ARTICLE 14. WELFARE REFORM INITIATIVE

Rule 1. Demonstration Project

470 IAC 14-1-1 Authority; definitions
Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 1. (a) The division of family and children shall operate a welfare reform initiative as a demonstration project entitled "Indiana Manpower Placement and Comprehensive Training Program" pursuant to waivers granted to the state by the United States Department of Health and Human Services and the United States Department of Agriculture under Section 1115 of the Social Security Act, as amended, and Section 17(b) of the Food Stamp Act, as amended. The demonstration shall be operated in accordance with the document entitled "Waiver Terms and Conditions" that was issued by the Department of Health and Human Services on December 15, 1994, as amended by the document entitled "Waiver Terms and Conditions" that was issued by the Department of Health and Human Services on August 16, 1996, which are incorporated by reference in this article.

(b) This article applies only while the demonstration is in effect and only with respect to applicants and recipients who are included in the demonstration treatment group as specified in this rule.

(c) Except as specifically waived by the terms and conditions of the demonstration, all program requirements under Title IV of the Social Security Act, as amended, and the Food Stamp Act, as amended, remain in effect.

(d) The following definitions apply throughout this article:

(1) "AFDC" means Assistance to Families with Dependent Children.

(2) "Division" means the division of family and children.

(3) "JOBS" means the Job Opportunities and Basic Skills Training program.

(4) "Parent or caretaker relative" means the parent or relative with whom a dependent child resides and whose needs and income are considered in determining AFDC eligibility.

(Division of Family and Children; 470 IAC 14-1-1; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2027; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2404; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-1-2 Random assignment
Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 2. (a) The demonstration shall be conducted statewide with a random assignment evaluation conducted statewide. All current AFDC recipients and new AFDC applicants shall be randomly assigned to one (1) of the following groups:

(1) An experimental group that shall be subject to the provisions of the demonstration.

(2) A nonexperimental treatment group that shall also be subject to provisions of the demonstration.

(3) A control group that shall be subject to provisions of Title IV of the Social Security Act, as amended, and the Food Stamp Act, as amended.

(b) The experimental and nonexperimental treatment groups together shall comprise the treatment group. *(Division of Family and Children; 470 IAC 14-1-2; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2027; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2404; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 14-1-3 Implementation
Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 3. The implementation date of the demonstration shall be the first day on which the first case is made subject to any of the provisions of this article. The additions and modifications included in the amended "Waiver Terms and Conditions" shall be applied to applicants and recipients upon the earlier of an application for assistance, a redetermination of eligibility, or written notice to the assistance unit. *(Division of Family and Children; 470 IAC 14-1-3; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2027; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2405; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 2. AFDC Provisions Applicable to the Treatment Group

470 IAC 14-2-1 Personal responsibility agreement

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 1. (a) Upon assignment to the treatment group, each parent or caretaker relative shall sign a Personal Responsibility Agreement that sets forth in writing the self-sufficiency activities for the assistance group.

(b) AFDC benefits shall be reduced by ninety dollars ($90) per month for a parent or caretaker relative's failure or refusal, without good cause, to sign a Personal Responsibility Agreement.

(c) As used in this section, “good cause” means that the individual is determined to be mentally incompetent by a licensed mental health professional and does not understand the requirements of the Personal Responsibility Agreement. *(Division of Family and Children; 470 IAC 14-2-1; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2027; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2405; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 14-2-2 Family benefit cap

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15; IC 35-42-4-3

Sec. 2. (a) No additional AFDC cash benefit shall be issued due to the birth of a child when the birth occurs more than ten (10) calendar months after the date of authorization for AFDC, except as specified in this section.

(b) The benefit cap shall not apply:

(1) when the additional child was conceived as a result of incest or rape which would be considered a crime under state law or conduct that is a crime under IC 35-42-4-3, and which is verified by physician statement or police records;

(2) to children who are the firstborn (including all children in the case of a multiple birth) of minors included in an AFDC assistance group who become first-time minor parents;

(3) to a child who does not reside with his or her parent;

(4) to a child who was conceived in a month the family was not receiving AFDC; or

(5) to a child who has a substantial physical or mental disability.

