

IC 12-14-2

Chapter 2. Temporary Assistance for Needy Families; Granting of Assistance

IC 12-14-2-0.5

"Essential person" defined

Sec. 0.5. As used in this chapter, "essential person" means a person other than a parent who:

- (1) is the relative of a dependent child;
- (2) cares for the dependent child; and
- (3) complies with IC 12-14-1-1.

As added by P.L.46-1995, SEC.11.

IC 12-14-2-1

Determination of eligibility; amount of assistance and beginning date; money in individual development accounts may not be considered

Sec. 1. (a) After the investigation under IC 12-14-1-6, the county office shall decide the following:

- (1) Whether the child is eligible for assistance under this article.
- (2) The amount of assistance.
- (3) The date assistance begins.

(b) The county office may not consider:

- (1) money in an individual development account under IC 4-4-28 that belongs to the child or a member of the child's family;
- (2) five thousand dollars (\$5,000) of equity value (as defined in 470 IAC 10.1-3-1) in one (1) motor vehicle that belongs to a member of the child's family; or
- (3) a Holocaust victim's settlement payment received by the child or a member of the child's family;

when determining whether the child is eligible for assistance under this article.

As added by P.L.2-1992, SEC.8. Amended by P.L.4-1993, SEC.66; P.L.5-1993, SEC.79; P.L.15-1997, SEC.3; P.L.126-1998, SEC.1; P.L.128-1999, SEC.9.

IC 12-14-2-2

Investigations made by division

Sec. 2. The division may make investigations as necessary and shall make a decision relative to the granting of assistance.

As added by P.L.2-1992, SEC.8.

IC 12-14-2-3

Amount of assistance; determination

Sec. 3. (a) Except as provided in subsection (b), when determining the amount of assistance, an accounting must be taken of any income or property of the child that the child may receive from another source.

(b) The following may not be considered as income or property of

the child when determining the amount of assistance for the child:

(1) Money in an individual development account established under IC 4-4-28 that belongs to a child or a member of the child's family.

(2) A Holocaust victim's settlement payment received by the child or a member of the child's family.

As added by P.L.2-1992, SEC.8. Amended by P.L.15-1997, SEC.4; P.L.128-1999, SEC.10.

IC 12-14-2-4

Amount of assistance; considerations

Sec. 4. The division shall determine the amount of assistance granted for a dependent child considering the following:

(1) The resources and necessary expenditures of the family.

(2) The conditions existing in each case and in accordance with the rules adopted under IC 4-22-2 by the director of the division.

However, a Holocaust victim's settlement payment received by the child or a member of the child's family may not be considered a resource of the family when determining the amount of assistance for the child.

As added by P.L.2-1992, SEC.8. Amended by P.L.128-1999, SEC.11.

IC 12-14-2-5

Amount of need recognized and payment made; maximum amounts

Sec. 5. Except as provided in sections 5.1 and 5.3 of this chapter, the following apply to the amount of need recognized and payment made under this chapter:

(1) The total amount of need recognized and payment made for a dependent child, other than for medical expenses, for a calendar month may not exceed one hundred fifty-five dollars (\$155).

(2) The total amount of need recognized and payment made to the person essential to the well-being of the dependent child, other than for medical expenses, for a calendar month may not exceed one hundred fifty-five dollars (\$155).

(3) The total amount of need recognized and payment made to one (1) dependent child and to the person essential to the well-being of the dependent child, other than for medical expenses, for a calendar month may not exceed two hundred fifty-five dollars (\$255).

(4) If there is more than one (1) dependent child in the same home, the total amount of need recognized and payment made, other than for medical expenses, for a calendar month may not exceed sixty-five dollars (\$65) for each additional child and, if the second parent of the child is incapacitated and is living in the home, the amount of need recognized and payment made may not exceed sixty-five dollars (\$65) for the benefit of the incapacitated parent.

As added by P.L.2-1992, SEC.8. Amended by P.L.46-1995, SEC.12.

IC 12-14-2-5.1

Time limitations on receipt of assistance; cash assistance minimum

Sec. 5.1. (a) Subject to section 5.2 of this chapter, a parent or an essential person may not receive payments if the person has received assistance under this article during the person's lifetime for twenty-four (24) months after June 30, 1995.

(b) A family receiving TANF under section 5 of this chapter remains eligible to receive TANF services, including access to the Title IV-D child support enforcement program and the IMPACT (JOBS) program, when the family's income is greater than the amount of need recognized under section 5 of this chapter, but the family's gross income is less than one hundred percent (100%) of the federal income poverty level.

