
TITLE 470 DIVISION OF FAMILY RESOURCES

Final Rule
LSA Document #23-215

DIGEST

Amends and adds provisions to [470 IAC 1](#), [470 IAC 2](#), and [470 IAC 2.1](#) to update definitions, agency names, and terms. Repeals [470 IAC 1-2-8](#) and [470 IAC 2.1-2-1](#). Effective 30 days after filing with the publisher.

[470 IAC 1-1-1](#); [470 IAC 1-1-2](#); [470 IAC 1-2-8](#); [470 IAC 1-3-1](#); [470 IAC 1-3-2](#); [470 IAC 1-3-3](#); [470 IAC 1-3-4](#); [470 IAC 1-4-1](#); [470 IAC 1-4-2](#); [470 IAC 1-4-3](#); [470 IAC 1-4-5](#); [470 IAC 1-4-6](#); [470 IAC 1-4-7](#); [470 IAC 1-4-8](#); [470 IAC 2-1-16](#); [470 IAC 2.1-1-1](#); [470 IAC 2.1-1-2](#); [470 IAC 2.1-2-1](#); [470 IAC 2.1-3-1](#); [470 IAC 2.1-4-1](#); [470 IAC 2.1-4-2](#); [470 IAC 2.1-4-3](#); [470 IAC 2.1-4-4](#); [470 IAC 2.1-4-5](#); [470 IAC 2.1-4-6](#)

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

[470 IAC 1-1-1](#) General definitions

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 12-7-2](#); [IC 12-13](#); [IC 12-14](#); [IC 12-15](#)

Sec. 1. ~~Definitions.~~ The definitions of the following terms as used in ~~these rules and regulations~~ **this title**, unless a different meaning appears from the context, are the same as set forth in Section 1 of The Welfare Act of 1936, as amended: "~~state department~~", "~~state board~~", "administrator", "~~county department~~", "~~county board~~", "~~county director~~", "public welfare", "grant-in-aid", "applicant", "recipient", "assistance", "dependent child", **and** "child welfare services". "~~crippled child~~" and "~~warrant~~".

(Division of Family Resources; Definitions; filed Mar 27, 1946, 11:30 a.m.: Rules and Regs. 1947, p. 1771; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

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

[470 IAC 1-1-2](#) Additional definitions

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 12-7-2](#); [IC 12-13-1-1](#); [IC 12-14](#); [IC 12-15](#)

Sec. 2. (a) The definitions in this section are in addition to those in section 1 of this rule and apply throughout this article.

(b) "Division" or "DFR" means the division of family resources established by [IC 12-13-1-1](#).

(c) "Public assistance programs" means SNAP, TANF, medical assistance, eye treatment, and state supplemental assistance programs.

(d) "Supplemental Nutrition Assistance Program" or "SNAP" means the program established under 7 U.S.C. 2011 et seq.

(e) "System of record" means the Indiana eligibility determination services system.

(f) "Temporary Assistance for Needy Families" or "TANF" means the program established under 42 U.S.C. 601 et seq.

(Division of Family Resources; [470 IAC 1-1-2](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

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

[470 IAC 1-3-1](#) Use and disclosure of personal information; limitations

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 4-1-6-5](#)

~~Sec. 1. Use and Disclosure of Personal Information.~~ The use and disclosure of information concerning a data subject of a personal information ~~the system of record~~ maintained by the Indiana state department of public welfare ~~DFR~~ is limited to purposes directly connected with:

- (1) the administration of the plan or program approved under parts A, B, C, or D of title IV or ~~under~~ titles II, X, XIV, XVI, XIX, or XX ~~or of the federal Social Security Act, or the supplemental security income program established under title XVI of the federal Social Security Act;~~
- (2) Any investigations, prosecution, **an investigation, a prosecution, or a criminal or civil proceeding** conducted in connection with the administration of ~~any such~~ a plan or program; ~~and~~
- (3) the administration of any other federal or federally assisted program which provides assistance, in cash or in-kind, or services, directly to individuals on the basis of need. These safeguards shall also prohibit disclosure to ~~any~~ a committee or legislative body (federal, state, or local) of ~~any~~ information that identifies by name or address ~~any such~~ **an** applicant or **a** recipient; ~~and~~
- (4) the use and disclosure of personal information concerning a data subject shall be limited to the purposes described in this regulation unless otherwise ordered by a court of competent jurisdiction.

[IC 12-1-2-2\(e\)](#)

[IC 12-1-2-3\(f\)](#)

(Division of Family Resources; Title 1, Ch 2, Reg 1-201; filed Nov 14, 1977, 8:49 a.m.: Rules and Regs. 1978, p. 746; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

SECTION 4. [470 IAC 1-3-2](#) IS AMENDED TO READ AS FOLLOWS:

[470 IAC 1-3-2](#) Access to personal information by a data subject; written request; inspect and receive records

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 4-1-6-2](#); [IC 4-1-6-3](#)

~~Sec. 2. Access to personal information by a Data Subject.~~ Unless otherwise prohibited by law, upon written request on a form approved by the Indiana state department of public welfare and upon furnishing proper identification, a person who is a data subject of a personal information system maintained by the state department of public welfare may inspect and receive, at reasonable standard charges for document search and duplication, all personal information about the data subject. If the requested documents contain information concerning any individual other than the data subject, the Indiana state department of public welfare may delete this information from that which is made available to the data subject. **the system of record is governed by [IC 4-1-6-3](#) upon written request on a form approved by the DFR.**

Upon such request, the Indiana state department of public welfare shall provide the data subject with the nature and the sources of the personal information provided to the data subject unless the confidentiality of such sources is required by statute. When requested, the Indiana state department of public welfare shall also provide the data subject with (1) the names and addresses of any party previously receiving personal information of a confidential nature about the data subject other than those parties with regular access authority, and (2) the date, nature and purpose of such disclosure.