(c) The additional child and any additional individuals who are required to be included in the assistance unit under Section 402(a)(38) of the Social Security Act shall be included in the need standard for purposes of determining AFDC eligibility and shall be considered an AFDC recipient and eligible for Medicaid. In determining the AFDC payment for a family, the needs and income of the additional child and any additional individuals who were not in the assistance unit at the time of the additional child's birth and would not have been included in the assistance unit at the time of the child's birth had the child not been born will not be considered.

(d) A monthly voucher in the amount of one-half (½) of the AFDC grant amount which would be available to an otherwise eligible child may be authorized for goods and services related to the general care of children who are not eligible for a cash benefit as provided in this section. *(Division of Family and Children; 470 IAC 14-2-2; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2027; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2405; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 14-2-3 Immunization requirement

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 3. (a) At the next scheduled redetermination of eligibility following the authorization of initial eligibility for AFDC and at each subsequent redetermination of eligibility, it shall be verified that all children who are AFDC recipients have received their childhood immunizations as recommended by the American Academy of Pediatrics.

(b) If the parent or caretaker relative fails or refuses to comply with the immunization requirements, the division shall review the circumstances to determine whether a sanction under subsection (c) should be imposed. A sanction shall not be imposed until the reason for the failure to comply has been identified and any barriers to compliance have been addressed.

(c) AFDC benefits shall be reduced by ninety dollars ($90) per month for a parent or caretaker relative's failure or refusal, without good cause, to comply with the requirements of this section.

(d) As used in this section, "good cause" means either of the following:

(1) The recipient refuses to have a child immunized because of religious beliefs.

(2) The recipient has documented medical evidence from a licensed health care professional that an immunization is not available or appropriate for a child.

(e) Sanctions imposed under subsection (c) shall cease when the division receives verification that the required immunizations have been received. *(Division of Family and Children; 470 IAC 14-2-3; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2028; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2406; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 14-2-4 School attendance requirement

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15; IC 20-8.1-3-19

Sec. 4. (a) If a child who is an AFDC recipient has more than three (3) unexcused absences as defined by the school district during a semester or grading period, an evaluation of the circumstances shall be completed to determine the reasons for the child's nonattendance. A written plan shall be developed that is designed to remedy the child's attendance problems, establish milestones for attendance, and redress problems associated with an inadequate level of attendance.

(b) If the parent or caretaker relative fails or refuses, without good cause, to comply with the written plan developed under subsection (a) or to consent to the release of school attendance information when such consent is required to obtain school attendance information, the AFDC benefit shall be reduced by an amount equal to removing the needs of the parent or caretaker in the calculation of the AFDC assistance payment, until compliance.

(c) If the parent or caretaker relative has cooperated in the plan developed under subsection (a) and the child's attendance in any subsequent semester or grading period is not at an adequate level, the family's AFDC grant shall be reduced by an amount equal to removing the needs of the relevant child until the end of the semester or grading period.

(d) If the parent or caretaker relative fails or refuses to cooperate in the plan developed under subsection (a) and the child does not meet the attendance standard, the AFDC benefit shall be reduced by an amount equal to removing the needs of the parent or caretaker relative and the child.

(e) As used in this section, "good cause" means any of the following:

(1) The child's absence is due to behavioral problems that are being monitored by the school or other treatment professional, and the parent is complying with a plan established by a recognized treatment professional, but the child is suspended or expelled and no alternative education situation exists for the child as confirmed by the school counselor.

(2) The child has a physical or mental condition as determined by a licensed health care professional, consistent with IC 20-8.1-3-19, that, as confirmed by the school, prohibits the child from integrating into the normal school environment and there is no alternative educational situation for the child.

(3) The actions required of the parent or caretaker relative under subsection (a) were beyond the capability of the parent or caretaker relative.

(4) The division did not provide the services needed in order for the parent or caretaker relative to perform the required actions.

(Division of Family and Children; 470 IAC 14-2-4; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2028; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2406; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-2-4.1 Requirement for a safe secure home

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 4.1. (a) Recipients shall raise their children in a safe, secure home.

(b) As used in this section, "safe, secure home" means that the home is free of substantiated domestic violence or substantiated incidents of child abuse or neglect.

