500) maximum benefit provided per family per twelve (12) month period. This period starts when the first STEP benefit is approved.

(e) The determination of eligibility will be made and benefits will be paid within the thirty (30) day period from the date of application, but may address the needs of the family for a period of up to one hundred twenty (120) days. (Division of Family and Children; 470 IAC 10.2-2-1)

470 IAC 10.2-2-2 Benefit delivery

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

Affected: IC 12-13

Sec. 2. (a) Benefits are to be paid directly to vendors in the community who provide the goods and/or services to the applicant parent/caretaker. Under no circumstance is payment to be made directly to the parent/caretaker.

(b) The following services are available and may be paid through STEP:

- (1) Auto repair.**
- (2) Transportation and transportation-related expenses.**
- (3) Clothing, uniforms, and shoes.**
- (4) Shelter and shelter-related expenses.**

- (5) Tools and equipment.
- (6) Utility and telephone expenses.
- (7) Books and manuals.
- (8) Nonmedical health, hygiene, and personal needs.
- (9) Union dues and professional license fees.

(c) The following services are not to be provided through STEP:

- (1) Medical services.
- (2) Project contingency fees.
- (3) Political activities.
- (4) Religious activities.
- (5) Fines.
- (6) Taxes.
- (7) General government expenses.
- (8) Child care.
- (9) Construction or purchase of home or business improvements.
- (10) Operation and maintenance expenses associated with public facilities or services.
- (11) Purchase of automobiles.
- (12) Other goods or services that cannot reasonably be expected to help the individual maintain or accept an offer of employment.

(Division of Family and Children; 470 IAC 10.2-2-2)

Rule 3. Local Office STEP Plan

470 IAC 10.2-3-1 Local office STEP plan

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

Affected: IC 12-13

Sec. 1. (a) This written document, local office STEP plan, is to be completed by each of the ninety-two (92) local offices. This plan must address the following elements:

- (1) Planning process.
- (2) Eligibility requirements.
- (3) Benefits/assessment tool, including a description of goods and services that will be available.
- (4) Outreach, including a description of how potential users will be informed of the availability of program.
- (5) Program notification, including a description of the notices used to inform applicants of eligibility and appeal rights.
- (6) Interface with existing programs, which indicate how access to the food stamp program, hoosier healthwise, and child health insurance program will be encouraged, plus how plan interfaces with existing community services.

(b) The plan is to be submitted for approval by the division director at least forty-five (45) days prior to the proposed implementation date. Certification of the plan is conditioned upon receipt of the plan, which completely and comprehensively addresses the local office's STEP.

(c) This plan will serve to provide program and process descriptions for purposes of audit, appeals, and general public information. Therefore, amendments to the STEP plan should be submitted to the IMPACT program manager prior to implementation.

(d) The assessment tool, as developed by each local office, is submitted with the STEP plan and serves as the application for STEP services.

(e) The action plan, as developed by each local office, is submitted with the STEP plan and serves as the client notice.

(f) The local office case record should contain the assessment tool, action plan, and all other documentation/verifications surrounding the case, including verification of the employment and supportive services.

(g) Each local office is responsible for establishing verification requirements in order to reflect a clear and direct connection

to the employment crisis and the services needed. *(Division of Family and Children; 470 IAC 10.2-3-1)*

Rule 4. Appeals

470 IAC 10.2-4-1 Appeals

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

Affected: IC 12-13

Sec. 1. Individuals may appeal any action regarding the delay or denial of benefits under this program. Individuals who wish to appeal may request a fair hearing. The hearing process for STEP is the same as for any other appeal under the division's rule concerning administrative appeal at 470 IAC 1-4. *(Division of Family and Children; 470 IAC 10.2-4-1)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on August 24, 2001 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 2, Indianapolis, Indiana the Division of Family and Children will hold a public hearing on proposed new rules to establish standards for the short term empowerment process.

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W392 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

James Hmurovich
Director
Division of Family and Children