~~[IC 4-1-6-2](#)~~

~~[IC 4-1-6-3](#)~~

~~[IC 12-1-2-2\(e\)](#)~~

~~[IC 12-1-2-3\(f\)](#)~~

(Division of Family Resources; Title 1, Ch 2, Reg 1-202; filed Nov 14, 1977, 8:49 a.m.: Rules and Regs. 1978, p. 747; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted

SECTION 5. [470 IAC 1-3-3](#) IS AMENDED TO READ AS FOLLOWS:

[470 IAC 1-3-3](#) Correction and review of personal information by data subject; procedure

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 4-1-6-5](#)

~~Sec. 3. Correction and Review of the Indiana State Department of Public Welfare's Personal Information System by a Data Subject.~~ If a data subject of a personal information ~~the~~ system of record maintained by the Indiana state department of public welfare ~~DFR~~ gives written notice on a form approved by the Indiana state department of public welfare ~~DFR~~ that he wishes ~~they wish~~ to challenge, correct, or explain information about him ~~themselves~~ contained in the personal information system, the following procedures in [IC 4-1-6-5](#) shall be followed.

- ~~(1) The Indiana state department of public welfare shall investigate and record the current status of that personal information;~~
- ~~(2) If, after such investigation, such information is found to be incomplete, inaccurate, not pertinent, not timely or not necessary to be retained, it shall be promptly corrected or deleted;~~
- ~~(3) If the investigation does not resolve the dispute, the data subject may file a statement of not more than two hundred (200) words upon a form approved by the Indiana state department of public welfare setting forth his position;~~
- ~~(4) Whenever a statement of dispute is filed, the Indiana state department of public welfare shall supply any previous party receiving personal information of a confidential nature about the data subject with a copy of the statement and, in any subsequent dissemination or use of the information in question, clearly mark that it is disputed and supply the statement of the data subject along with the information;~~
- ~~(5) Following any correction or deletion of personal information the agency shall, at the request of the data subject, furnish to parties, who previously received personal information of a confidential nature about the data subject, notification delivered to their last known address that the item has been deleted or corrected and shall require said parties to acknowledge receipt of such notification and furnish the data subject the names and last known addresses of all parties, previously receiving the uncorrected or deleted personal information about the data subject;~~
- ~~(6) A copy of this regulation shall appear on or accompany the DPW Form which allows data subject to request to inspect or review personal information on himself.~~

~~[IC 4-1-6-3](#)~~

~~[IC 12-1-2-2](#)(e)~~

~~[IC 12-1-2-3](#)(f)~~

~~(Division of Family Resources; Title 1, Ch 2, Reg 1-203; filed Nov 14, 1977, 8:49 a.m.: Rules and Regs. 1978, p. 748; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))~~

SECTION 6. [470 IAC 1-3-4](#) IS AMENDED TO READ AS FOLLOWS:

[470 IAC 1-3-4](#) Regular access authority to personnel records of the division of family resources; limitation

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 4-1-6-2](#)

~~Sec. 4. Regular Access Authority to Personnel Records of the Indiana State Department of Public Welfare.~~ Except as otherwise provided by state or federal law or applicable state or federal regulation, regular access to personnel folders and employment related records concerning individual employees of the ~~State Department of Public Welfare~~ should ~~DFR shall~~ be limited to the following persons:

- ~~(1) The employee or his **their** authorized representative.~~
- ~~(2) The administrator.~~
- ~~(3) The personnel officer and members of his **their** staff.~~
- ~~(4) The **DFR** division director. ~~and~~~~

~~(5) such~~ Other personnel as **who** may exercise supervisory authority over the employee within the organizational structure of the Department **DFR**.

[IC 4-1-6-2](#)
[IC 12-1-2-2](#)
[IC 12-1-2-3](#)

(Division of Family Resources; Title 1, Ch 2, Reg 1-204; filed Nov 14, 1977, 8:50 a.m.: Rules and Regs. 1978, p. 793; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

SECTION 7. [470 IAC 1-4-1](#) IS AMENDED TO READ AS FOLLOWS:

470 IAC 1-4-1 Purpose

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 12-13](#)

Sec. 1. (a) It is the purpose of this rule to establish a uniform method of administrative adjudication within the ~~division of family and children~~ **DFR** in order to determine whether or not ~~any~~ **an** action complained of was done in accordance with federal and state statutes, regulations, rules, and policies. As used in this rule, "policies" includes program manuals, administrative directives, transmittals, and other official written pronouncements of state or federal policy.

