

TOWNSHIP ASSISTANCE

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State Board of Accounts

STATUTE

- ◉ Indiana Code 12-20

- ◉ TA = Township Assistance

HISTORY AND PURPOSE

- Effective June 30, 2005, name changed from Poor Relief to Township Assistance
- Provide necessary and prompt relief to the citizens and residents of the state

OFFICE OF TOWNSHIP TRUSTEE

- NOT under the jurisdiction of Division of Family Resources
- Governor may NOT :
 - Remove a Trustee from office
 - Hold a hearing in reference to a Trustee's duties
 - Declare the office of a Trustee vacant
- If Trustees office becomes vacant, all TA records must immediately be delivered to successor

POWERS AND DUTIES OF TRUSTEE

- ◉ Trustee is ex officio the administrator of TA
- ◉ As administrator, Trustee is responsible for the oversight and care of all poor in the township and shall see that the individuals are properly taken care of in the manner required by law
- ◉ “A township trustee...may provide and shall extend township assistance only when the personal effort of the township assistance applicant fails to provide one (1) or more basic necessities.”

EMPLOYEES OF TOWNSHIP

- Can pay the following out of TA Fund :
 - Salaries/Wages for:
 - Clerical Staff
 - Supervisors
 - Investigators
 - Assistants
 - Office Expenses
- For the staff bolded above, the Trustee has the responsibility to fix salaries/wages
 - This is different than usual...usually the Township Board's responsibility

SUPERVISOR/INVESTIGATORS

- If you have supervisors/investigators, please review IC 12-20-4-4 through 11 for information on:
 - Required qualifications of investigators
 - Number of supervisors employed
 - Required qualifications of supervisors
 - Townships jointly employing investigators
 - Pay, vacation, sick leave of supervisors/investigators/assistants
 - Etc.

TRUSTEE AVAILABILITY

- Trustee must ensure adequate access to TA services, including a published phone number in the name of the Township
- Assistance office (if separate from your residence) must have a clearly visible sign that lists:
 - Trustees name
 - Availability of TA
 - Office phone number

TRUSTEE AVAILABILITY (CONTINUED)

- If you have assisted more than 51 households during each of the immediately preceding 2 years; and
- Your township has a population of at least 10,000 people, then:
 - Must provide:
 - At least 14 office hours per week
 - Office hours at least every other day during the week
 - After hours access by use of answering machine
 - Answering machine must be able to tell people the office hours and be able to take a message
 - A response to messages within 1 business day
 - Posted office hours and phone numbers at each entrance

TOWNSHIP ASSISTANCE STANDARDS

- Trustee shall process all applications for TA in according to uniform written standards and without consideration of the race, creed, nationality, or gender

TOWNSHIP ASSISTANCE STANDARDS (CONTINUED)

- Township standards must be:
 - Governed by IC 12-20
 - Proposed by Trustee
 - Adopted by Board
 - Filed with County Commissioners
 - Reviewed and updated annually
 - Published in a single written document
 - Posted in a place prominently visible to the public in all offices of the Trustee where TA applications are taken and processed

TOWNSHIP ASSISTANCE STANDARDS (CONTINUED)

- Standards must contain the following:
 - Criteria for determining eligibility
 - Minimum requirements of Trustee accessibility
 - Other info as needed:
 - Office hours and location
 - Initial eligibility criteria
 - Continuing eligibility criteria
 - Workfare requirements
 - Essential/Nonessential assets
 - Available resources
 - Income exemptions
 - Application process
 - Countable income/assets
 - Wasted resources

TOWNSHIP ASSISTANCE STANDARDS (CONTINUED)

- Standards must exclude a Holocaust victim's settlement payment received by an eligible individual from countable assets and countable income.

TOWNSHIP ASSISTANCE STANDARDS (CONTINUED)

- Must include all applicable standards governing the provision for basic necessities, including:
 - Maximum amounts
 - Special conditions
 - Other limitations on eligibility
- Must set income standards that provide for financial eligibility in an amount consistent with reasonable cost of basic necessities
 - Can't consider a Holocaust victim's settlement payment received

FORMS OF TOWNSHIP ASSISTANCE

- Medical Assistance
- Utility Services Payment
 - Prepaid electric service
- Food Relief
 - Can't provide TA if eligible for SNAP
- Funeral and Burial/Cremation Expenses
- Insulin