(c) Failure or refusal, without good cause, to comply with counseling or other actions determined to be appropriate related

to instances of substantiated child abuse or neglect or domestic violence shall result in the imposition of a fiscal sanction of ninety dollars ($90) per month, until compliance.

(d) As used in this section, "good cause" means either of the following:

(1) The required actions were beyond the capability of the individual to perform.

(2) The agency did not provide the services needed by the individual to perform the required actions.

(Division of Family and Children; 470 IAC 14-2-4.1; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2407; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-2-4.2 Prohibition on use of illegal drugs

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 4.2. (a) Recipients shall not use illegal drugs or abuse other substances that would interfere with their ability to be self-sufficient.

(b) Individuals found out of compliance with this section shall be referred to a state approved alcohol and drug addiction service provider for an assessment and treatment recommendation.

(c) Failure or refusal, without good cause, to comply with a treatment program, as recommended by the addiction service provider, shall result in the imposition of a fiscal sanction of ninety dollars ($90) per month, until compliance.

(d) As used in this section, "good cause" means either of the following:

(1) The required actions were beyond the capability of the individual to perform.

(2) The agency or addiction service provider did not provide the services needed by the individual to perform the required actions.

(Division of Family and Children; 470 IAC 14-2-4.2; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2407; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-2-4.3 Work registration requirement

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 4.3. (a) At the time of application for AFDC and at each redetermination of eligibility, the parent or caretaker relative shall register for work with the local employment and training office.

(b) Failure or refusal, without good cause, to register for work will result in ineligibility for the entire assistance unit, until compliance.

(c) As used in this section, "good cause" means either of the following:

(1) The required actions were beyond the capability of the individual to perform.

(2) The agency did not provide the services needed by the individual to perform the required actions.

(Division of Family and Children; 470 IAC 14-2-4.3; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2407; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-2-5 Sanction for voluntary termination of employment

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 5. (a) The amount of AFDC benefits for an applicant or recipient family which includes an individual:

(1) whose needs and income are considered in determining AFDC eligibility; and

(2) who has, without good cause, voluntarily reduced hours of employment or quit a job of twenty (20) hours or more per week during the six (6) month period immediately preceding the date of application for AFDC or at any time thereafter;

shall be calculated without consideration of the needs of that individual for a period of six (6) months from the date of the quit or reduction in earnings.

(b) As used in this section, "good cause" means any of the following:

(1) A substantiated incident of discrimination by any employer based on age, race, sex, color, handicap, religious beliefs, national origin, political beliefs, or marital status.
(2) Work demands or conditions that render continued employment financially unacceptable, such as working without being paid on schedule.
(3) Leaving a job in connection with patterns of employment in which workers frequently move from one (1) employer to another, such as migrant farm labor or construction work.
(4) The individual quit to accept a bona fide job offer, with the approval of the caseworker, that would result in increased earnings or benefits.
(5) The individual was unable to obtain or maintain necessary care for a dependent minor child or an incapacitated adult residing in the home.
(6) The employment site violates applicable state or federal health and safety standards.
(Division of Family and Children; 470 IAC 14-2-5; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2029; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2407; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-2-6 Modification of JOBS exemption criteria
Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 6. The exemption criteria under the JOBS program under Titles IV-A and IV-F of the Social Security Act are modified as follows:
(1) An individual shall not be exempt because of being required to provide care for a child who is subject to the family benefit cap under section 2 of this rule, unless the child is less than twelve (12) weeks of age.
(2) An individual shall not be exempt because of being required to provide care for a child over twelve (12) weeks of age, subject to the following phase-in schedule:
(A) Beginning with the effective date of this rule, the exemption shall apply when an individual is required to provide care for a child up to two (2) years of age.
(B) Six (6) months from the effective date of this rule, the exemption shall apply when an individual is required to provide care for a child up to one (1) year of age.
(C) Twelve (12) months from the effective date of this rule, the exemption shall apply when an individual is required to provide care for a child up to six (6) months of age.
(D) Eighteen (18) months from the effective date of this rule, the exemption shall apply when an individual is required to provide care for a child up to twelve (12) weeks of age.
(3) An individual shall not be exempt because of living in a rural or hard to access area, provided the following:
(A) No participant shall be required to remain away from home overnight.
(B) The total daily commuting time between home and the program activity site to which the participant is assigned shall not normally exceed two (2) hours, not including the transporting of a child to and from child care. If a longer commuting time is generally accepted in the community, then the round-trip commuting time shall not exceed the generally accepted community standards without the participant's consent.
(4) An individual shall not be exempt because of being employed thirty (30) or more hours per week.
(Division of Family and Children; 470 IAC 14-2-6; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2029; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2408; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-2-7 Employment and training assessment (Repealed)