(b) This rule shall be construed in ~~such~~ a manner as to provide all parties with an adequate opportunity to be heard in accordance with due process of law. As used in this rule, "party" means:

- (1) a person or **an** entity to whom the agency action is specifically directed; **or**
- (2) the ~~division of family and children~~; **or** **DFR**.
- ~~(3) the county office of family and children.~~

(c) In the event that ~~any~~ **a** provision of this rule is deemed to be in conflict with ~~any other~~ **a** provision of federal or state statute, regulation, or rule that is specifically applicable to ~~any~~ **a** program being appealed ~~hereunder~~, **in accordance with this rule**, then ~~such~~ **the** other statute, regulation, or rule shall supersede that part of this rule in which the conflict is found.

(Division of Family Resources; [470 IAC 1-4-1](#); filed May 22, 1987, 12:45 p.m.: 10 IR 2277, eff Jul 1, 1987; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3073; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

SECTION 8. [470 IAC 1-4-2](#) IS AMENDED TO READ AS FOLLOWS:

470 IAC 1-4-2 Standing

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 12-13](#)

Sec. 2. (a) In the event that the rights, duties, obligations, privileges, or other legal relations of ~~any~~ **a** person or **an** entity are required or authorized by law to be determined by the ~~division of family and children or any county office of family and children~~ **DFR**, then ~~such~~ **the** person or entity may request, as provided for in section 3 of this rule, an administrative hearing under this rule. The person or entity requesting the hearing shall be known as the appellant.

(b) Unless otherwise provided for by law, only those persons or entities, or their respective attorneys at law, whose rights, duties, obligations, privileges, or other legal relations are alleged to have been adversely affected by ~~any~~ **an** action or **a** determination by the ~~division of family and children or any county office of family and children~~ **DFR** may request an administrative hearing under this rule. ~~Any~~ Alleged harm to an appellant must be

direct and immediate to the appealing parties and not indirect and general in character.

(Division of Family Resources; [470 IAC 1-4-2](#); filed May 22, 1987, 12:45 p.m.: 10 IR 2278, eff Jul 1, 1987; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3074; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

SECTION 9. [470 IAC 1-4-3](#) IS AMENDED TO READ AS FOLLOWS:

[470 IAC 1-4-3](#) Filing an appeal; scheduling appeals

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 4-15-10.5](#); [IC 4-21.5](#); [IC 12-13](#); [IC 31-16-15](#)

Sec. 3. (a) ~~Any~~ **A** party complaining of ~~any~~ **a** division action in accordance with this rule may file a request for an administrative hearing as provided in this section.

(b) Unless otherwise provided for by statute, regulation, or rule, appeal requests by recipients or applicants shall be filed in writing with the ~~county office of the division of family resources~~ **DFR** or the ~~office of hearings and appeals of the family and social services administration~~ **document center** as provided on the notice of agency action. **Appeals of decisions of the SNAP by recipients or applicants may be made orally.** The appeal request must be received by close of business not later than:

- (1) thirty-three (33) days following the effective date of the action being appealed; or
- (2) thirty-three (33) days from the date of the denial notice;

whichever is later. ~~Applicant and recipient appeal hearings shall be conducted at a reasonable time, date, and place.~~

(c) For purposes of this section, "close of business" means 4:30 p.m., local time, on a business day where the appeal is received. If the thirty-third day is a:

- (1) Saturday;
- (2) Sunday;
- (3) state holiday; or
- (4) day the office in which the act is to be done is closed during regular business hours;

the appeal request must be received by the close of business the next business day. An appeal request received after close of business on the thirty-third day is untimely and invalid.

(d) Unless otherwise provided for by statute, regulation, or rule, appeal requests by licensees or prospective licensees shall:

- (1) be filed in writing by the aggrieved party or its attorneys at law;
- (2) set out each objection to the division's actions as well as cite the legal reasons ~~therefor~~; **for them**; and
- (3) be delivered to the ~~division of family resources~~ **DFR** by close of business within thirty-three (33) days after receipt of the initial notice upon which the appeal is premised.

~~Failure to state objections and the legal reasons therefor, for them, in a timely manner, shall be deemed a waiver of such the objections. Licensee appeal hearings will be conducted in Indianapolis, Indiana unless the appellant is otherwise notified.~~

(e) Appeals by Medicaid applicants and recipients concerning Medicaid eligibility or services shall be filed and conducted in accordance with rules promulgated by the office of the secretary of family and social services under [405 IAC](#). Medicaid provider appeals shall be filed and conducted in accordance with rules promulgated by the office of the secretary of family and social services under [405 IAC](#) and the provisions of [IC 4-21.5](#).

(f) All requests for income withholding appeals by child support obligors in Title IV-D cases shall be made and all income withholding appeal hearings shall be conducted in accordance with the provisions of [IC 31-16-15](#). ~~Child support income withholding hearings will be conducted in Indianapolis, Indiana, unless the obligor is otherwise notified.~~

(g) ~~The division of family resources~~ **DFR** or the ~~office of hearings and appeals of the family and social services~~

~~administration~~ **office of administrative law proceedings**, upon application of ~~any a~~ party, or in its own discretion, may consolidate appeals to promote administrative efficiency. Hearings may only be consolidated in cases in which the sole issue involved is one of federal or state law or policy.

(h) ~~Any~~ **A** party filing an appeal under this rule is not excused from exhausting all interim procedures that may be required by statute or rule for administrative review prior to the filing of an appeal. ~~Any~~ Issues not preserved in a timely manner within the interim review procedures are waived and shall not be an issue during the evidentiary hearing.