(c) A recipient family shall receive a cash assistance benefit under the TANF program of at least ten dollars (\$10) if:

- (1) the family's income is greater than the amount of need recognized under section 5 of this chapter;
- (2) the family's gross income is less than one hundred percent (100%) of the federal income poverty level; and
- (3) a parent or essential person receiving assistance has employment earnings.

As added by P.L.46-1995, SEC.13. Amended by P.L.1-1997, SEC.57; P.L.161-2007, SEC.15; P.L.153-2011, SEC.14.

IC 12-14-2-5.2

Employment credit

Sec. 5.2. (a) A person may earn credit for one (1) month of TANF assistance for each six (6) consecutive months the person is employed full time. However, credit may not be earned for employment completed before the date the person first applies for assistance under this article.

(b) To qualify for credit under subsection (a), a person must supply the county office with proof of the periods during which the person was employed.

(c) A person may not retain credit for more than twenty-four (24) months of TANF assistance under this article at any time.

(d) Credit earned by one (1) member of an assistance group under this section applies to all members of the assistance group.

As added by P.L.46-1995, SEC.14. Amended by P.L.161-2007, SEC.16.

IC 12-14-2-5.3

Payments for child born more than ten months after family qualifies for assistance

Sec. 5.3. (a) This section does not apply to a dependent child:

- (1) described in section 5.1(b)(3) or 5.1(b)(4) of this chapter;
- (2) who is the firstborn of a child less than eighteen (18) years of age who is included in a TANF assistance group when the

child becomes a first time minor parent (including all children in the case of a multiple birth); or

(3) who was conceived in a month the family was not receiving TANF assistance.

(b) Except as provided in subsection (c), after July 1, 1995, an additional payment (other than for medical expenses payable under IC 12-15) may not be made for a dependent child who is born more than ten (10) months after the date the family qualifies for assistance under this article.

(c) The division may adopt rules under IC 4-22-2 that authorize a voucher for goods and services related to child care that do not exceed one-half (1/2) of the assistance that a dependent child described in subsection (b) would otherwise receive under section 5 of this chapter.

(d) A dependent child described in subsection (b) is eligible for all child support enforcement services provided in IC 31-25.

(e) Families receiving TANF assistance are encouraged to receive family planning counseling.

As added by P.L.46-1995, SEC.15. Amended by P.L.2-1997, SEC.36; P.L.145-2006, SEC.79; P.L.161-2007, SEC.17.

IC 12-14-2-5.4

Repealed

(Repealed by P.L.161-2007, SEC.40.)

IC 12-14-2-6

Need of child; age excluded as factor

Sec. 6. Age may not be a factor in determining the need of a child.

As added by P.L.2-1992, SEC.8.

IC 12-14-2-7

Repealed

(Repealed by P.L.161-2007, SEC.40.)

IC 12-14-2-8

Repealed

(Repealed by P.L.161-2007, SEC.40.)

IC 12-14-2-9

Application of percentage reduction to total needs in computing benefits payable

Sec. 9. The division shall apply a percentage reduction of ninety percent (90%) to the total needs of TANF applicants and recipients in computing the TANF benefits payable.

As added by P.L.2-1992, SEC.8. Amended by P.L.161-2007, SEC.18.

IC 12-14-2-10

Repealed

(Repealed by P.L.161-2007, SEC.40.)

IC 12-14-2-11

Compliance with awards

Sec. 11. The county office shall make an award that, including a subsequent modification, is binding and must be complied with by the county office until the award or modified award is vacated.

As added by P.L.2-1992, SEC.8. Amended by P.L.4-1993, SEC.68; P.L.5-1993, SEC.81.

IC 12-14-2-12

Notification of assistance decision

Sec. 12. The county office shall notify the applicant and the division of the county office's decision concerning assistance in writing.

As added by P.L.2-1992, SEC.8. Amended by P.L.4-1993, SEC.69; P.L.5-1993, SEC.82.

IC 12-14-2-13

Reporting of assistance decisions

Sec. 13. The county office shall immediately report to the division the decision for each application for assistance to a dependent child.

As added by P.L.2-1992, SEC.8. Amended by P.L.4-1993, SEC.70; P.L.5-1993, SEC.83.

IC 12-14-2-14

Repealed

(Repealed by P.L.273-1999, SEC.124.)

IC 12-14-2-15

Amount granted; justification; conformance with article

Sec. 15. The amount of the assistance granted must be justified and conform with this article.

As added by P.L.2-1992, SEC.8.

IC 12-14-2-16

Child living with relative prescribed in IC 12-7-2-58

Sec. 16. If an investigation discloses that a child is a dependent child and the child is living or will live with at least one (1) of the relatives prescribed in IC 12-7-2-58, assistance may be allowed for the support of the child without complying with an Indiana law other than this article.

