CHAPTER VI

TOWNSHIP ASSISTANCE

PRESCRIBED FORMS

Prescribed forms to be used by the township trustee in the administration of township assistance are: TA-1, TA-1A, TA-1B, TA-2, and TA-7. (See Section 1)

APPLICATION FOR TOWNSHIP ASSISTANCE (FORM TA-1, Revised 2004)

Application for Township Assistance is to be completed by each person who applies for township assistance. The trustee has the power to administer oaths. Any person expressing a desire for assistance shall be permitted to apply, whether or not the trustee believes the person to be eligible. Each completed form must be filed in the trustee's office, whether or not relief is granted on the application. The trustee shall not extend aid to persons or families unless an affidavit setting forth the personal condition of the family has been filed within one hundred eighty (180) days prior to the date of the extension of aid.

An individual filing an application and affidavit on behalf of a household must provide the names of all household members and any information necessary for determining for household's eligibility for township assistance. The application must be on the form prescribed by the State Board of Accounts. IC 12-20-6-1

The township trustee shall assist an applicant for township assistance in completing a township assistance application if the applicant: (1) has a mental or physical disability, including mental retardation, cerebral palsy, blindness, or paralysis; (2) has dyslexia; or (3) cannot read or write the English language. IC 12-20-6-1

A township trustee shall determine whether an applicant or a member of the applicant's household has been denied assistance under IC 12-14-1-1, IC 12-14-1-1.5, IC 12-14-2-5.1, IC 12-14-2-5.3, IC 12-14-2-18, IC 12-14-2-20, IC 12-14-2-21, IC 12-14-2-24, IC 12-14-2-26, IC 12-14-2.5 or IC 12-14-5.5. The trustee has no obligation to extend aid to those denied assistance in the sections escribed above. A trustee shall not extend aid to an applicant or a member of the applicant's household if they have been convicted of an offense under IC 35-43-5-7 or IC 35-43-5-7.1 as follows: (1) if the conviction is a misdemeanor a trustee shall not extend aid to the applicant or household for one year after the conviction. (2) If the conviction is a felony, aid shall not be extended for ten (10) years after the conviction. IC 12-20-6-0.5

If an individual who is required to sign a form under this section is unable to sign in the township trustee's office due to a physical or mental disability or illness, the township trustee shall make alternate arrangements to obtain the individual's signature. IC 12-20-7-1

NOTICE OF TOWNSHIP ASSISTANCE ACTION (Form TA-1A, Revised 2004)

Immediately after any action is taken upon a completed township assistance application or, in the case of termination or reduction of existing benefits, before action is taken, a "Notice of Township Assistance Action" form shall be delivered to the applicant or recipient in person or by first class United States mail at said person's last known address. A copy of each completed "Notice" shall be filed with the applicant's application in the trustee's office. In those cases where the trustee has determined to terminate or reduce benefits, if an appeal is requested within ten (10) days, assistance shall be continued to those recipients until a decision by the county commissioners is made. See Brooks v. Center Township, 485 F 2d 383 (7th Cir. 1973), which requires in cases where termination or reduction of benefits is proposed, that assistance be continued pending a hearing and determination by the board of county commissioners if the recipient requests such a hearing. An appeal to the board of county commissioners should be in writing or orally as may be required by the commissioners. The appeal should be made within fifteen (15) days from the date the trustee denies assistance, if the applicant has been informed of his right to appeal and the procedure for such appeal.

An application for township assistance is not considered complete until all adult members of the requesting household have signed: (1) the township assistance application; and (2) any other form, instrument, or document: (A) required by law; or (B) determined necessary for investigative purposes by the trustee, as contained in the township assistance guidelines. IC 12-20-6-8

In a case of emergency, a trustee shall accept and promptly act upon an application from an individual requesting assistance. In a nonemergency request for township assistance, the trustee shall act on the completed application not later than seventy-two (72) hours after receiving the completed application, excluding weekends and legal holidays listed in IC 1-1-9. The trustee's office shall retain a copy of each completed application and affidavit whether or not relief is granted.

The actions that a trustee may take on a completed application for township assistance, except in a case of emergency, are the following:

1. Grant assistance.

2. Deny assistance, including a partial denial of assistance requested.

3. Leave the decision pending.

A decision pending determination under subsection (b)(3):

1. May not remain pending for more than seventy-two (72) hours after the expiration of the period described in subsection (a); and

2. Must include a statement listing the specific reasons that assistance is not granted or denied within the period required under subsection (a). IC 12-20-6-7

APPLICATION FOR ADDITIONAL OR CONTINUING TOWNSHIP ASSISTANCE (Form TA-1B, Revised 2004)

Application for Additional or Continuing Township Assistance should be completed for additional or continuing township assistance.

The township trustee may not extend additional or continuing aid to an individual or a household unless the individual or household files an affidavit with the request for assistance affirming how, if at all, the personal condition of the individual or the household has changed from that set forth in the individual's or household's most recent application. IC 12-20-6-5

TOWNSHIP ASSISTANCE PURCHASE ORDER (Form TA-2, Revised 2004)

Township Assistance Purchase Order must be issued for each and every township assistance order for medical aid. The form is to be made out in triplicate. The original is either given the indigent to take to the doctor or vendor, or is mailed to the doctor or vendor. The duplicate is to be filed alphabetically in the assistance office, and the triplicate remains in the book in numerical order. The purchase order must be completely filled out and itemized before being issued to the doctor or vendor. The doctor or vendor must itemize fully on the reverse side the exact services rendered or items supplied, and must obtain the signature of the relief client. When more than one service is rendered on the same purchase order, a separate report blank (Form TA-4) must be submitted for each service showing necessary signatures. The original purchase order, signed by the recipient, must accompany the doctor's or vendor's claim when filed with the trustee for payment.

TOWNSHIP ASSISTANCE STATISTICAL REPORT (Form TA-7 2005)

Three (3) copies of the form shall be forwarded to the State Board of Accounts, 302 West Washington Street, Room E418, Indianapolis, Indiana, 46204-2765 with the Township Annual Report, Township Form 15, which is filed with the State Board of Accounts by January 30, each year. The township trustee shall file an annual statistical report on various forms of township assistance including housing, medical care, utility, and food assistance with the State Board of Accounts. The township trustee shall provide a copy of the annual statistical report to the county auditor. The county auditor shall keep the copy of the report in the county auditor's office. Extensive changes to Form TA-7 are included in the 2005 revision. IC 12-20-28-3(e)

ADMINISTRATOR OF THE POOR

The township trustee is ex officio administrator of township assistance within the township. IC 12-20-5-1

The township trustee shall, in cases of necessity, promptly provide medical assistance for all the poor in his township who are not provided for in public institutions. See that medicines, medical supplies, special diets, or tests prescribed by a physician or surgeon in attendance upon poor individuals in the township are properly furnished. The township trustee may, in cases of necessity, authorize the payment from township assistance funds for water, gas and electric services, including the payment of delinquent bills for such services, when necessary to prevent their termination or to restore terminated service.