~~(i) The director of the division of family resources is responsible for the appointment of administrative law judges to conduct hearings under this rule. The division of family resources or the office of hearings and appeals of the family and social services administration will schedule evidentiary hearings and issue notices to the parties regarding the date, time, and location of the scheduled hearing.~~

~~(j) Continuance of a hearing will be granted only for good cause shown. An objection to a request for a continuance shall be considered before a continuance is granted or denied. Requests for a continuance shall be in writing and accompanied by adequate documentation of the reasons for the request. Good cause includes:~~

- ~~(1) inability to attend the hearing because of a serious physical or mental condition;~~
- ~~(2) incapacitating injury;~~
- ~~(3) death in the family;~~
- ~~(4) severe weather conditions making it impossible to travel to the hearing;~~
- ~~(5) unavailability of a witness and the evidence cannot be obtained otherwise; or~~
- ~~(6) other reasons similar to those listed in this section.~~

~~If the appellant is represented by counsel, the request for continuance must also include alternative dates for the scheduling of a new hearing. However, a new hearing may be scheduled without respect to the requested date if such date cannot be accommodated or confirmed with the requesting attorney within a reasonable time of the request.~~

(i) Unless otherwise provided for by statute, regulation, or rule, appeal hearings will be governed by the policies and procedures established under [IC 4-15-10.5](#).

(Division of Family Resources; [470 IAC 1-4-3](#); filed May 22, 1987, 12:45 p.m.: 10 IR 2278, eff Jul 1, 1987; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3074; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); filed Feb 17, 2012, 10:45 a.m.: [20120314-IR-470110725FRA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

SECTION 10. [470 IAC 1-4-5](#) IS AMENDED TO READ AS FOLLOWS:

[470 IAC 1-4-5](#) Conduct of hearing; hearing decision

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 12-13](#)

Sec. 5. (a) The administrative law judge (ALJ) shall conduct the hearing in an informal manner and without recourse to the technical common law rules of evidence.

(b) The ALJ shall exclude from consideration irrelevant, immaterial, or unduly repetitious evidence.

(c) ~~Every~~ **Each** party shall have the right to submit evidence. In the event that an objection to evidence is sustained, the party proffering the evidence may make an offer of proof. Each party shall have the right to cross-examine the witnesses and offer rebutting evidence.

(d) Following the completion of the hearing, or after the submission of briefs by the parties (if briefing is permitted by the ALJ), the ALJ shall issue ~~his or her~~ **their** decision in the matter concurrently to the parties. The decision shall be final unless a party requests agency review of the decision in accordance with this rule. The decision of the ALJ in a ~~food stamp~~ **SNAP** intentional program violation hearing or ~~an aid to families with dependent children (AFDC)~~ **TANF** intentional program violation hearing is a final agency decision.

(e) The ALJ's decision shall:

- (1) include findings of fact;
- (2) specify the reasons for the decision; and
- (3) identify the evidence and statutes, regulations, rules, and policies supporting the decision.

(f) The findings of fact need not include a recitation of every **each** piece of evidence admitted in the evidentiary hearing. Rather, the findings ~~should~~ **shall** contain the basic facts that have formed the basis for the ALJ's ultimate decision. The decision must demonstrate a rational connection between the basic facts found by the ALJ and the ALJ's ultimate decision. The ALJ's decision must also cite the relevant laws upon which the ultimate decision is based, and relate the facts to the law.

(Division of Family Resources; [470 IAC 1-4-5](#); filed May 22, 1987, 12:45 p.m.: 10 IR 2279, eff Jul 1, 1987; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3076; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

SECTION 11. [470 IAC 1-4-6](#) IS AMENDED TO READ AS FOLLOWS:

[470 IAC 1-4-6](#) Agency review

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 12-13](#)

Sec. 6. (a) Except for ~~food stamp~~ **SNAP** intentional program violation hearings and ~~aid to families with dependent children~~ **TANF** intentional program violation hearings, ~~any a party who~~ **that** is not satisfied with the decision of the administrative law judge (ALJ) may request agency review of the decision within ten (10) days of receipt thereof in accordance with instructions issued with the decision.

(b) After receiving a request for agency review of a hearing decision, the ~~division of family and children or the hearings and appeals section of the family and social services administration~~ **(FSSA)** shall notify all parties when the decision will be reviewed. The agency review shall be completed by the division director or the director's designee. All ~~such~~ reviews shall be conducted upon the record, as defined in section 7 of this rule, except that a transcript of the oral testimony shall not be necessary for the review unless a party requests that one be transcribed at the party's expense.

(c) No new evidence will be considered during the agency review; however, ~~any a party~~ wishing to submit a memorandum of law, citing evidence in the record, may do so pursuant to instructions issued by the ~~division of family and children or the hearings and appeals section of the family and social services administration~~. **FSSA**.

(d) The director of the ~~division of family and children~~ **DFR**, or the director's designee, shall review the ~~administrative law judge's~~ **ALJ's** decision to determine if the decision is supported by the evidence in the record and is in accordance with the statutes, regulations, rules, and policies applicable to the issues under appeal.

(e) Following the review of the director or **their** designee, the director or designee shall issue a written decision:

- (1) affirming the decision of the ALJ;
- (2) amending or modifying the decision of the ALJ;
- (3) reversing the decision of the ALJ;
- (4) remanding the matter to the ALJ for further specified action; or
- (5) make ~~such other~~ **an** order or **a** determination as is proper on the record.