As added by P.L.2-1992, SEC.8.

IC 12-14-2-17

Mandatory school attendance

Sec. 17. (a) To retain eligibility for TANF assistance under this article, a recipient of TANF assistance and a dependent child who is a recipient of TANF assistance must attend school if all of the following apply:

- (1) The recipient or the dependent child meets the compulsory attendance requirements under IC 20-33-2.

(2) The recipient or the dependent child has not graduated from a high school or has not obtained a high school equivalency certificate (as defined in IC 12-14-5-2).

(3) The recipient or the dependent child is not excused from attending school under IC 20-33-2-14 through IC 20-33-2-17.

(4) The recipient or the dependent child does not have good cause for failing to attend school, as determined by rules adopted by the director under IC 4-22-2.

(5) If the recipient or the dependent child is the mother of a child, a physician has not determined that the recipient or the dependent child should delay returning to school after giving birth.

(b) A recipient or the dependent child of a recipient described in subsection (a) who has more than three (3) unexcused absences during a school year is subject to revocation or suspension of assistance as provided in section 18 of this chapter.

(c) The director, in consultation with the department of education, shall adopt rules under IC 4-22-2 to establish a definition for the term "unexcused absence".

As added by P.L.46-1995, SEC.17. Amended by P.L.1-2005, SEC.130; P.L.161-2007, SEC.19.

IC 12-14-2-18

Revocation or suspension of assistance; sanctions

Sec. 18. (a) A recipient or dependent child who fails to meet the requirements of section 17 of this chapter is subject to the revocation or suspension of assistance as provided under rules adopted by the division.

(b) A TANF recipient or applicant who refuses to participate in an employment opportunity or a job training opportunity offered to the recipient or applicant under IC 12-8-12 is subject to sanctions established by the director under IC 12-8-12-6(2).

(c) Except in a case in which the parent, custodian, or guardian of the dependent child qualifies for a good cause or other exception provided by statute or administrative rule, a parent, custodian, or guardian who refuses to cooperate with the Title IV-D agency as required by IC 12-14-7-2, IC 12-14-7-3, or IC 12-14-2-24 in:

(1) a paternity action; or

(2) the establishment or enforcement of a child support order; is subject to sanctions or revocation or suspension of assistance as provided under rules adopted by the division.

(d) The division may adopt rules under IC 4-22-2 to implement subsection (c).

As added by P.L.46-1995, SEC.18. Amended by P.L.2-1997, SEC.37; P.L.161-2007, SEC.20; P.L.80-2010, SEC.16.

IC 12-14-2-19

Release of school attendance records

Sec. 19. The division may require consent to the release of school attendance records as a condition of eligibility to receive assistance

under this chapter.
As added by P.L.46-1995, SEC.19.

IC 12-14-2-20

Voluntary leave of employment or reduction in hours

Sec. 20. (a) This section does not apply to a person who voluntarily leaves an employer for any of the following reasons:

- (1) The person accepted previously secured permanent full-time work with another employer that offered reasonable expectation of higher wages or better working conditions.
- (2) The person left the employer due to a medically substantiated physical disability and is involuntarily unemployed after having made reasonable efforts to maintain the employment relationship.
- (3) The person left work to enter the armed forces of the United States.
- (4) The person's employment was terminated under the compulsory retirement provision of a collective bargaining agreement to which the employer is a party, or under any other plan, system, or program, public or private, providing for compulsory retirement.
- (5) The person voluntarily left the employer, and:
 - (A) the person's previous employment was outside the person's labor market;
 - (B) the person left to accept previously secured full-time work with an employer in the person's labor market; and
 - (C) the person actually became employed with the employer in the person's labor market within the area surrounding the person's permanent residence, outside which the person cannot reasonably commute on a daily basis. In determining whether a person can reasonably commute under this clause, the division shall consider the nature of the person's job.
- (6) The person was laid off by the employer.

(b) A person who applies for TANF assistance under this article and:

- (1) voluntarily leaves the person's most recent employer:
 - (A) within six (6) months before applying for TANF; or
 - (B) at any time after becoming a recipient of TANF under this chapter; or
- (2) voluntarily reduces the number of hours the person works in order to qualify for or retain eligibility for assistance under this article;

is ineligible to receive assistance under IC 12-14 for six (6) months after leaving the person's employer or reducing the person's hours.

As added by P.L.46-1995, SEC.20. Amended by P.L.161-2007, SEC.21.