The administrator of township assistance may hire osteopaths and chiropractors as well as medical doctors. (Opinions of Attorney General 1935, Page 317)

Where a resident of a County Home (who is a township public charge) requires hospitalization, medical or surgical care which is not furnished by the County Home, it is the duty of the township trustee where such person resides to provide for the expenses of such service. (Opinions of Attorney General 1954, Page 213)

From a consideration of the statutes concerning township assistance, it is clear that regardless of the established residence of poor persons contemplated therein, such relief shall be administered by the overseer of the poor in any township wherein the poor persons may be found in need of distress. Portage Tp. of St. Joseph County v. Clinic Inc., 109 App. 365, 33 N.E. 2d 786 (1941).

The township is liable for the reasonable value of medical and surgical attention rendered to a poor person of the township in an emergency without opportunity to communicate with the trustee. Newcomer v. Jefferson Tp., 181 Ind. 1, 103 N.E. 843 (1941).

TOWNSHIP ASSISTANCE STANDARDS

The township trustee shall process all applications for township assistance according to uniform written standards and without consideration of the race, creed, nationality, or gender of the applicant or any member of the applicant's household.

The township's standards for the issuance of township assistance and the processing of applications must be:

1. Governed by the requirements of this article;

2. Proposed by the township trustee, adopted by the township board, and filed with the board of county commissioners;

3. Reviewed and updated annually to reflect changes in the cost of basic necessities in the township and changes in the law;

4. Published in a single written document, including addenda attached to the document; and

5. Posted in a place prominently visible to the public in all offices of the township trustee where township assistance applications are taken or processed.

Standards for the administration of township assistance must contain the following:

1. Criteria for determining township assistance eligibility.

2. Minimum requirements of township trustee accessibility.

3. Other information as needed, including the following:

   A. Township office locations, hours, and days of availability.

   B. Initial eligibility criteria.

   C. Continuing eligibility criteria.

   D. Workfare requirements.

   E. Essential and nonessential assets.

   F. Available resources.

   G. Income exemptions.

   H. Application process.

   I. Countable income.

   J. Countable assets.

   K. Wasted resources.

The township trustee shall ensure adequate access to township assistance services, including a published telephone number in the name of the township.

A township assistance office, if separate from the township trustee's residence, must be designated by a clearly visible sign that lists the:

1. Township trustee's name;

2. Availability of township assistance; and

3. Township assistance office's telephone number.

The sign must conform to all local zoning and signage restrictions.

This section does not apply to a township trustee who has assisted less than fifty-one (51) households during each of the two (2) years immediately preceding the date of the township trustee's annual report under IC 12-20-28-3.

To ensure minimum accessibility, a township trustee operating a township assistance office in a township with a population of at least ten thousand (10,000) shall provide scheduled office hours for township assistance and staff each office with an individual qualified to:

1. Determine eligibility; and

2. Issue assistance sufficient to meet the township assistance needs of the township.

To meet the requirements of IC 12-20-5.5-4(b), the township trustee shall do the following:

1. Provide township assistance office hours for at least fourteen (14) hours per week.

2. Provide that there is not more than one (1) weekday between the days the township assistance office is open.

3. Provide for after hours access to the township assistance office by use of an answering machine or a service:

   A. Capable of taking messages; and

   B. Programmed to provide information about township assistance office hours.

4. Respond to a telephone inquiry for township assistance services not more than twenty-four (24) hours, excluding Saturdays, Sundays, and legal holidays, after receiving the inquiry.

5. Post township assistance office hours and telephone numbers at the entrance to each township assistance office.

The township's standards for the administration of township assistance must include all applicable standards governing the provisions of basic necessities, including maximum amounts, special conditions, or other limitations on eligibility, if any have been established for one (1) or more basic necessities.

A township trustee shall set income standards for the township that provide for financial eligibility in an amount consistent with reasonable costs of basic necessities in the trustee's particular township. IC 12-20-5.5

Standards for the administration of township assistance must exclude a Holocaust victim's settlement payment received by an eligible individual from countable assets and countable income. A township trustee may not consider a Holocaust victim's settlement payment received by an eligible individual when setting income standards under this section.

PAYMENT OF CLAIMS

Whenever the administrator of township assistance of any township grants township assistance aid to any indigent person, or to any other person or agency on a township assistance order as provided by law or obligates the township for any item properly payable from township assistance funds, the claim against such township, itemized and sworn to as provided by law, and accompanied by the original township assistance order, duly itemized and signed shall be checked with the records of the administrator of township assistance, audited, and certified to, as required by law by the trustee.

The claim, with the original township assistance order or orders attached, shall then be filed for payment. All townships are now required to pay township assistance (IC 12-20 used to provide the county auditor could pay township assistance for certain townships). Such claim or claims shall be carefully reviewed and approved by the trustee as the administrator of township assistance. The township trustee shall pay claims against the township for township assistance in the same manner that other claims against the township are paid. The township trustee, when authorized to pay claims directly to vendors, shall pay a claim within forty-five (45) days. The township trustee shall pay the claim from: (1) any balance standing to the credit of the township against which the claim is filed; or (2) from any other available fund from which advancements can be made to the township for that purpose. IC 12-20-20-1

Payment of all claims should be directly to a vendor and should never be to a township assistance applicant.

FINANCING TOWNSHIP ASSISTANCE

Borrowing To Pay Claims

IC 12-20-20-2 provides (a) If money is not available for the payment of township assistance claims under section 1 of this chapter, the township board shall appeal to borrow money under IC 12-20-24. (b) This subsection does not apply to a county having a consolidated city. If the township board does not appeal to borrow money under IC 12-20-24 or if an appeal fails, the board of commissioners may borrow money or otherwise provide the money. If the county commissioners determine to borrow the money or otherwise provide the money, the county fiscal body shall promptly pass necessary ordinances and make the necessary appropriations to enable this to be done, after determining whether to borrow money by any of the following: (1) A temporary loan against taxes levied and in the process of collection. (2) The sale of county township assistance bonds or other county obligations. (3) Any other lawful method of obtaining money for the payment of township assistance claims. (c) This subsection applies only to a county having a consolidated city. If a township board does not appeal to borrow money under IC 12-20-24 or if an appeal fails, the board of commissioners shall borrow money or otherwise provide the money. The county fiscal body shall promptly pass necessary ordinances and make the necessary appropriations to enable this to be done, after determining whether to borrow money by any of the following methods: (1) A temporary loan against taxes levied and in the process of collection. (2) The sale of county township assistance bonds or other county obligations. (3) Any other lawful method of obtaining money for the payment of township assistance claims.

Appeal For Right To Borrow

IC 12-20-24-1 provides (a) In addition to the other methods of township assistance financing provided by this article, if a township trustee for a township determines that a particular township's township assistance account will be exhausted before the end of a fiscal year, the township trustee shall notify the township board of that determination. (b) After receiving notice under subsection (a) that a township's township assistance account will be exhausted before the end of a fiscal year, the township board shall appeal to the department of local government finance for the right to borrow money on a short term basis to fund township assistance services in the township. In the appeal the township board must do the following: (1) Show that the amount of money contained in the township assistance account will not be sufficient to fund services required to be provided within the township by this article. (2) Show the amount of money that the board estimates will be needed to fund the deficit. (3) Indicate a period, not to exceed five (5) years, during which the township would repay the loan.