(f) The parties will be issued a written notice of the action taken as a result of the agency review. If the decision of the ALJ is reversed, amended, or modified, the director or **their** designee shall state the reasons for the action in the written decision.

(g) The division of family and children or the hearings and appeals section of the family and social services administration **FSSA** shall distribute the written notice on agency review to:

- (1) all parties of record;
- (2) the ALJ who rendered the decision following the evidentiary hearing; and
- (3) any other person designated by the director or **their** designee.

(Division of Family Resources; [470 IAC 1-4-6](#); filed May 22, 1987, 12:45 p.m.: 10 IR 2279, eff Jul 1, 1987; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3076; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

SECTION 12. [470 IAC 1-4-7](#) IS AMENDED TO READ AS FOLLOWS:

[470 IAC 1-4-7](#) Agency record; judicial review

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 4-21.5-3-33](#); [IC 4-21.5-5](#); [IC 12-13](#)

Sec. 7. (a) The record of the administrative proceedings shall be that as defined **indicated** in [IC 4-21.5-3-33](#).

(b) If the appellant is not satisfied with the division's final action after agency review, ~~he or she~~ **the appellant** may file a petition for judicial review in accordance with [IC 4-21.5-5](#).

(c) The appellant is required to seek agency review prior to filing a petition for judicial review except in the case of ~~food stamp~~ **SNAP** intentional program violation hearings and ~~aid to families with dependent children~~ **TANF** intentional program violation hearings.

(Division of Family Resources; [470 IAC 1-4-7](#); filed May 22, 1987, 12:45 p.m.: 10 IR 2280, eff Jul 1, 1987; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3077; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

SECTION 13. [470 IAC 1-4-8](#) IS AMENDED TO READ AS FOLLOWS:

[470 IAC 1-4-8](#) Waiver; SNAP and TANF disqualification hearings

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 12-13](#)

Sec. 8. (a) ~~Any An~~ individual who is alleged to have committed an intentional ~~food stamp program~~ **SNAP** or ~~aid to families with dependent children (AFDC)~~ **TANF** program violation and who has received notice of the allegations and evidence against ~~him or her~~ **them** may waive ~~his or her~~ **their** right to an administrative hearing as provided in 7 CFR 273.16, pertaining to the ~~food stamp program~~ **SNAP**, or 45 CFR 235.113, pertaining to the ~~AFDC~~ **TANF** program.

(b) The individual alleged to have committed an intentional program violation shall be notified that ~~he or she~~ **they** may waive ~~his or her~~ **their** right to an administrative disqualification hearing, and the notice shall advise the individual of the consequences of waiving the right to an administrative disqualification hearing as provided in 7 CFR 273.16 or 45 CFR 235.113.

(c) The notice shall provide an opportunity for the accused to specify whether or not ~~he or she~~ **admits they** **admit** to the allegations.

(Division of Family Resources; [470 IAC 1-4-8](#); filed May 22, 1987, 12:45 p.m.: 10 IR 2280, eff Jul 1, 1987; filed Jun 19, 1996, 9:00 a.m.: 19 IR 3077; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug

SECTION 14. [470 IAC 2-1-16](#) IS AMENDED TO READ AS FOLLOWS:

[470 IAC 2-1-16](#) Authority to obtain information from the DFR's system of record

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 4-1-6-2](#); [IC 12-13-7-3](#)

~~Sec. 16. Regular Access Authority to the Department Public Assistance Division Personal Information System. The following individuals have regular access authority to the information contained in the personal information systems system of record maintained by the Indiana state department of public welfare in the office of the Public Assistance Division DFR, subject to the confidentiality requirements set forth in department regulation 1-107 and regulation 1-201. [470 IAC 1-2-7](#) and [470 IAC 1-3-1](#):~~

~~(1) Employees of the Indiana state department of public welfare DFR.~~

~~(2) Employees of the county welfare departments of the State of Indiana.~~

~~(3) Any other~~ **(2) An** individual, agency, or official whose duties are directly connected with the administration of the plan or program approved under:

(A) parts A, B, C, or D of title IV or under titles II, X, XIV, XIX, or XX of the federal Social Security Act;

(B) the supplemental security income program established under title XVI of the federal Social Security Act;

or

(C) any other federal or federally assisted program which provides assistance, in cash or in-kind, or services, directly to individuals on the basis of need.

[IC 12-1-2-2](#)

[IC 12-1-2-3](#)

[IC 4-1-6-2](#)

(Division of Family Resources; Title 2, Ch 1, Reg 2-118; filed Nov 14, 1977, 9:45 a.m.: Rules and Regs. 1978, p. 772; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

SECTION 15. [470 IAC 2.1-1-1](#) IS AMENDED TO READ AS FOLLOWS:

[470 IAC 2.1-1-1](#) Definitions

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 12-13-1-1](#); [IC 12-14](#); [IC 12-15](#)

Sec. 1. **(a) The definitions in this section apply throughout this article.**

~~(a) As used in this article;~~ **(b) "Division" or "DFR" means the division of family and children resources established by [IC 12-13-1-1](#).**

~~(b) As used in this article, "county offices" means the county offices of the division of family and children.~~

~~(c) As used in this article, "Public assistance programs" means the assistance to families with dependent children~~ **SNAP, TANF, medical assistance, eye treatment, and state supplemental assistance programs.**

(d) "Supplemental Nutrition Assistance Program" or "SNAP" means the program established under 7 U.S.C. 2011 et seq.