Sec. 7. *(Repealed by Division of Family and Children; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2412)*

470 IAC 14-2-8 AFDC unemployed parent 100-hour rule
Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 8. AFDC recipient eligibility for children of unemployed parents under 45 CFR 233.100 shall be extended to otherwise eligible two (2) parent families when the principal wage earner works one hundred (100) or more hours per month. *(Division of Family and Children; 470 IAC 14-2-8; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2030; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2408; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 3. Placement Track

470 IAC 14-3-1 Time limited benefits
Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 1. (a) The receipt of AFDC cash benefits shall be limited to a total of twenty-four (24) months for adults who are not exempt from the JOBS program.

(b) Assistance received by adults who were subject to time limited benefits prior to implementation of this rule shall be counted towards the twenty-four (24) month time limit.

(c) An extension of the twenty-four (24) month time limit shall be granted, in any of the following circumstances, to an individual who has cooperated with program requirements and who has substantially complied with the requirements of their self-sufficiency or employability plan:

(1) The division substantially failed to provide the services specified in the individual's self-sufficiency or employability plan.

(2) Despite all appropriate efforts, at or after the time limit, the individual has been unable to find, or has lost without cause, employment that, in combination with other income, would provide the family with income at least equal to the AFDC grant amount plus the ninety dollar ($90) work expense allowance.

(3) The director of the division makes a determination that there are other unique circumstances, such as the adverse effects of a natural disaster or other catastrophic event beyond the control of the individual, that temporarily prevent the individual from obtaining or retaining employment.

(Division of Family and Children; 470 IAC 14-3-1; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2030; errata filed May 10, 1995, 1:45 p.m.: 18 IR 2262; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2408; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-3-2 Sanctions for noncompliance with employment and training requirements
Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 2. (a) The following sanctions shall be applied to adults who have failed or refused without good cause to comply with the employment and training requirements of the JOBS program, including the requirements set forth in the self-sufficiency or employability plan:

(1) The first occurrence of noncompliance shall result in the following sanctions:

(A) Loss of the adult's AFDC eligibility for a period of two (2) months or until the noncompliant behavior ceases, whichever is longer.

(B) Loss of the adult's Medicaid eligibility until the noncompliant behavior ceases.

(2) The second occurrence of noncompliance shall result in the following sanctions:

(A) Loss of the adult's AFDC eligibility for a period of twelve (12) months or until the noncompliant behavior ceases, whichever is longer.

(B) Loss of the adult's Medicaid eligibility for a period of six (6) months or until the noncompliant behavior ceases, whichever is longer.

(3) The third or subsequent occurrence of noncompliance shall result in the following sanctions:

(A) Loss of the adult's AFDC eligibility for a period of thirty-six (36) months or until the noncompliant behavior ceases, whichever is longer.

(B) Loss of the adult's Medicaid eligibility for a period of six (6) months or until the noncompliant behavior ceases, whichever is longer.

(4) Under the sanctions specified in this section, when the period of AFDC ineligibility exceeds that of Medicaid ineligibility,

the adult under sanction shall be considered an AFDC recipient for purposes of Medicaid eligibility.

(b) As used in this section, "good cause" means the following:

(1) Except as specified in subdivision (2), either of the following shall constitute good cause for an individual's failure or refusal to cooperate in developing a self-sufficiency or employability plan or failure or refusal to comply with the requirements of the plan:

(A) The required actions were beyond the capability of the participant to perform.

(B) The agency did not provide the services needed by the individual to perform the required actions.

(2) If the noncompliant behavior is that the individual voluntarily reduced hours of employment or voluntarily quit employment, good cause shall have the same meaning as set forth in 470 IAC 14-2-5(b).