Decision Of Department

IC 12-20-24-5 provides (a) If upon appeal under section 1 of this chapter the department determines that a township board should be allowed to borrow money under this chapter, the department shall order the township trustee to borrow the money from a financial institution on behalf of the township board and to deposit the money borrowed in the township's township assistance account. (b) If upon appeal under section 1 of this chapter the department determines that the township board should not be allowed to borrow money, the board may not do so for that year

Approval Of Loan; Repayment Period

IC 12-20-24-6 provides if a loan is approved under IC 12-2-4.5 (before its repeal) or this chapter, the board of commissioners or county council (for a loan approved by the board of commissioners or county council before July 1, 2006) or the department shall determine the period during which the township shall repay the loan. However, the period may not exceed five (5) years.

Approval Restrictions

IC 12-20-24-7 provides a board of commissioners or a county council (for a loan approved by the board of commissioners or county council before July 1, 2006) or the department may not do any of the following: (1) Approve a request to borrow money made under IC 12-2-4.5 (before its repeal) or this chapter unless the body determines that the township's township assistance account will be exhausted before the account can fund all township obligations incurred under this article. (2) Recommend or approve a loan that will exceed the estimated amount of the deficit.

Tax Levy

IC 12-20-24-8 provides (a) If a township board: (1) appeals before August 1 for permission to borrow money; (2) receives permission from: (A) the board of commissioners or the county council, before July 1, 2006; or (B) the department; to borrow money before November 1 of that year; and (3) borrows money under this chapter; the township board shall levy a property tax beginning in the next succeeding year and continuing for the term of the loan in an amount each year that will be sufficient to pay the principal and interest due on the loan for the year. (b) If a township board: (1) appeals after August 1 for permission to borrow money; (2) receives permission from: (A) the board of commissioners or the county council, before July 1, 2006; or (B) the department; to borrow money; and (3) borrows money in the year of the appeal under this chapter; the township board shall levy a property tax beginning in the second succeeding year and continuing for the term of the loan in an amount each year that will be sufficient to pay the principal and interest due on the loan for the year. (c) The property taxes levied under this section shall be retained by the township trustee and applied by the township trustee to retire the debt.

A township board must make an additional appropriation before money borrowed under this chapter may be spent. IC 12-20-24-9

LEGAL SETTLEMENT OR RESIDENCY REQUIREMENTS FOR TOWNSHIP ASSISTANCE

In the case of Major et al. v. Van deWalle et al., Civil No. 4169 (1970) in the United States District Court, Northern District of Indiana, South Bend Division, a three-judge federal court held that IC 1-1-5, concerning legal settlement or residency requirements for township assistance, was unconstitutional on its face. A township assistance application should not be denied on the grounds that the applicant has not established legal residence.

The imposition of residency requirements may subject the trustee to civil liability. Migrant workers, transients and new arrivals should be treated the same as any other applicants for township assistance.

NOTE: Where the term "legal settlement" appears in subsequent unamended sections of this chapter, it should be understood to refer to "residence."

IC 12-20-8-1 states "For purposes of this chapter, an individual is a 'resident' of a township or county if the individual:

1. Has located in the township or county; and

2. Intends to make the township or county the individual's sole place of residence."

DUTIES OF THE TOWNSHIP TRUSTEE - SERVICES TO BE RENDERED, TOWNSHIP ASSISTANCE

The trustee shall have the oversight and care of all poor persons in his township as long as they remain in the trustee's charge, and shall see that they are properly taken care of in the manner required by law. IC 12-20-5-2

The township trustee shall carefully investigate the circumstances of the applicant and each member of the applicant's household to ascertain their legal residence, their physical condition relating to sickness or health, their present and previous occupation, their names and ages, the ability and capacity for labor of all members of the household, and the cause of the applicant's or household members condition if the applicant's household member is found to be in distress and the cause can be ascertained, whether an applicant or member of the applicant's household is entitled to income in the immediate future from any source including past or present employment, pending claims that may result in monetary award, or pending determination for assistance from any other federal or state governmental entity. (Form TA-1) The trustee shall ascertain, as far as possible, whether such persons have relatives able and willing to assist them. IC 12-20-6-9

If an applicant or a member of the applicant's household who applied for township assistance has relatives in the township who are able to assist the individual, the trustee shall, before giving aid a second time to the individual, ask the relatives to help the individual either with material relief or by furnishing the individual with employment. IC 12-20-6-10

A trustee may not use township assistance funds to pay for the cost of an applicant's shelter with a relative who is the applicant's landlord if the applicant lives in the same household as the relative; or housing separate from the relative and either the housing is unencumbered by mortgage; or the housing has not been previously rented by the relative to a different tenant at reasonable market rates for at least six (6) months.

If shelter payments are made to a relative of a township assistance applicant on behalf of the applicant or a member of the applicant's household, the trustee may file a lien against the relative's real property for the amount of township assistance shelter assistance granted. IC 12-20-6-10

In the case of Hopson v. Schilling, 4187 Supp. 1223 (N.D. Ind. 1976) the court held that each township must adopt eligibility standards/guidelines, and must include financial and non-financial eligibility guidelines, as statement of needs to be met and a description of application procedures.

The trustee shall refuse to furnish aid until he is satisfied that the persons claiming help are endeavoring to find work for themselves. The trustee shall obligate any adult member of a recipient household to do any work needed to be done by any governmental agency or unit including the state within his township or adjoining township, in exchange for assistance given, (IC 12-20-11) unless:

1. The obligated individual is not physically able to perform the proposed work;

2. The obligated individual is a minor or is over sixty-five (65) years of age;

3. The obligated individual has full-time employment at the time the recipient receives township assistance;

4. The obligated individual is needed to care for a person as a result of that person's age or physical condition;

5. There is no work available for the obligated individual; or

6. The obligated individual, at the direction of the trustee, is attending classes or a job training program.

The term "recipient" means a single person receiving township assistance or, when township assistance is received by a household with two (2) or more persons, that member of the household most suited to perform available work. Suitability to perform available work shall be determined by the trustee, who may provide for medical examinations necessary to make the determination. The recipient shall be required to do an amount of work which equals the value of assistance already received by the recipient or the recipient's household. The recipient shall receive credit for the work performed as assigned by the township trustee at a rate not less than the federal minimum wage. The unit of government or nonprofit agency for which the work is performed shall furnish any necessary tools, materials, or transportation, unless the trustee agrees, in writing, to furnish the necessary tools, materials, or transportation. Supervision of the work of a recipient is the responsibility of the governmental unit or nonprofit agency for which the work is performed. The trustee is responsible for seeing that the recipient is covered by adequate liability insurance for injuries and damages suffered by or caused by the recipient. A recipient shall not be assigned to work which would result in the displacement of governmental employees or in the reduction of hours worked by those employees. Work performed under IC 12-20-11 is considered as satisfaction of a condition for township assistance and is not considered as services performed for remuneration. However, a recipient performing work under this chapter and the governmental unit or nonprofit agency for which he works are covered by the medical treatment and burial expense provisions of IC 22-3-2 through IC 22-3-6 with regard to the work performed. A township trustee may not seek federal or state reimbursement, foreclose a lien, or otherwise seek repayment of assistance for which a recipient or an adult member of the recipient's household has satisfactorily completed a workfare requirement.