(e) "Temporary Assistance for Needy Families" or "TANF" means the program established under 42 U.S.C. 601 et seq.

(Division of Family Resources; [470 IAC 2.1-1-1](#); filed Mar 1, 1984, 2:33 p.m.: 7 IR 1043, eff Apr 1, 1984; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1806; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24,

2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.:
[20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug
28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

SECTION 16. [470 IAC 2.1-1-2](#) IS AMENDED TO READ AS FOLLOWS:

[470 IAC 2.1-1-2](#) Applicant and recipient responsibilities applicable to all public assistance programs

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#); [IC 12-13-7-5](#)

Affected: [IC 12-13](#); [IC 12-14](#); [IC 12-15](#)

Sec. 2. (a) Each applicant for and recipient of public assistance shall complete, or assist the county DFR office in completing, the appropriate application form and related eligibility forms prescribed by the division.

(b) Each applicant and recipient is required to provide all information necessary to determine his or her eligibility for public assistance and report any change in this information to the county DFR office within ten (10) days of the date on which the change occurs.

(c) Each applicant and recipient of public assistance is required to verify or assist the county DFR office in verifying all information required to determine his or her eligibility by signing appropriate release of information forms required to obtain verification of information provided to the county DFR office or either of the following:

- (1) Obtaining and providing to the county DFR office documentation which that verifies information required to determine his or her eligibility.
- (2) Undergoing any required medical examinations necessary to determine eligibility.

(d) ~~At the time of the initial investigation, the applicant shall allow the county office caseworker to visit the applicant in his or her place of residence during agency working hours. In the absence of a valid reason for the applicant's refusal to allow such visit, the applicant shall be ineligible for assistance and the application shall be denied. The A caseworker may conduct the an initial interview through a personal interview at the county DFR office or a community location designated by the county office, rather than at the applicant's residence.~~ **by phone.**

(e) If an applicant fails or refuses to provide the county DFR office information or verification of information required to determine the applicant's eligibility for public assistance, the applicant shall be ineligible for assistance and the application shall be denied. Prior to denying an application under this section, the county DFR office must provide the applicant written notice of the specific information or verification needed to determine eligibility and written notice of the date on which the application will be denied if the information or verification is not provided.

(f) Treatment plan requirements shall be as follows:

- (1) Except as provided in subdivision (2), ~~any a~~ recipient who is receiving ~~any type of~~ public assistance due to disability, incapacity, or visual impairment shall be required to cooperate in ~~any a~~ treatment plan that is recommended by the examining physician and approved by the division prior approval section, if the goal of ~~such~~ treatment is full or partial alleviation of the recipient's disability, incapacity, or visual impairment.
- (2) A recipient shall not be required to cooperate in ~~such~~ a treatment plan if good cause for refusing exists. Good cause for refusing treatment includes, but is not limited to, the following:
 - (A) ~~Such~~ Treatment is contrary to the recipient's religious beliefs.
 - (B) Previous surgery of the type recommended was unsuccessful.
 - (C) The recommended treatment is very risky because of its magnitude, unusual nature, or other reason.
 - (D) The recommended treatment involves amputation of a limb or a major part of a limb.
- (3) ~~Any A~~ recipient who fails to meet the requirement of this section shall be ineligible and assistance shall be discontinued.

(g) For the purposes of the ~~assistance to families with dependent children~~ TANF program, failure of the ~~an~~ applicant to comply with the requirements of subsections (d) and (e) shall result in the ineligibility of the entire assistance group.

(Division of Family Resources; [470 IAC 2.1-1-2](#); filed Mar 1, 1984, 2:31 p.m.: 7 IR 992, eff Apr 1, 1984; filed Dec 16, 1986, 11:00 a.m.: 10 IR 1079; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1807; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug

SECTION 17. [470 IAC 2.1-3-1](#) IS AMENDED TO READ AS FOLLOWS:

[470 IAC 2.1-3-1](#) Release of information from DFR case records

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 12-14-22](#); [IC 12-15-27](#)

Sec. 1. (a) ~~The county department~~ **DFR** shall give ~~the an~~ applicant or recipient, or ~~his~~ **their** authorized representative, upon request, the opportunity to examine the entire case record.

(b) Before releasing information from public assistance case records in circumstances not required by state or federal laws or regulations, ~~the county department~~ **DFR** shall obtain a written release of information, signed by the applicant or recipient, authorizing ~~the county department~~ **DFR** to release the information to the requesting agency or individual. The written authorization must specify the scope of information the county department is authorized to release and the specific agency or individual to whom the information is to be released.

(c) As permitted by Section 2636 of Public Law 98-369, ~~the county department~~ **DFR** shall release the name and current address of ~~any AFDC TANF~~ recipients who are fugitive felons to law enforcement officers when requested. The law enforcement officer must provide ~~the county department~~ **DFR** with ~~the AFDC a TANF~~ recipient's Social Security number and sufficient information to demonstrate that the ~~AFDC TANF~~ recipient is a fugitive felon.