IC 12-14-2-21

Personal responsibility agreement

Sec. 21. (a) A TANF recipient or the parent or essential person of

a TANF recipient, if the TANF recipient is less than eighteen (18) years of age, must sign a personal responsibility agreement to do the following:

- (1) Develop an individual self-sufficiency plan with other family members and a caseworker.
- (2) Accept any reasonable employment as soon as it becomes available.
- (3) Agree to a loss of assistance, including TANF assistance under this article, if convicted of a felony under IC 35-43-5-7 or IC 35-43-5-7.1 for ten (10) years after the conviction.
- (4) Subject to section 5.3 of this chapter, understand that additional TANF assistance under this article will not be available for a child born more than ten (10) months after the person qualifies for assistance.
- (5) Accept responsibility for ensuring that each child of the person receives all appropriate vaccinations against disease at an appropriate age.
- (6) If the person is less than eighteen (18) years of age and is a parent, live with the person's parents, legal guardian, or an adult relative other than a parent or legal guardian in order to receive public assistance.
- (7) Subject to IC 12-8-1-12 and section 5.1 of this chapter, agree to accept assistance for not more than twenty-four (24) months under the TANF program (IC 12-14).
- (8) Be available for and actively seek and maintain employment.
- (9) Participate in any training program required by the division.
- (10) Accept responsibility for ensuring that the person and each child of the person attend school until the person and each child of the person graduate from high school or attain a high school equivalency certificate (as defined in IC 12-14-5-2).
- (11) Raise the person's children in a safe, secure home.
- (12) Agree not to abuse illegal drugs or other substances that would interfere with the person's ability to attain self-sufficiency.

(b) Except as provided in subsection (c), assistance under the TANF program shall be withheld or denied to a person who does not fulfill the requirements of the personal responsibility agreement under subsection (a).

(c) A person who is granted an exemption under section 23 of this chapter may be excused from specific provisions of the personal responsibility agreement as determined by the director.

As added by P.L.46-1995, SEC.21. Amended by P.L.161-2007, SEC.22.

IC 12-14-2-22

Repealed

(Repealed by P.L.161-2007, SEC.40.)

IC 12-14-2-23

Exemptions

Sec. 23. (a) This section applies only to a person's eligibility for assistance under section 5.1 of this chapter.

(b) As used in this section, "school" means a program resulting in high school graduation.

(c) Due to extraordinary circumstances, a person who is the parent of a dependent child, an essential person, or a dependent child may apply, in a manner prescribed by the division, for an exemption from the requirements of this chapter if the person can document that the person has complied with the personal responsibility agreement under section 21 of this chapter and the person demonstrates any of the following:

- (1) The person has a substantial physical or mental disability that prevents the person from obtaining or participating in gainful employment.
- (2) The person is a minor parent who is in school full time and who has a dependent child.
- (3) The person is a minor parent who is enrolled full time in an educational program culminating in a high school equivalency certificate and who has a dependent child.

A person seeking an exemption under this section must show documentation to the division to substantiate the person's claim for an exemption under subdivision (1), (2), or (3).

(d) After receiving an application for exemption from a parent, an essential person, or a dependent child under subsection (c), the division shall investigate and determine if the parent, essential person, or dependent child qualifies for an exemption from this chapter. The director shall make a final determination regarding:

- (1) whether to grant an exemption;
- (2) the length of an exemption, if granted, subject to subsection (f); and
- (3) the extent of an exemption, if granted.

(e) If the director determines that a parent, an essential person, or a dependent child qualifies for an exemption under this chapter, the parent, essential person, or dependent child is entitled to receive one hundred percent (100%) of the payments that the parent, essential person, or dependent child is entitled to receive under section 5 of this chapter, subject to any ratable reduction.

(f) An exemption granted under this section may not exceed one (1) year, but may be renewed.

(g) The division shall send a report each quarter to the legislative council and the budget committee detailing the number and type of exemptions granted under this section. A report sent under this subsection to the legislative council must be in an electronic format under IC 5-14-6.

(h) The division may adopt rules under IC 4-22-2 to carry out this section.

As added by P.L.46-1995, SEC.23. Amended by P.L.28-2004, SEC.101.

IC 12-14-2-24

Establishing paternity required; exceptions; revocation; good faith effort to cooperate required; presumption of good faith effort; other considerations

Sec. 24. (a) A dependent child and a parent or an essential person are not eligible for TANF assistance under this chapter unless the mother of the dependent child:

- (1) initiates a court proceeding to establish paternity, other than an adoption proceeding, except as provided in IC 31-14-20-2;
- (2) executes a paternity affidavit under IC 16-37-2-2.1; or
- (3) requests, at the time of application or renewal, that the Title IV-D agency or its agents file a paternity action under IC 31-14-4-3.