The administrator shall make all possible efforts to secure employment for the able-bodied in the township where they reside, and may call up residents of the township to aid in finding employment for persons who are able to work. If the poor person applying for relief is in good health and able to work and if employment is secured for or offered to that person by the administrator of township assistance, whether the compensation for the work be payable in money or in house rent, or in commodities consisting of the necessaries of life as defined below, or if employment at a reasonable compensation is offered by any other individual government agency or employer, no aid shall be furnished to such poor person by the overseer unless and until that person shall accept and perform the work. However, the person may be given admission to the county home, where he shall be compelled to work, or shows just cause for not performing the work. The failure of a recipient to perform work assigned by the township trustee within a reasonable period required by the trustee is a basis for denying further assistance to the recipient or recipient household for not more than 180 days unless the recipient shows good cause.

If a township assistance applicant or a member of the applicant's household claims an inability to work due to health, the township trustee may require and provide for any medical examination necessary for the township trustee to determine whether the applicant or household member is able to perform work. IC 12-20-10-3.5

If a recipient, after referral by the trustee, is accepted and attends adult education courses under IC 20-10.1-7-1 or vocational education courses at Indiana Vocational Technical College established under IC 20-2-61, the recipient is exempt from performing work for or searching for work for not more than 120 days. The township trustee may reimburse a township assistance recipient for tuition expenses incurred in attending the courses described in subsection (a) if the recipient:

1. Has a proven aptitude for the courses being studied;

2. Was referred by the trustee;

3. Does not qualify for other tax supported educational programs;

4. Maintains a passing grade in each course; and

5. Maintains the minimum attendance requirements specified by the educational institution.

Public aid by the administrator of township assistance may provide and shall extend township assistance only when the personal effort of the applicant fails to provide one (1) or more of the basic necessities. "Basic necessities," for purposes of IC 12-20, includes those services or items essential to meet the minimum standards of health, safety, and decency, including the following:

1. Medical care described in IC 12-20-16-2.

2. Clothing and footwear.

3. Food.

4. Shelter.

5. Transportation to seek and accept employment on a reasonable basis.

6. Household essentials.

7. Essential utility services.

8. Other services or items the township trustee determines are necessities. IC 12-7-2-20.5

In Van Buskirk v. Wayne Township, 418 N.E. 2d 234 (Ind. App. 1981), the court held the trustee shall provide the above items but the nature and extent of such relief are left in large part within the discretion of the trustee.

As a condition of continuing eligibility, a township trustee may require a recipient or any member of the recipient's household or any member of the household of township assistance to participate in a training program that is offered within the county or an adjoining township in another county, by a federal, state, or local entity or non-profit agency. IC 12-20-12-1

The trustee may require an applicant or an adult household member to satisfy all obligations to perform work incurred in another township before additional township assistance is granted. The trustee may request from another trustee documentation necessary to confirm that such work has been performed. However, in an emergency, the trustee may temporarily waive the work obligation incurred from another township and provide temporary assistance to an applicant to relieve distress or immediate suffering. IC 12-20-11-4

MEDICAL ASSISTANCE

Except as provided in IC 12-20-16-2, subsections (b) and (c), the township trustee shall, in cases of necessity, do the following:

1. Promptly provide medical assistance for individuals in the township who are not provided for in public institutions.

2. See that medicines, medical supplies, special diets, or tests prescribed by a physician or surgeon in attendance upon poor individuals in the township are properly furnished. IC 12-20-16-2(a)

A township trustee may not provide to an individual medical assistance under the township assistance program if the individual could qualify for medical assistance for the same service under IC 12-16, Medicaid, other governmental medical programs or private health insurance that would cover the individual at the time the assistance was provided. However, if the individual's insurance does not pay for the medical assistance due to a policy deductible or other policy limitation, the township trustee shall pay for medical assistance that the trustee would provide if the individual did not have insurance. However, a township trustee may provide iterim medical services during the period that the individual has an application pending for medical assistance under Medicaid (IC 12-15) or another governmental medical program if the individual is reasonably complying with all requirements of the application process. IC 12-20-16-2(b)

The township trustee shall pay only for the following medical services for the poor of the township:

1. Prescription drugs, not to exceed a thirty (30) day supply at a time, as prescribed by an attending practitioner (as defined in IC 16-42-19-5) other than a veterinarian. However, if the prescription drugs are available only in a container that contains more than a thirty (30) day supply, the township trustee may pay for the available size . . . (13) Insulin and items needed to administer the biological, not to exceed a thirty (30) day supply at a time**,** in accordance with section 14 of this chapter. However, if the biologicals are available only in a container that contains more than a thirty (30) day supply, the township trustee may pay for the available size.

2. Office calls to a physician licensed under IC 25-22.5 or another medical provider.

3. Dental care needed to relieve pain or infection or to repair cavities.

4. Repair or replacement of dentures.

5. Emergency room treatment that is of an emergency nature.

6. Preoperation testing prescribed by an attending physician licensed under IC 25-22.5.

7. Over-the-counter drugs prescribed by a practitioner (as defined in IC 16-42-19-5) other than a veterinarian.

8. X-rays and laboratory testing as prescribed by an attending physician licensed under IC 25-22.5.

9. Visits to a medical specialist when referred by an attending physician licensed under IC 25-22.5.

10. Physical therapy prescribed by an attending physician licensed under IC 25-22.5

11. Eyeglasses.

12. Repair or replacement of a prosthesis not provided for by other tax supported state or federal programs.

13. Insulin and items needed to administer the biological, not to exceed a thirty (30) day supply at a time, in accordance with section 14 of this chapter. However, if the biologicals are available only in a container that contains more than a thirty (30) day supply, the township trustee may pay for the available size. IC 12-20-16-2(c)

The township trustee may establish a list of approved medical providers to provide medical services to the poor of the township. Any medical provider who:

1. can provide the particular medical services within the scope of the provider's license issued under IC 25; and

2. is willing to provide the medical services for the charges established by the township trustee;

is entitled to be included on the list.