(Division of Family Resources; [470 IAC 2.1-3-1](#); filed Mar 1, 1984, 2:31 p.m.: 7 IR 993, eff Apr 1, 1984; filed Mar 7, 1985, 2:54 p.m.: 8 IR 797; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

SECTION 18. [470 IAC 2.1-4-1](#) IS AMENDED TO READ AS FOLLOWS:

[470 IAC 2.1-4-1](#) Claiming good cause for refusing to cooperate

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 12-15](#)

Sec. 1. (a) ~~Opportunity to claim good cause.~~ An applicant for or recipient of Medicaid will have the opportunity to claim good cause for refusing to cooperate as required by 42 CFR 433.147.

(b) ~~Notice to applicant or recipient.~~ Prior to requiring cooperation under 42 CFR 433.147, ~~the county department~~ **DFR** will notify the applicant or recipient of the right to claim good cause as an exception to the cooperation requirement and of all the requirements applicable to a good cause determination **as follows:**

- (1) The notice will be in writing, with a copy furnished to the applicant or recipient. ~~and~~
- (2) An acknowledgment that the applicant or recipient received the notice will be signed and dated by the caseworker and the applicant or recipient, and the acknowledgment will be placed in the case file.

(c) ~~Requirements upon applicant or recipient.~~ (1) An applicant for or recipient of Medicaid who refuses to cooperate and who claims to have good cause for refusing to cooperate has the burden of establishing the existence of a good cause circumstance. ~~Such~~ **The** applicant or recipient will be required to:

- (A) **(1)** specify the circumstances as described in [470 IAC 2.1-4-3](#) **section 3 of this rule** that the applicant or recipient believes provide sufficient good cause for not cooperating;
- (B) **(2)** corroborate the good cause circumstances in accordance with [470 IAC 2.1-4-4](#); **section 4 of this rule**; and
- (C) **(3)** if requested, provide sufficient information to permit an investigation pursuant to [470 IAC 2.1-4-4](#). **section 4 of this rule.**

(2) **(d)** If the requirements of paragraph (c)(1) of this section **subsection (c)** are not met, the state department **DFR** shall, on that basis, determine that good cause does not exist.

(Division of Family Resources; [470 IAC 2.1-4-1](#); filed Jun 4, 1985, 2:37 p.m.: 8 IR 1298, eff Jul 1, 1985 [[IC 4-22-2-5](#) suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #85-29 was filed Jun 4, 1985.]; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

SECTION 19. [470 IAC 2.1-4-2](#) IS AMENDED TO READ AS FOLLOWS:

[470 IAC 2.1-4-2](#) Determination of good cause

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 12-15](#)

Sec. 2. (a) For each applicant for or recipient of Medicaid who claims to have good cause, the state department **DFR** will determine, in accordance with [470 IAC 2.1-4-1](#), [470 IAC 2.1-4-3](#), and [470 IAC 2.1-4-4](#), **sections 1, 3, and 4 of this rule**, whether good cause exists.

(b) The state department's **DFR's** final determination that good cause does or does not exist will:

- (1) be in writing;
- (2) contain the agency's findings and basis for determination; and
- (3) be entered into the Medicaid case record.

(c) The state department's **DFR's** determination of whether or not good cause exists will be made within **forty-five** (45) days from the day the good cause claim is made unless the department needs additional time because the information required to verify the claim cannot be obtained within the time standard, or that the claimant did not provide corroborative evidence within the period required by [470 IAC 2.1-4-4](#) ~~(b)~~. **section 4(b) of this rule.**

(d) If the state department **DFR** determines that good cause does not exist:

- (1) the applicant or recipient will be so notified and afforded an opportunity to cooperate, withdraw the application for assistance, or have the case closed; and
- (2) continued refusal to cooperate will result in imposition of the sanction provided by 42 CFR 433.148.

(Division of Family Resources; [470 IAC 2.1-4-2](#); filed Jun 4, 1985, 2:37 p.m.: 8 IR 1299, eff Jul 1, 1985 [[IC 4-22-2-5](#) suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #85-29 was filed Jun 4, 1985.]; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

SECTION 20. [470 IAC 2.1-4-3](#) IS AMENDED TO READ AS FOLLOWS:

[470 IAC 2.1-4-3](#) Good cause circumstances

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 12-15](#)

Sec. 3. (a) ~~Circumstances under which cooperation may be against the best interests of the individual.~~ The state department **DFR** will determine that cooperation in securing support is against the best interests of the **an** individual only if the applicant's or recipient's cooperation in securing support is reasonably anticipated to result in physical or emotional harm to the individual for whom support is to be sought.

(b) ~~Physical harm and emotional harm defined.~~ Physical harm and emotional harm must be of a serious nature in order to justify a finding of good cause under paragraph (a) of this section. **subsection (a)**. A finding of good

cause for emotional harm may only be based upon a demonstration of an emotional impairment that substantially affects the individual's functioning.

(c) ~~Special consideration related to emotional harm.~~ For every **each** good cause determination which is based in whole or **in** part upon the anticipation of emotional harm to the individual, the state department will consider the following:

- (1) The present emotional state of the individual subject to emotional harm.
- (2) The emotional health history of the individual subject to emotional harm.
- (3) Intensity and probable duration of the emotional impairment.
- (4) The degree of cooperation to be required. ~~and~~
- (5) The extent of involvement of the individual in the support enforcement activity to be undertaken.