(Division of Family and Children; 470 IAC 14-3-2; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2030; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2409; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-3-2.1 Sanctions for JOBS volunteers

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 2.1. An exempt individual who volunteers to participate in the JOBS program who fails to attend or participate regularly, without good cause, as established for the JOBS program shall be subject to the JOBS sanctions as set forth in 45 CFR 250.34.

(Division of Family and Children; 470 IAC 14-3-2.1; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2410; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-3-2.2 Community work experience program

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 2.2. (a) For purposes of participation in the community work experience program (CWEP), exemptions shall be limited to the following:

(1) The individual is needed in the home to provide care for a child twelve (12) weeks of age or younger (in accordance with the phase-in schedule in 470 IAC 14-2-6(a)(2)), or for a disabled child or other disabled household member.

(2) The individual is unable to work because of illness or incapacity, including pregnancy, if medical documentation is provided.

(3) The individual is a full-time VISTA volunteer.

(b) Failure or refusal, without good cause, to comply with the CWEP assignment will result in the imposition of the sanctions set forth in section 2 of this rule.

(c) As used in this section, "good cause" means either of the following:

(1) The required actions were beyond the capability of the individual to perform.

(2) The agency did not provide the services needed by the individual to perform the required actions.

(Division of Family and Children; 470 IAC 14-3-2.2; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2410; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-3-2.3 Job search

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 2.3. (a) Job search may be required, without an assessment, for adult parent or caretaker relatives applying for AFDC who are determined to be able-bodied, unless the adult is:

(1) needed in the home to provide care for a child twelve (12) weeks of age or younger (in accordance with the phase-in schedule referenced in 470 IAC 14-2-6(a)(2)) or a disabled child or disabled household member; or

(2) a full-time VISTA volunteer.

(b) Failure or refusal, without good cause, to comply with the applicant job search requirements shall result in the imposition

of the sanctions set forth in section 2 of this rule.

(c) As used in this section, "good cause" means either of the following:

(1) The required actions were beyond the capability of the individual to perform.

(2) The agency did not provide the services needed by the individual to perform the required actions.

(Division of Family and Children; 470 IAC 14-3-2.3; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2410; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-3-3 Thirty-six month period of ineligibility (Repealed)

Sec. 3. *(Repealed by Division of Family and Children; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2412)*

470 IAC 14-3-4 Transitional child care

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 4. An adult subject to the AFDC benefit time limit shall not receive more than twelve (12) months of transitional child care benefits for their dependent children. Eligibility for transitional child care shall be limited to families whose income is less than one hundred thirty-three percent (133%) of the federal poverty guideline for the family size. *(Division of Family and Children; 470 IAC 14-3-4; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2032; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2410; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 14-3-5 Resource limit

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 5. The AFDC resource limit for a recipient assistance unit shall be one thousand five hundred dollars ($1,500). *(Division of Family and Children; 470 IAC 14-3-5; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2032; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2410; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 14-3-6 Grant diversion and fixed grant

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 6. (a) An adult subject to the AFDC benefit time limit who enters employment in a job that qualifies as a work supplementation job under 45 CFR 250.62 may have the grant diverted to the employer to subsidize part or all of the individual's wages. Any residual AFDC grant shall be calculated at the time of placement with the employer and recalculated during the grant diversion period in accordance with AFDC policy provisions regarding grant calculation. The grant diversion period shall end when the adult's AFDC cash benefit time limit ends or when the monthly income of the AFDC family is at least equal to the monthly federal poverty guideline, whichever occurs first.

(b) An adult subject to the AFDC benefit time limit who enters employment in a job that does not qualify as a work supplementation job under 45 CFR 250.62 shall not have the grant diverted. The AFDC grant minus earnings and other countable income shall be calculated at the time of entry into employment and shall remain fixed at that level until the adult's AFDC benefit time limit ends or the monthly income of the AFDC family is at least equal to the monthly federal poverty guideline, whichever occurs first. *(Division of Family and Children; 470 IAC 14-3-6; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2032; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2411; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 14-3-7 AFDC fraud penalty

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 7. The disqualification penalties under the state's AFDC fraud control program are modified as follows:

(1) An individual convicted in a state or federal court of a misdemeanor of having committed fraud for the purposes of establishing or maintaining eligibility or increasing benefits under AFDC will be ineligible for AFDC for twelve (12) months for the first and second offense and permanently for a third offense.

