

IC 12-20-15

Chapter 15. Appeal of Denial or Reduction in Amount of Township Assistance

IC 12-20-15-1

Appeal by unsatisfied township assistance applicants or recipients to board of commissioners

Sec. 1. If an applicant for or recipient of township assistance is not satisfied with the decision of the township trustee, as administrator of township assistance, the applicant or recipient may appeal to the board of commissioners.

As added by P.L.2-1992, SEC.14. Amended by P.L.73-2005, SEC.62.

IC 12-20-15-2

Time for applicant's appeal

Sec. 2. An applicant for township assistance must file the applicant's appeal not more than fifteen (15) days from the date of issuance by the township trustee of adequate written notice of the denial of township assistance as provided by IC 12-20-6-8. An appeal must be made in writing or orally as required by the board of commissioners.

As added by P.L.2-1992, SEC.14. Amended by P.L.51-1996, SEC.46; P.L.73-2005, SEC.63.

IC 12-20-15-3

Hearing on appeal; uniform written procedures

Sec. 3. (a) The board of county commissioners may:

- (1) conduct a hearing on the appeal; or
- (2) appoint a hearing officer:
 - (A) from among the board;
 - (B) from among the employees of the board; or
 - (C) from qualified residents of the county;

who will conduct a hearing for the board.

(b) The board of county commissioners shall develop uniform written procedures, including provisions for:

- (1) before the hearing, an opportunity for the appellant or the appellant's legal representative to review the appellant's township assistance file and any documents or evidence used by the township trustee to make the determination under appeal;
- (2) the order of the proceeding and the procedure for subpoena:
 - (A) of a witness; or
 - (B) for production of evidence;

if reasonably requested by the appellant or the township trustee; and

- (3) the issuance of a hearing decision within the period prescribed by section 6(b)(2) of this chapter.

As added by P.L.2-1992, SEC.14. Amended by P.L.51-1996, SEC.47; P.L.262-2003, SEC.2; P.L.73-2005, SEC.64.

IC 12-20-15-4

Review of documents and standards for hearings on appeal; remanding cases to trustees

Sec. 4. (a) In hearing an appeal, the board of commissioners and a hearing officer shall:

- (1) review and consider any report or investigative documents the trustee prepared before making the appealed decision; and
- (2) be governed by the township's township assistance standards for determining eligibility to the extent that the standards comply with existing law for the granting of township assistance. If no legally sufficient standards have been established, the board of commissioners and the hearing officer shall be guided by the circumstances in each case.

(b) The board of commissioners shall remand a case to a trustee for further proceedings if:

- (1) new evidence was presented by the applicant to the board of commissioners; and
- (2) the board of commissioners determines that the new evidence presented would have made the individual eligible for assistance.

(c) If a case is remanded to a trustee, the trustee shall issue a new determination of eligibility not later than seventy-two (72) hours after receiving the written decision remanding the case, excluding weekends and legal holidays listed in IC 1-1-9.

As added by P.L.2-1992, SEC.14. Amended by P.L.51-1996, SEC.48; P.L.262-2003, SEC.3; P.L.73-2005, SEC.65.

IC 12-20-15-5

Necessary parties at hearing

Sec. 5. The appellant must be present at a hearing conducted by the board of commissioners or a hearing officer. The township trustee, as administrator of township assistance, or the trustee's representative shall be notified in writing of the hearing date and time, but the failure of the township trustee or the trustee's representative to be present is not a cause for postponement of the hearing unless the trustee requests and is granted a continuance. A continuance requested by the township trustee does not reduce the period required for a decision under section 6(b)(2) of this chapter.

As added by P.L.2-1992, SEC.14. Amended by P.L.51-1996, SEC.49; P.L.73-2005, SEC.66.

IC 12-20-15-6

Timing of hearing on appeal; written decision

Sec. 6. (a) The board of commissioners shall hold a hearing as soon as possible after the filing of an appeal but not more than ten (10) working days after the appeal form or other notice of appeal is received in the office of the board of commissioners.

(b) The board of commissioners shall issue a written decision that must:

- (1) appear in the official records of the board;
- (2) be issued to the appellant and the township trustee not more

- than five (5) working days following the date of the hearing;
- (3) state the legal and factual basis for the decision;
- (4) advise the appellant and the township trustee of the right to judicial review and the period prescribed for requesting judicial review; and
- (5) inform the appellant of the availability of free legal counsel for the indigent.

As added by P.L.2-1992, SEC.14. Amended by P.L.51-1996, SEC.50.

IC 12-20-15-7

Implementation of board's decision

Sec. 7. The township trustee, as administrator of township assistance, shall carry out a decision of the board to sustain, increase, grant, or otherwise modify township assistance only if the board of commissioners complies with the requirements for a written decision under section 6 of this chapter.

As added by P.L.2-1992, SEC.14. Amended by P.L.51-1996, SEC.51; P.L.73-2005, SEC.67.

IC 12-20-15-8

Appeal to circuit or superior court

Sec. 8. (a) The township trustee or an applicant may appeal a decision of the board of commissioners to a circuit or superior court with jurisdiction in the county.

(b) In hearing an appeal, the court shall be governed by the township's township assistance standards for determining eligibility for granting township assistance in the township. If legally sufficient standards have not been established, the court shall be guided by the circumstances of the case.

As added by P.L.2-1992, SEC.14. Amended by P.L.51-1996, SEC.52; P.L.73-2005, SEC.68.

IC 12-20-15-9

Recovery of assistance awarded upon successful appeal by trustee

Sec. 9. If the court sets aside a decision of the board of commissioners in favor of an applicant, the township trustee may recover the amount of any assistance awarded as a result of the board's decision.

As added by P.L.2-1992, SEC.14.