

IC 12-14-28

Chapter 28. Temporary Assistance for Needy Families Expenditures

IC 12-14-28-1

"Qualifying family"

Sec. 1. As used in this chapter, "qualifying family" means a family that meets all the following conditions:

- (1) The family consists of:
 - (A) a pregnant woman;
 - (B) a child who is less than eighteen (18) years of age; or
 - (C) a child who is at least eighteen (18) years of age but less than twenty-four (24) years of age who is attending secondary or post secondary school at least half-time.
- (2) The child described in subdivision (1)(B) or (1)(C) resides with a custodial parent or other adult caretaker relative, which may include a child that may be temporarily living away from the custodial parent or other adult caretaker relative while attending school.
- (3) The gross family income is less than four hundred percent (400%) of the federal poverty level.

As added by P.L.273-1999, SEC.199. Amended by P.L.153-2011, SEC.15.

IC 12-14-28-2

Application of other expenditures

Sec. 2. (a) The division shall use the criteria for a qualifying family set forth in section 1 of this chapter to determine and apply all other state or local program expenditures by all state agencies and by political subdivisions that qualify as expenditures toward Indiana's maintenance of effort under the federal Temporary Assistance for Needy Families (TANF) program (45 CFR 260 et seq.).

(b) The division shall determine whether the amount of expenditures that it projects will be reported to the federal government as Indiana's maintenance of effort under the federal Temporary Assistance for Needy Families (TANF) program (45 CFR 265) will be less than necessary to avoid a reduction in the federal TANF distribution to Indiana.

As added by P.L.273-1999, SEC.199. Amended by P.L.1-2009, SEC.102.

IC 12-14-28-3

Provisions of assistance

Sec. 3. (a) The division may provide assistance under a plan of temporary assistance to needy families for a qualifying family.

(b) Individuals who may receive assistance for a qualifying family must reside with the qualifying family and include the following individuals:

- (1) The custodial parent or other adult caretaker relative.
- (2) The spouse of the custodial parent or other adult caretaker

relative.

(3) A child who is less than eighteen (18) years of age.

(4) A child who is at least eighteen (18) years of age but less than twenty-four (24) years of age and who is attending secondary or post secondary school at least half-time, even though the child may be temporarily living away from the custodial parent or other adult caretaker relative while attending school.

(5) A pregnant woman and her spouse if the family's eligibility is based on the pregnancy.

(6) The noncustodial parent of a child described in subdivision (3) or (4) even though the noncustodial parent is not residing with the eligible family.

As added by P.L.273-1999, SEC.199.

IC 12-14-28-3.3

Eligibility of individuals with criminal convictions; participation in substance abuse or mental health treatment; substance abuse testing

Sec. 3.3. (a) An individual who:

(1) except for 21 U.S.C. 862a(a), meets the federal and Indiana TANF program eligibility requirements;

(2) has been convicted of an offense under federal or state law that:

(A) is classified as a felony;

(B) has as an element the possession or use of a controlled substance (as defined in 21 U.S.C. 802(6)); and

(C) does not have as an element the distribution or manufacturing of a controlled substance (as defined in 21 U.S.C. 802(6)); and

(3) either has completed or is participating in substance abuse or mental health treatment provided by:

(A) an addiction services provider certified by the division of mental health and addiction;

(B) a mental health provider (as defined in IC 16-36-1.5-2);

(C) the department of correction;

(D) the federal government; or

(E) a faith based program certified by the division of mental health and addiction;

is eligible to receive assistance under this chapter for not more than twelve (12) months.

(b) For purposes of eligibility for assistance under this chapter, a court may order an individual described in subsection (a) to participate in substance abuse or mental health treatment under this section.

(c) The department of correction shall assist an individual who:

(1) is incarcerated by the department of correction; and

(2) will be eligible for assistance under this chapter upon:

(A) release to parole;

(B) assignment to a community transition program; or

(C) discharge from the department of correction; with applying for assistance under this chapter as described in IC 11-10-12-5.

(d) An individual who is receiving TANF under this section must be tested not less than one (1) time every two (2) months for drugs at a time chosen by the provider of the substance abuse or mental health treatment the individual completed or is participating in under this section. Nothing in this section shall prevent the provider from testing for drugs more frequently if more frequent testing is part of the program operated by the provider.

As added by P.L.161-2007, SEC.32.

IC 12-14-28-3.8

State election to opt out

Sec. 3.8. In accordance with 21 U.S.C. 862a(d)(1), the state elects to opt out of the application of 21 U.S.C. 862a(a) for an individual who has completed or is participating in a substance abuse or mental health treatment program described in section 3.3(a)(3) of this chapter.

As added by P.L.161-2007, SEC.33.

IC 12-14-28-5

Income eligibility limits

Sec. 5. The division may establish income eligibility limits that are lower than those specified in section 1 of this chapter for a particular type of benefit or service.

As added by P.L.273-1999, SEC.199.

IC 12-14-28-6

Eligibility not considered entitlement

Sec. 6. This chapter shall not be interpreted as an entitlement for an individual or family to assistance under a program established under Indiana's plan of temporary assistance to needy families.

As added by P.L.273-1999, SEC.199.

IC 12-14-28-7

Rules

Sec. 7. The division may adopt rules under IC 4-22-2 necessary to implement this chapter.

As added by P.L.273-1999, SEC.199.