(2) If the conviction is a felony, the individual shall be ineligible for AFDC for ten (10) years for the first and second offenses and permanently for a third offense.

(Division of Family and Children; 470 IAC 14-3-7; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2411; errata filed Jul 9, 1997, 10:45 a.m.: 20 IR 3016; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-3-8 Minor parents

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 8. AFDC eligibility will be denied to a minor parent and her child if the minor is not living with an adult who is related as parent, stepparent, or grandparent or an adult who holds legal guardianship or legal custody of the minor parent except as follows:

(1) An adult who is not a parent, stepparent, or grandparent has agreed to pursue legal guardianship or custody, but the arrangements are not yet final.

(2) The conditions set forth in Section 402(a)(43)(B) of the Social Security Act exist.

(Division of Family and Children; 470 IAC 14-3-8; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2411; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)

470 IAC 14-3-9 Child care payments in lieu of AFDC benefit payments

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 9. (a) Employed AFDC recipients may elect to receive, in lieu of a regular AFDC benefit payment, either of the following:

(1) The amount of guaranteed child care benefits determined in accordance with current law.

(2) A monthly payment equal to the AFDC benefit paid to the family when no income from the current employment was counted.

(b) The recipient shall be eligible to receive the payment in subsection (a)(2) for each month in which the recipient would be eligible to receive a guaranteed child care payment. *(Division of Family and Children; 470 IAC 14-3-9; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2411; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 14-3-10 Child support enforcement

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 10. (a) Failure or refusal, without good cause, by a parent or caretaker relative applying for or receiving AFDC to cooperate with child support enforcement regarding establishment of paternity for a child in the assistance unit shall result in denial of AFDC benefits for the parent or caretaker relative.

(b) If, without good cause, the refusal or failure continues for a period of six (6) months, the penalty shall be denial of assistance to the parent or caretaker relative and the relevant child until compliance.

(c) As used in this section, “good cause” means the circumstances specified in 45 CFR 232.42. *(Division of Family and Children; 470 IAC 14-3-10; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2411; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 14-3-11 AFDC eligibility test

Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 11. In determining continuing eligibility for AFDC, the division shall use the federal poverty guideline for the family size. Assistance units with earnings and other countable income at least equal to the federal poverty guideline for the family size shall be ineligible for AFDC. *(Division of Family and Children; 470 IAC 14-3-11; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2412; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 14-3-12 AFDC cash benefit for Welfare Reform Treatment Group
Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14-2; IC 12-15

Sec. 12. In determining the amount of AFDC cash benefit for recipient families assigned to the Welfare Reform Treatment Group, any earned or unearned income received by or deemed available to members of the assistance group shall not be considered in computing the AFDC cash benefit. The recipient family shall receive the maximum benefit allowable, based on the number of eligible members in its assistance group, until the family is no longer eligible for AFDC under IC 12-14-2. *(Division of Family and Children; 470 IAC 14-3-12; filed Dec 5, 2000, 2:25 p.m.: 24 IR 994; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

Rule 4. Food Stamp Provisions Applicable to the Treatment Group

470 IAC 14-4-1 Eligibility
Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 1. (a) The eligibility periods for food stamps shall be continuous until information is received by the division indicating the household no longer meets the requirements of the food stamp program.

(b) For purposes of determining food stamp eligibility and benefit level, child support payments and earnings shall be disregarded as income for a six (6) month period following the initiation of employment.

(c) For purposes of determining food stamp benefits, earned income changes required to be reported will be limited to changes in the income source, hourly rate or salary, or employment status to and from part time and full time. *(Division of Family and Children; 470 IAC 14-4-1; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2033; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2412; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

470 IAC 14-4-2 Appeals
Authority: IC 12-13-2-3; IC 12-13-5-3
Affected: IC 12-13; IC 12-14; IC 12-15

Sec. 2. Requests for fair hearing in the food stamp program shall be submitted in writing. *(Division of Family and Children; 470 IAC 14-4-2; filed Mar 31, 1995, 4:30 p.m.: 18 IR 2033; filed Apr 14, 1997, 10:40 a.m.: 20 IR 2412; readopted filed Jul 12, 2001, 1:40 p.m.: 24 IR 4235)*

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