Unless prohibited by federal law, a township trustee who:

1. provides to an individual medical assistance that is eligible for payment under any medical program described in subsection (b) for which payments are administered by an agency of the state during the pendency of the individual's successful application for the program; and

2. submits a timely and proper claim to the agency;

is eligible for reimbursement by the agency to the same extent as any medical provider. IC 12-20-16-2(e)

If a township trustee provides medical assistance for medical services provided to an individual who is subsequently determined to be eligible for Medicaid:

1. the township trustee shall notify the medical provider that provided the medical services of the individual's eligibility; and

2. not later than thirty (30) days after the medical provider receives the notice under subdivision (1),

the medical provider shall file a claim for reimbursement with the office. IC 12-20-16-2(f)

A medical provider that is reimbursed under subsection (f) shall, not later than thirty (30) days after receiving the reimbursement, pay to the township trustee the lesser of:

1. the amount of medical assistance received from the trustee to an individual; or

2. the amount reimbursed by Medicaid to the medical provider. IC 12-20-16-2(g)

UTILITY SERVICE

The township trustee may, in cases of necessity, authorize the payment from township assistance money for essential utility services, including the following:

1. Water services.

2. Gas services.

3. Electric services.

4. Fuel oil services for fuel oil used for heating or cooking.

5. Coal, wood, or liquid propane used for heating or cooking.

The township trustee may authorize the payment of delinquent bills for the services listed in IC 12-20-12-1(a)(1) through (a)(5) when necessary to prevent the termination of the services or to restore terminated service if the delinquency has lasted not longer than twenty four (24) months. The township trustee has no obligation to pay a delinquent bill for the services or materials if the delinquency has lasted more than twenty four (24) months. IC 12-20-16-3(a)

The township trustee is not required to pay for any utility service:

1. that is not properly charged to:

   A. an adult member of a household;

   B. an emancipated minor who is head of the household; or

   C. a landlord or former member of the household if the applicant proves that the applicant is responsible for payment of the bill; or

2. received as a result of a fraudulent act by any adult member of a household requesting township assistance. IC 12-20-16-2(b); or

3. received the services as a tenant residing at the service address at the time the cost was incurred and that includes the use of township assistance funds for the payment of:

   A. a security deposit; or

   B. damages caused by township assistance applicant to utility company property.

INSULIN FURNISHED TO THE POOR

The township trustee is authorized to provide insulin to individuals who are in need of insulin treatment and who are financially unable to purchase the insulin, upon application of a physician licensed under IC 25-22.5 or an advanced practice nurse who is licensed under IC 25-23 and who meets the requirements of IC 25-23-1-11 and IC 25-23-1-19.5. However, an application submitted by a physician or an advanced practice nurse under this section must meet the requirements of IC 16-41-19-4.

Also amends IC 16-41-19-4 to provide The physician or advanced practice nurse applying for free biologicals as provided in this chapter and IC 12-20-16-14 shall sign in ink the following affirmation printed on the application form (State Form 43918): "I solemnly affirm that the free biologicals applied for will be administered to the person named above, and it is my belief after inquiry that the person is financially unable to pay for the biologicals." IC 12-20-16-14

Except as provided in IC 16-41-19-7(b), all costs that are incurred in furnishing biologicals under this chapter, IC 12-20-16-2(c)(13), or IC 12-20-16-14 shall be paid by . . . the appropriate township against which the application form is issued from funds in the township assistance fund; not otherwise appropriated without appropriations.

A township is not responsible for paying for biologicals as provided in subsection (a)(2) if the township trustee has evidence that the individual has the financial ability to pay for the biologicals.

After being presented with a legal claim for insulin being furnished to the same individual a second time, a township trustee may require the individual to complete and file a standard application for township assistance in order to investigate the financial condition of the individual claiming to be indigent. The trustee shall immediately notify the individual's physician that:

(1) the financial ability of the individual claiming to be indigent is in question; and

(2) a standard application for township assistance must be filed with the township.

The township shall continue to furnish insulin under this section until the township trustee completes an investigation and makes a determination as to the individual's financial ability to pay for insulin.

For purposes of this section, the township shall consider an adult individual needing insulin as an individual and not as a member of a household requesting township assistance. IC 16-41-19-7

FINANCIAL ASSISTANCE - SCHOOLS

Under extraordinary circumstances, the township trustee may pay for school books and fees for individuals who do not otherwise qualify. Assistance in such cases may be provided under the general township assistance provision of IC 12-20. IC 20-33-5-12

COOPERATION WITH FEDERAL AND STATE GOVERNMENTS - FACILITIES FOR STORING - PARTICIPATION MANDATORY - DISPOSITION PLANS - COUNTY COMMISSIONERS' ORDERS

The administrators of township assistance are hereby empowered to cooperate with the state and federal government in the furnishing of township assistance in order that it shall be furnished adequately and economically. The administrators of township assistance shall provide such facilities for relief headquarters and storage and transportation of commodities for township assistance purposes as are demanded, but such cooperation shall be confined to that reasonably required under the purposes of IC 1220.

The administrator of township assistance may participate in surplus agricultural commodities distributions that have been provided for and made available by the United States Department of Agriculture to the state (IC 20-1-16-1). Each such administrator of township assistance may establish his own distribution plan or he shall participate jointly with one (1) or more administrators of township assistance. IC 12-20-18

FOOD PURCHASE ORDERS

When the head of a family, including a one member family, is considered by the administrator of township assistance to be incompetent or irresponsible to select food from a combined grocery and meat market or to make proper use of food stamps, the administrator shall issue the food purchase order in the name of another member of the family, of a relative living in another household or of any other person considered competent by the administrator. IC 12-20-16-8

COUNTY HOME

The administrators of township assistance shall, as persons may become permanent charges upon the township as paupers, have such persons removed to the county home. IC 12-30-4-2

It is for the township trustee to determine whether a pauper shall be removed to the county home, or temporary relief afforded to such pauper. County of Posey v. Harlem, 108 Ind. 164 N.E. 913 (1886).

Application for admission to the county home shall be made on County Form 77-A, 1947. Such administrator of township assistance shall first make an investigation of such person or persons sought to be admitted and shall make a report regarding such person or persons to the board of county commissioners of such county. Said report shall contain the name, place and date of birth, and length of legal settlement in such township of said person or persons sought to be admitted together with a statement of health of such person certified by a competent physician, and also a statement of the income, property or property rights of such person, and a list of the relatives of such person who in the opinion of said administrator of township assistance are capable of making contributions for the support of person sought to be admitted. The board of county commissioners of such county shall, upon receipt of such recommendation by the administrator of township assistance, immediately consider such recommendation and make such further investigation as said board deems best. Such board of county commissioners of such county shall have the right and it shall be their duty to admit such person on such terms, conditions and contract as they deem just and fair by requiring such person sought to be admitted, or other persons or agencies, to pay such sums of money within the lawfully established rate as provided herein at such times as said board of county commissioners of such county deems proper. Such board of county commissioners are hereby authorized to delegate such investigation to the superintendent of such county home or to such other agencies of persons as they may deem best, retaining, however, the right of determination in such board of county commissioners, subject only to the right of appeal. IC 12-30-4-4

In the event such board of county commissioners finds that such person sought to be admitted into such county home or other charitable institutions should not, for any cause, be admitted therein, such person or administrator of township assistance may appeal from the decision of the board of county commissioners of such county to the judge of the circuit court of such county by filing a transcript of the record before such board of county commissioner with the clerk of the circuit court of such county who shall immediately notify the judge of such circuit court, and such judge shall, as soon as possible, proceed to hear and determine such matter and shall have authority to order such board of county commissioners, to accept such person in said county home or other charitable institution on such terms and conditions within the lawfully established rate as provided herein, as the court or judge thereof may order. In case of emergency, pending decision by the board of county commissioners or judge of the circuit court, such person sought to be admitted shall be admitted temporarily. In event of final determination that such person should not be admitted, the township trustee of such person's settlement shall immediately remove such person from such county home or other charitable institution. IC 12-30-4-6

Each township trustee of the several townships of each county shall pay to the county the amount so fixed for each person admitted into such county home or other charitable institution from such township, except those otherwise able to pay the cost of such care so fixed from their own resources, or from old age assistance or other assistance awards. Provided, however, that in all counties except those containing a population of not fewer than four hundred thousand (400,000) and not more than seven hundred thousand (700,000) according to the most recent federal decennial census, the amount charged the township shall not exceed the sum of one hundred dollars ($100) per month. Each township shall levy a tax sufficient to meet said expenses. Payment and settlement shall be made in July and December of each year for the preceding year. IC 12-30-4-11

In Decatur Township of Marion County v. Marion County Home Board, 578 N.E. 2d 390 (Ind. App. 5 Dist. 1991), the court held that the amount of board's scheduled charges for care of indigent patients and residents of county home which could be charged to township was subject to statutory limit of one hundred dollars ($100) per month.