(Division of Family Resources; [470 IAC 2.1-4-3](#); filed Jun 4, 1985, 2:37 p.m.: 8 IR 1299, eff Jul 1, 1985 [[IC 4-22-2-5](#) suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #85-29 was filed Jun 4, 1985.]; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

SECTION 21. [470 IAC 2.1-4-4](#) IS AMENDED TO READ AS FOLLOWS:

[470 IAC 2.1-4-4](#) Proof of good cause claim

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 12-15](#)

Sec. 4. (a) The ~~state department~~ **DFR** will make a good cause determination based on the corroborative evidence supplied by the applicant or recipient only after it has examined the evidence and found that it actually verifies the good cause claim.

(b) The applicant or recipient who claims good cause must provide corroborative evidence within **twenty** (20) days from the day the claim was made. In exceptional cases where the ~~state department~~ **DFR** determines the applicant or recipient requires additional time because of the difficulty of obtaining the corroborative evidence, the ~~state department~~ **DFR** shall allow a reasonable additional period of time.

(c) A good cause claim may be corroborated with the following types of evidence:

- (1) Court, medical, criminal, child protective services, social services, psychological, or law enforcement records which indicate that the person from whom support would be sought might inflict physical or emotional harm on the individual.
- (2) Medical records which indicate emotional health history and present emotional health status of the individual for whom support would be sought, or written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the individual for whom support would be sought.
- (3) Sworn statements from individuals other than the applicant or recipient with knowledge of the circumstances which provide the basis for the good cause claim.

(d) If, after examining the corroborative evidence submitted by the applicant or recipient the ~~state department~~ **DFR** wishes to request additional corroborative evidence which is needed to permit a good cause determination, the ~~state department~~ **DFR** will:

- (1) promptly notify the applicant or recipient that additional corroborative evidence is needed; and
- (2) specify the type of document which is needed.

(e) Upon request, the ~~state department~~ **DFR** will:

- (1) advise the applicant or recipient how to obtain the necessary documents; and
- (2) make a reasonable effort to obtain ~~any~~ specific documents ~~which~~ **that** the applicant or recipient is not reasonably able to obtain without assistance.

(f) Where a claim is based on the applicant's or recipient's anticipation of physical harm as specified ~~and~~

defined in [470 IAC 2.1-4-3](#); **section 3 of this rule**, and corroborative evidence is not submitted in support of the claim:

- (1) the ~~state department~~ **DFR** will investigate the good cause claim when the agency believes that:
 - (A) the claim is credible without corroborative evidence; and
 - (B) corroborative evidence is not available; **and**
- (2) good cause will be found if the claimant's statement and the investigation which is conducted satisfies the ~~state department~~ **DFR** that the applicant or recipient has good cause for refusing to cooperate.

(Division of Family Resources; [470 IAC 2.1-4-4](#); filed Jun 4, 1985, 2:37 p.m.: 8 IR 1300, eff Jul 1, 1985 [[IC 4-22-2-5](#) suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #85-29 was filed Jun 4, 1985.]; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

SECTION 22. [470 IAC 2.1-4-5](#) IS AMENDED TO READ AS FOLLOWS:

[470 IAC 2.1-4-5](#) Granting or continuation of assistance

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 12-15](#)

Sec. 5. The ~~county department~~ **DFR** will not deny, delay, or discontinue assistance pending a determination of good cause for refusal to cooperate if the applicant or recipient has complied with the requirements of [470 IAC 2.1-4-1](#) and [470 IAC 2.1-4-4](#) **sections 1 and 4 of this rule** to furnish corroborative evidence and information.

(Division of Family Resources; [470 IAC 2.1-4-5](#); filed Jun 4, 1985, 2:37 p.m.: 8 IR 1300, eff Jul 1, 1985 [[IC 4-22-2-5](#) suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #85-29 was filed Jun 4, 1985.]; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

SECTION 23. [470 IAC 2.1-4-6](#) IS AMENDED TO READ AS FOLLOWS:

[470 IAC 2.1-4-6](#) Periodic review of good cause determination

Authority: [IC 12-13-2-3](#); [IC 12-13-5-3](#)

Affected: [IC 12-15](#)

Sec. 6. The ~~county department~~ **DFR** will:

- (1) review, at each redetermination of eligibility, those cases in which ~~the state department~~ **it** has determined that good cause exists based on a circumstance that is subject to change; and
- (2) if it determines that circumstances have changed ~~such so~~ **so** that good cause may no longer exist, it will ~~recommend that the state department~~ rescind its findings and proceed to enforce the requirements of 42 CFR 433.147.

(Division of Family Resources; [470 IAC 2.1-4-6](#); filed Jun 4, 1985, 2:37 p.m.: 8 IR 1300, eff Jul 1, 1985 [[IC 4-22-2-5](#) suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #85-29 was filed Jun 4, 1985.]; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235; readopted filed Oct 24, 2007, 11:25 a.m.: [20071121-IR-470070448RFA](#); readopted filed Aug 23, 2013, 3:36 p.m.: [20130918-IR-470130306RFA](#); readopted filed Nov 13, 2019, 11:56 a.m.: [20191211-IR-470190490RFA](#); filed Aug 28, 2023, 9:55 a.m.: [20230927-IR-470230215FRA](#))

SECTION 24. THE FOLLOWING ARE REPEALED: [470 IAC 1-2-8](#); [470 IAC 2.1-2-1](#).

LSA Document #23-215(F)

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