(b) A person applying for assistance under this chapter is not required to comply with subsection (a) if:

- (1) the father of the dependent child has been charged with an act of rape, incest, or child molesting that occurred against the dependent child's mother within ten (10) months before the birth of the dependent child;
- (2) the mother of the dependent child is deceased;
- (3) the division determines under rules adopted by the division under IC 4-22-2 that the mother of the dependent child could not know the identity of the child's father;
- (4) the mother of the dependent child provides proof, and the division agrees, that the physical health or safety of the mother or the dependent child would be jeopardized if the mother complies with subsection (a); or
- (5) the dependent child is living in the family home of a relative other than the mother of the child as described under IC 12-14-1-1(a) and the relative provides proof, and the division agrees, that the physical health or safety of the mother, relative, or dependent child would be jeopardized if the relative complies with subsection (a).

(c) If a dependent child's mother is a party to a paternity action filed under IC 31-14 (or IC 31-6-6.1 before its repeal), a county office shall revoke assistance under this chapter if the mother fails to pursue the paternity action.

(d) The office may not delay payments otherwise owing to a provider if the mother fails to comply with this section.

(e) Except as provided in subsection (b)(1), (b)(3), and (b)(5), if a child is residing with a nonparent guardian or custodian, the nonparent guardian or custodian shall make a good faith effort to cooperate with a prosecuting attorney or the division by providing to the prosecuting attorney or the division any information regarding the potential paternity of the child.

(f) The nonparent custodian or guardian is presumed to make a good faith effort under subsection (e) if the nonparent custodian or guardian does one (1) or more of the following:

- (1) Responds to telephone calls from a prosecuting attorney or correspondence from a prosecuting attorney.

- (2) Appears for an appointment, in person or by telephone, with a prosecuting attorney.
- (3) Appears at a court hearing when requested by a prosecuting attorney.
- (4) Does one (1) or more of the following:
 - (A) Provides information described in IC 12-7-2-43.5(b), to the extent the information is known.
 - (B) Affirms that the information described in IC 12-7-2-43.5(b) is not known.
- (g) Before making a determination that the nonparent custodian or guardian is not making a good faith effort to cooperate, the prosecuting attorney shall consider one (1) or more of the following:
 - (1) Whether the nonparent custodian or guardian could reasonably be expected to provide the information.
 - (2) The age of the child for whom child support is being sought.
 - (3) The circumstances surrounding the conception of the child.
 - (4) The age and mental capacity of the nonparent custodian or guardian.
 - (5) The time that has expired since the nonparent custodian or guardian has last had contact with:
 - (A) the alleged father of the child;
 - (B) a parent of the child; or
 - (C) a relative of the persons listed in clause (A) or (B).
 - (6) Any credible information that demonstrates an inability to provide correct information about an alleged father or a parent of the child because of deception by the alleged father or parent.
 - (7) Any other credible information obtained by the prosecuting attorney that demonstrates the nonparent custodian or guardian has knowledge of the information sought by the prosecuting attorney.

As added by P.L. 46-1995, SEC. 24. Amended by P.L. 1-1997, SEC. 58; P.L. 161-2007, SEC. 23; P.L. 80-2010, SEC. 17.

IC 12-14-2-25

Information on receipt of previous assistance

Sec. 25. (a) When a person applies for assistance under this chapter, the county office shall determine whether the person has received assistance under the TANF program from another state within the past three (3) years.

(b) The county office shall require each applicant to provide proof of all addresses used by the applicant and each member of the applicant's immediate family during the three (3) years before completing the application.

(c) The county office shall contact the agency administering TANF in any state where the applicant alleges to have lived within the past three (3) years to determine if the applicant has received assistance under the TANF program in that state.

(d) Each month of assistance the applicant has received under the TANF program from another state within the past three (3) years counts as one (1) month against the person's lifetime eligibility for

assistance in Indiana as determined under section 5.1 of this chapter.

(e) Each county office shall provide information to another state regarding assistance provided to a person in Indiana if the other state has, or is willing to provide, similar information as needed to the county office.

As added by P.L.46-1995, SEC.25. Amended by P.L.161-2007, SEC.24.

IC 12-14-2-26

Registration at employment and training office

Sec. 26. (a) To be eligible for assistance under this article, a parent or an essential person must register at the parent's or essential person's local employment and training office:

- (1) when the person first applies for assistance; and
- (2) each time the person reapplies for assistance.

(b) Assistance shall be denied to a person who does not comply with subsection (a).

As added by P.L.46-1995, SEC.26.