TOWNSHIP ASSISTANCE - TEMPORARY AID

If a township trustee determines by investigation that a township assistance applicant or a township assistance applicant's household requires assistance, the township trustee shall, after determining that an emergency exists, furnish to the applicant or household the temporary aid necessary for the relief of immediate suffering. However, before any further final or permanent relief is given, the township trustee shall consider whether the applicant's or household's need can be relieved by means other than an expenditure of township money. IC 12-20-17-1

The trustee shall cooperate with all charitable organizations operating within the township.

The trustee shall furnish temporary relief when necessary to nonresidents of his township, if such indigents are unable to work, until such nonresidents can be returned to the place of their legal settlement. IC 12-20-9-2. The administrator of township assistance shall attempt to provide some form of work for the individual seeking assistance before any able-bodied person who is not a resident of the township can receive aid. IC 12-20-9-1

The trustees may furnish transportation to a nonresident in the direction of his legal settlement, under certain conditions. IC 12-20-16-11

It is the duty of the township trustee, on complaint made to him that any individual in his township is sick or in need without necessary financial resources so that such person is likely to suffer, to investigate the case and grant such temporary relief as may be required. IC 12-20-17-3

BURIAL

If an individual dies in a township without leaving money; real or personal property, other assets that may be liquidated; or other means necessary to defray funeral expenses, and the individual is not a resident of another township in Indiana, the township trustee, as administrator of township assistance, shall provide a person to superintend and authorize either the funeral and the burial or cremation of the deceased individual. If the township trustee determines that the deceased individual is a resident of another township in Indiana, the township trustee shall notify the trustee of that township, who shall then provide a person to superintend and authorize either the funeral and burial or cremation of the deceased individual. IC 12-20-16-12(b)

The necessary and reasonable expenses of the funeral and burial or cremation, including a burial plot, shall be paid in the same manner as other claims for township assistance. A trustee shall determine the cost for the items and services required by law for the funeral and burial of an individual, including a burial plot, and for the cremation of an individual, and include in the township's assistance standards the maximum funeral and burial or cremation amount to be paid from township assistance funds. The trustee may deduct from the maximum amount the following:

1. Any monetary benefits that the deceased individual is entitled to receive from a state or federal program.

2. Any money that another person provides on behalf of the deceased individual. IC 12-20-16-12(c)

If an individual described in subsection (b) is a resident of a state institution at the time of the individual's death, the division that has administrative control of the state institution shall reimburse the township trustee for the necessary and reasonable expenses of the funeral and burial or cremation of the deceased individual. The township trustee shall submit to the division that has administrative control of the state institution an itemized claim for reimbursement of the necessary and reasonable burial expenses incurred by the township trustee. IC 12-20-16-12(d).

If an individual described in subsection (b) is a resident of a special institution governed by IC 16-33 at the time of the individual's death, the state department of health shall reimburse the township trustee for the necessary and reasonable expenses of the funeral and burial or cremation of the deceased individual. The township trustee shall submit to the state department of health an itemized claim for reimbursement of the necessary and reasonable burial expenses incurred by the township trustee. IC 12-20-16-12(e)

A township trustee who provides funeral and burial or cremation benefits to a deceased individual is entitled to a first priority claim, to the extent of the cost of the funeral and burial or cremation benefits paid by the township trustee, against any money or other personal property held by the coroner under IC 36-2-1-11. IC 12-20-16-12(f)

The township trustee may not cremate a deceased individual if:

1. The deceased individual; or

2. A surviving family member of the deceased individual;

has objected in writing to cremation. IC 12-20-16-12(g)

If a township trustee provides a funeral under this section, the cost of the funeral may not be more than the cost of the least expensive funeral, including any necessary merchandise and embalming, available from the funeral director under the funeral director's price list disclosed to the Federal Trade Commission. IC 12-20-16-12(h)

Township trustees are required to bury all paupers having a legal situs within their townships, and the fact that a person died in a state or municipal institution would not remove such person from those classified as paupers. (Opinions of Attorney General 1946, Page 319)

Subject to IC 12-20-11-5(b), a trustee who has furnished aid or assistance to any person who dies leaving an estate and is not survived by his or her spouse, disabled adult dependent or minor children, may file a claim against the estate for the value of township assistance prior to such decedent's death. The estate includes any money or other personal property in the possession of a coroner under IC 36-2-4-11. IC 12-20-27-1

APPEAL PROCEDURE

If an applicant for or recipient of township assistance is not satisfied with the decision of the township trustee as administrator of township assistance, he may appeal to the board of county commissioners in the county in which the township is located. An applicant for township assistance shall file his appeal within fifteen (15) days from the date of issuance by the township trustee of adequate written notice of denial as provided by IC 12-20-6-8. An appeal may be made in writing or orally as may be required by the board of commissioners. The board of county commissioner may itself conduct the hearing on the appeal or it may appoint a hearing officer from among the board or from among the employees of the board or from qualified residents of the county who will serve without compensation to conduct the hearing for the board. The board shall make its decision based upon its own hearing or the written report of the hearing officer or upon its own hearing following the written report of the hearing officer.

The board of commissioners shall hold a hearing as soon as possible after the filing of the appeal but not more than ten (10) working days after the appeal form or notice of appeal is received in the office of the board of commissioners. Each decision shall appear on the official records of the board. The applicant and the township trustee shall be notified in writing of the decision not later than five (5) working days following the date of the decision, state the legal and factual basis for the decision; advise the appellant and the township trustee of the right to judicial review and the period prescribed for requesting judicial review; and inform the appellant of the availability of free legal counsel for the indigent. The trustee as administrator of township assistance shall carry out any decision of the board to sustain, increase, grant or otherwise modify township assistance only if the board complies with the requirements for a written decision. IC 12-20-5-6

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 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.

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.

