

TITLE 470 DIVISION OF FAMILY RESOURCES

Proposed Rule
LSA Document #23-372

DIGEST

Amends [470 IAC 10.3-8-3](#) and [470 IAC 10.3-10-1](#) to add new exemption criteria to the TANF program in compliance with the passage of House Enrolled Act 1410 in the 2022 legislative session. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[470 IAC 10.3-8-3](#); [470 IAC 10.3-10-1](#)

SECTION 1. [470 IAC 10.3-8-3](#) IS AMENDED TO READ AS FOLLOWS:

[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 12-8-12-8](#); [IC 12-14-5](#)

Sec. 3. (a) Individuals failing to cooperate with the provisions of the IMPACT employment and training requirements without good cause, and their families, will be disqualified from the cash assistance program as follows:

- (1) First violation: The later of the date they comply or one (1) month.
- (2) Second violation: The later of the date they comply or three (3) months.
- (3) Third violation: Ineligible for life.

(b) When the individual complies, the person is eligible for benefits the month following compliance.

(c) **An individual may be temporarily excused from activities with good cause.** Good cause for failure to ~~comply with the requirements of this section~~ **cooperate with any of the TANF assistance program provisions through IMPACT** 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.

(d) **All IMPACT participants will be notified of their rights to a hearing when aggrieved by an action resulting from the IMPACT provisions in accordance with [470 IAC 10.3-11-1](#).**

(e) **The secretary may suspend application of the IMPACT employment and training requirements to individuals residing in an area identified in [IC 12-8-12-8\(d\)](#).**

(Division of Family Resources; [470 IAC 10.3-8-3](#); filed Oct 31, 2007, 9:57 a.m.: [20071128-IR-470070087FRA](#); filed Jul 5, 2011, 1:36 p.m.: [20110803-IR-470100244FRA](#); filed Mar 21, 2012, 11:27 a.m.: [20120418-IR-470110179FRA](#); 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 10.3-10-1](#) IS AMENDED TO READ AS FOLLOWS:

[470 IAC 10.3-10-1](#) Applicant and recipient IMPACT responsibilities

Authority: [IC 12-13](#); [IC 12-14-28-7](#)

Affected: [IC 12-8-12-8](#); [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 responsible for the care of a child under twelve (12) weeks of age.
- (3) Individuals receiving:
 - (A) Supplemental Security Income (SSI);
 - (B) Social Security Disability Assistance (SSDA); or
 - (C) other assistance due to disability.
- (4) Individuals eligible for Medicaid for the disabled or blind.
- (5) 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.
- (6) Individuals at least sixty (60) years of age.
- (7) Individuals required in the home to care for an incapacitated or disabled household member.
- (8) Refugees, as defined under Section 101(a)(42) of the Immigration and Nationality Act, are exempt for six (6) months from the refugee's date of entry into the United States.

(g) All applicants of TANF assistance who are required to participate will be:

- (1) referred to IMPACT; and
- (2) **except for those exempted in [IC 12-8-12-8\(a\)](#) required to, participate in twenty (20) days of work activities such as a condition of eligibility, provide evidence of job search activities, which at a minimum must include:**
 - ~~(A) orientation;~~
 - ~~(B) assessment; and~~
 - ~~(C) job search;~~

as a condition of eligibility:

- (A) six (6) contacts by the applicant with employers;**
 - (B) submission by the applicant of three (3) job applications or resumes; and**
 - (C) engagement in orientation and assessment through IMPACT;**
- after the applicant's submission of the TANF application.**

(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~~ **an** employment or a training agency whose services are included on an individual's employability plan.

(6) Failure to attend all scheduled hours for ~~any~~ **an** activity.

(7) Termination of employment by the employer because of disciplinary reasons, ~~for example,~~ **such as** 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) serves the penalty outlined in [470 IAC 10.3-8-3](#);

(2) reapplies for benefits; and

(3) completes ~~twenty (20) days of work activities.~~ **the job search requirements in subsection (g)(2).**

~~(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](#); filed Apr 3, 2009, 2:14 p.m.: [20090429-IR-470080203FRA](#); filed Jul 5, 2011, 1:36 p.m.: [20110803-IR-470100244FRA](#); filed Mar 21, 2012, 11:27 a.m.: [20120418-IR-470110179FRA](#); filed Mar 22, 2013, 3:09 p.m.: [20130417-IR-470120551FRA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#))

[Notice of Public Hearing](#)

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