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. IC 12-20-15-4

COURT APPEALS

The township trustee or applicant may appeal a decision of the board to a circuit or superior court in the county. In hearing an appeal, the court shall be governed by the 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. IC 12-20-15-8

Whenever the court sets aside a decision of the board in favor of an applicant, the trustee may recover the amount of any assistance awarded as a result of the board's decision. IC 12-20-15-9

APPROPRIATIONS AND BUDGETS

It shall be unlawful for a township trustee to incur any obligation in the furnishing of township assistance in excess of the amount lawfully appropriated for that purpose. Appropriations for township assistance purposes shall be made in conformity with the provision of general statutes governing appropriations for other civil township purposes. IC 12-20-22-1

If the amount provided for township assistance in the annual budget should be insufficient, additional appropriations may be made in conformity with the provisions of the general laws regulating additional appropriations. IC 12-20-22-1 and IC 6-1.1-18-5

Copies of all township budgets for current township assistance, as finally approved and adopted, shall be placed on file in the office of the county auditor. Also copies of all additional appropriations for current township assistance purposes shall be filed in the office of the county auditor. IC 12-20-22-2

The trustee of each township of the county shall:

1. Estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year; and

2. Publish with the township budget a tax rate sufficient to meet the estimated cost of township assistance.

The local government tax control board may recommend a township be given permission to increase its levy in excess of limitations under IC 6-1.1-18.5-3. IC 6-1.1-18.5-13

MISCELLANEOUS

The township trustee may process at the expense of the Township Assistance Fund, materials and articles provided by charitable or governmental agencies under certain conditions. He may buy garden seeds and plant and maintain gardens for township assistance purposes. IC 12-20-16-13

Feed for a minimum amount of subsistence for livestock may be purchased provided the cost is less than the cost of food necessary to be furnished. IC 12-20-16-10

If the township trustee, as administrator of township assistance, is unable to ascertain and establish the place of legal settlement of such poor person, he shall proceed to provide for such poor person in the same manner as other persons are hereby directed to be provided for. IC 12-20-8-7

INVESTIGATORS, SUPERVISORS AND OTHER ASSISTANTS

The township trustee may pay out of township assistance money the necessary office expense and clerical or other help necessary to properly administer township assistance.

The township trustee of each township, in the trustee's ex-officio capacity as administrator of township assistance within the township, may do the following:

1. Employ supervisors, investigators, assistants, or other necessary employees in discharging the township trustee's duties concerning the provision of township assistance.

2. Fix the salaries or wages to be paid to the supervisors, investigators, assistants, or other necessary employees employed by the township trustee. IC 12-20-4-2

The township trustee shall determine the number of township assistance supervisors, investigators, assistants, or other necessary employees that are employed by the township to administer township assistance.

The pay of township assistance supervisors, investigators, assistants, and other necessary employees shall be fixed by the township trustee subject only to the total budgetary appropriation for personnel services for the administration of township assistance approved by the township board. IC 12-20-4-3

A township may join with one or more townships in the same county to employ an investigator to investigate township assistance applicants and recipients. IC 12-20-4-7

The township board shall fix the salaries, wages, rates of hourly pay, and remuneration other than statutory allowances, of all officers and employees of the township. Please use Township Form No. 17 and record in the Township Board Minutes. IC 36-6-6-10

Each supervisor, investigator, or assistant may be granted paid vacation leave or sick leave under 5-10-6-1.

A Township is precluded from accumulating sick or vacation time for employees. Osborne v. State, 439 N.E. 2d, 677 (Ind. App. 1982). However, a resolution passed under IC 5-10-6-1 could consider accumulation. Please contact your township attorney concerning the resolution.

ADDITIONAL DUTIES OF TRUSTEE - TOWNSHIP ASSISTANCE

During the part of each year when applications for assistance are accepted by the Division of Family and Children under IC 12-14-11, a township trustee may not provide assistance or make any part of a payment for heating fuel or electric services for more than thirty (30) days unless the individual files an application with the trustee that includes: (1) evidence of an application for assistance for heating fuel or electric services from the Division of Family and Children under IC 12-14-11; and (2) the amount of assistance received or the reason for denial of assistance. Trustee shall inform the applicant that heating fuel or electric services may be available from the Division of Family and Children under IC 12-14-11 and that the township may not provide assistance to make any part of a payment for heating fuel or electric services for more than thirty (30) days unless the individual files an application for assistance for heating fuel or electric services under IC 12-14-11. However, if the applicant household is eligible under criteria established by the division of disability, aging, and rehabilitative services for energy assistance under IC 12-14-11, the trustee may certify the applicant as eligible for that assistance by completing an application form prescribed by the State Board of Accounts and forwarding the eligibility certificate to the division of disability, aging, and rehabilitative services within the period established for the acceptance of applications. If the trustee follows this certification procedure, no other application is required for assistance under IC 12-14-11.

If an individual or a member of the individual's household has received assistance under IC 12-20-16-3, the individual or a member of the individual's household shall before receiving further assistance under that section, certify whether that individual's or household's income, resources, or household size has changed since the person filed the most recent application for township assistance. If these items have changed, the township trustee shall review the individual's or household's eligibility to make any necessary adjustments in the level of assistance provided to the individual or household.

IC 12-20-6-3 provides a trustee shall obtain information about public assistance programs and services of the division of family and children and county departments under this article, the Social Security Administration and the federal Food Stamp Program (7 U.S.C. 2011 et seq.), or by another federal or state governmental entity. If the trustee believes the applicant or the applicant's household may be eligible for a public assistance program, the trustee may not extend aid to the applicant or the applicant's household unless the applicant verifies that: (1) the applicant filed, within one hundred eighty (180) days preceding the application for township assistance, an application for assistance under a federal or state public assistance program administered by the division of family and children and county departments or by another federal or state governmental entity; (2) the applicant or a member of the applicant's household is receiving assistance under a public assistance program administered by the division of family and children and county departments or by another governmental entity; or (3) the applicant has an emergency need that the trustee determines must be met immediately.

If, before granting township assistance, the township trustee determines that an applicant or a member of an applicant's household may be eligible for public assistance other than township assistance, the applicant or household member shall, when referred by the township trustee, make an application and comply with all necessary requirements for completing the application process for public assistance administered by:

1. The division of family and children and county offices; or

2. Any other federal or state governmental entity.

An applicant or a household member who fails to:

1. File an application as specified in subsection (b); and

2. Show evidence that the application, as referred by the township trustee, was filed not more than fifteen (15) working days after the township trustee's referral;

may be denied township assistance for not more than sixty (60) days. IC 12-20-6-5

IC 12-20-16-9 concerning food stamps provides that the trustee may not provide food assistance for more than thirty (30) days unless the individual files an application with the trustee that includes: (1) evidence of application for food stamps from the division of family and children; and (2) the amount of assistance received or the reason for denial of assistance. The trustee shall inform the applicant for food assistance that food stamps may be available from the division of family and children and that food assistance may not be provided for more than thirty (30) days unless the individual files an application for food stamps with the division of family and children.

IC 12-20-28-3 requires the trustee to file an annual statistical report on township housing, utility, and food assistance, etc., with the State Board of Accounts. The State Board of Accounts has prescribed Township Assistance Form No. 7 (2003).

CONVICTIONS

If an individual has been convicted of an offense under IC 35-43-5-7, a township trustee may not extend aid to or for the benefit of that individual for the following periods:

1. If the conviction is for a misdemeanor, for one (1) year after the conviction.

2. If the conviction is for a felony, for ten (10) years after the conviction.

If a township trustee finds that an individual has obtained township assistance from any township by means of conduct described in IC 35-43-5-7, the township trustee may refuse to extend aid to or for the benefit of that individual for sixty (60) days after the later of the:

1. Date of the improper conduct; or

2. Date aid was last extended to the individual based on the improper conduct. IC 12-20-6-6.5

TOWNSHIP ASSISTANCE DENIED

A township is not obligated to pay the cost of basic necessities incurred on behalf of a household in which the individual resides during a period that the individual has previously applied for and been denied township assistance. IC 12-20-6-6.6

DISTRESSED TOWNSHIP ASSISTANCE

The township trustee shall immediately notify the township board and the county fiscal body when a township becomes a distressed township. IC 12-20-25-6. A distressed township is a township that: (A) has a valid township assistance claim that is approved for payment under IC 12-20-20; (B) has township assistance expenditures during a year that exceed the year's township assistance revenues, excluding any advances from the state and revenues from short-term loans from the county or a financial institution or advances from the county from the proceeds of bonds, made or issued under IC 12-20; (C) has imposed and dedicated to township assistance at least ninety percent (90%) of the maximum permissible ad valorem property tax levy permitted for all of the township's funds under IC 6-1.1-18.5; and (D) has outstanding indebtedness that exceeds one and eight-tenths percent (1.8%) of the township's assessed valuation; or a township that: (A) has been a controlled township during any part of the preceding five (5) years; (B) has a valid township assistance claim that the county auditor cannot pay within thirty (30) days after the claim is approved for payment under IC 12-20-20 and (C) uses advances from the county from proceeds of bonds issued under IC 12-20-25-4

CONSENT FORM

The township trustee shall keep on file, and shall make available, upon request, to the Division of Family and Children and Office of Medicaid Policy and Planning, a copy of the signed consent form under IC 12-20-7. The consent is a part of the existing Form TA-1, Affidavit and Application for Township Assistance.

A trustee shall send to the county office a copy of the signed consent forms. IC 12-20-7-1

COUNTY OFFICE INFORMATION

The county office (Division of Family and Children) shall provide the following information to each township located in the county:

1. Information that will identify the types of public assistance that are being provided to the individual who signed the consent form and the individual's household.

2. Information that will identify the amount of public assistance that is being received by the individual who signed the consent form and the individual's household.

3. Information that will identify the number of individuals in the household of the individual who signed the consent form who are receiving public assistance.

4. Information regarding the income, resources, or assets of members of the individual's household receiving public assistance.

The county office must provide the information required under subsection (a) not later than fourteen (14) calendar days after obtaining the information.

The township trustee shall use the information received under IC 12-20-7-2 to assist in reducing fraud and abuse in aid programs administered by the township trustee. IC 12-20-7-4.5

TOWNSHIP ASSISTANCE SHELTER

"Shelter" means a facility that provides temporary emergency assistance.

A township trustee may establish, purchase, acquire, maintain or operate a shelter for eligible township assistance households needing temporary housing assistance.

A township having a population of less than eight thousand (8,000) may not expend more than ten thousand dollars ($10,000) to implement this section without the approval of the county executive.

A township having a population of at least eight thousand (8,000) may not expend more than one hundred thousand dollars ($100,000) to implement this section without the approval of the county executive. IC 12-20-17

In counties where the implementation of this section can be more efficiently and expeditiously handled in units larger than a single township, a township trustee may combine resources with other townships within a county to:

1. Establish one (1) or more household shelter units; and

3. Pay a pro rata share of all administrative and other costs incidental to the maintenance and operation of each shelter unit established in subdivision (1).

IC 36-1-7-1 through IC 36-1-7-4 apply to a township electing to combine its resources with other townships under this subsection.

A township trustee is not required to provide shelter to an individual who at the time assistance is requested is:

1. Under the influence of drugs or alcohol; or

2. Incapable of self-care.

The township trustee may at no cost to the township refer an individual described in this subsection to an appropriate agency or facility located in the county or in an adjoining county that has a problem or charter specifically addressing the problems of substance abuse, mental illness, or self-care.

A township trustee may contract with a private agency offering a shelter program in order to comply with this section if the applicant or the applicant's household is not mandated by the private agency to participate, as a condition of eligibility, in religious services.

A township trustee is not obligated to:

1. Enter into a contract with; or

2. Pay shelter costs to;

a shelter that is supported by federal or state funds. IC 12-20-17

<u>SHELTER - RELATIVES</u>

A township trustee may not use township assistance funds to pay the cost of an applicant's shelter with a relative who is the applicant's landlord if the applicant lives in:

1. The same household as the relative; or

2. Housing separate from the relative and either:

   A. The housing is unencumbered by mortgage; or

   B. The housing has not been previously rented by the relative to a different tenant at reasonable market rates for at least six (6) months.

If the shelter payments are made to a relative of a township assistance applicant on behalf of the applicant or a member of the applicant's household, the trustee may file a lien against the relative's real property for the amount of township assistance shelter assistance granted.

HOUSING INSPECTORS

A township trustee may employ the services of a housing inspector to inspect all housing units, including:

1. Mobile homes;

2. Group homes;

4. Single household units;

4. Multiple household units;

5. Apartments; or

6. Any other dwelling;

inhabited by a township assistance recipient.

A township trustee may contract with a local housing authority:

1. For housing inspection services; and

2. To train a township housing inspector.

Costs of these contractual services shall be paid from the township assistance fund.

A township housing inspector shall use the following for determining a housing structure's suitability for habitation:

1. Standards recommended by the United States Department of Housing and Urban Development as used by local housing authorities.

2. Local building codes and municipal ordinances.

Substandard housing that does not meet minimum standards of health, safety, and construction is not eligible for:

1. The maximum level of shelter payments; or

2. Damage or security deposits paid from or encumbered by township funds.

If the trustee determines that a housing unit for which payment is requested is substantially below minimum standards of health, safety, or construction, the trustee, when necessary, shall assist the applicant in obtaining appropriate alternate shelter.

A township trustee is not required to spend township assistance funds for a shelter damage or security deposit for an eligible township assistance applicant or household. However, the trustee may encumber money for a shelter damage or security deposit by making an agreement with a property owner who furnishes shelter for a township assistance recipient or household. The agreement must include the following:

1. The agreement's duration, not to exceed one hundred eighty (180) days.

2. A statement that the agreement may be renewed if both parties agree.

3. The total value of the encumbered money, not to exceed the value of one (1) month's rental payment.

4. A statement signed by both the trustee and the property owner attesting to the condition of the property at the time the agreement is made.

5. A statement that encumbered money may be used to pay the cost of:

   A. Verified damages, normal wear excluded, caused by the tenant township assistance recipient during the duration of the agreement; and

   B. Any unpaid rental payments for which the tenant township assistance recipient is obligated.

6. A statement that the total amount to be paid from the encumbered money may not exceed one (1) months rental payment for the unit in question.

A trustee is not required to provide shelter assistance to an otherwise eligible individual if the:

1. Individual's most recent residence was provided by the individual's parent, guardian, or foster parent; and

2. Individual, without just cause, leaves that residence for the shelter for which the individual seeks assistance. IC 12-20-16-17