APPLICATION

- Trustee must determine if applicant, or member of applicants household has been denied assistance under IC 12-14-1-1, 1.5; 12-14-2-5.1, 5.3; 12-14-2-18, 20, 21, 24, 26; 12-14-2.5; 12-14-5.5
- Trustee has no obligation to extend aid if they have been denied assistance
- Can't extend aid to an individual if they have been convicted of a
 - Misdemeanor for 1 year after conviction
 - Felony for 10 years after conviction

APPLICATION (CONTINUED)

- Trustee may NOT extend aid to someone unless an application and affidavit has been filed with the Trustee within 180 days before the date aid is extended
- Trustee can't extend additional or continuing aid to an individual or a household unless they file an affidavit affirming how, if at all, the personal condition has changed from that set forth in the most recent application
- Trustee can assist with filing out the application if:
 - Mental or physical disability
 - Dyslexia
 - Can't read/write English

APPLICATION (CONTINUED)

- Application for TA is not complete until all adult members of the household have signed
 - Application
 - Any other form or document required by law or determined necessary by Trustee, as contained in the TA guidelines

INVESTIGATION

- When application is received, the Trustee (or investigator) should carefully investigate the circumstances of each applicant and each member of the applicant's household to ascertain the following:
 - Legal Residence
 - Names and Ages
 - Physical condition of residents
 - Present and previous occupation
 - Ability and capacity to perform labor
 - Cause of current condition
 - Whether the household is entitled to immediate future income
 - Whether there are relatives able and willing to assist the applicant

ACTION ON APPLICATION

- In case of emergency
 - Accept and promptly act upon
- Non-emergent situation
 - Trustee must act on the application with 72 hours (excluding weekends and holidays)
- Options:
 - Grant assistance
 - Deny assistance
 - Including partial denial
 - Leave decision pending
 - Can't remain pending for more than 72 hours
 - Must list specific reasons that assistance is NOT grant or denied within the original 72 hours

ACTION ON APPLICATION (CONTINUED)

- Within 72 hours, mail notice or provide personal notice
- In the notice, it has to include:
 - Type and amount of assistance granted
 - Type and amount of assistance denied or partially granted
 - Specific reasons for denying all or part of the assistance granted
 - Notification of the right to appeal to the Board of Commissioners
- Notice has to be filed with the applicant's application

OTHER PUBLIC ASSISTANCE

- Trustee must obtain information about public assistance programs and services administered by:
 - Division of family resources
 - County officers
 - Social Security Administration
 - Federal Food Stamp program
 - Another federal/state governmental entity

OTHER PUBLIC ASSISTANCE (CONTINUED)

- Trustee can't extend aid if you believe an applicant may be eligible for a public assistance program unless
 - Applicant has filed within 180 days an application for the other assistance program
 - The applicant is receiving assistance under another program, or
 - There is an emergent need that the Trustee determines must be met immediately

OTHER PUBLIC ASSISTANCE (CONTINUED)

- If it is determined that an applicant may be eligible for other public assistance, the Trustee should refer them to the other public assistance
 - If the applicant doesn't, or isn't able to show proof, then they can't be granted TA for 60 days

OTHER PUBLIC ASSISTANCE (CONTINUED)

- If someone is granted emergency assistance, and Trustee determine they may be eligible for other public assistance, the applicant must file for that other public assistance with 15 days.
 - If they don't, they can't be granted TA for 60 days

SUPPORT BY RELATIVES

- Relative includes:
 - Parent
 - Child
 - Sibling
 - Step or Grand of those
- If an applicant has a relative living in the Township who is able to assist, the Trustee should ask the relative to help the applicant before giving aid a second time
- Trustee can't use TA funds to pay the cost of shelter if they live with the relative, or if the landlord is a relative if the housing is unencumbered by a mortgage or the shelter has not been a rental for the previous 6 months

CONSENT TO DISCLOSURE OF PERSONAL INFORMATION

- Each applicant and adult member of the household must consent to a disclosure and release of information before TA can be provided.
- If information is declared confidential by state or federal statute, then you can't obtain it!
- The county office of the Division of Family Resources must provide information to the Trustee about:
 - Other types of public assistance being provided
 - Amounts of other public assistance
 - Information about resources, assets, income, etc.
- Upon request, employer of applicant must provide Trustee with information about applicants income

MISUSE OF INFORMATION ON PRIOR SLIDE

- CLASS A MISDEMEANOR!!!

- That information received is NOT public record
- Anyone that discloses or misuses the information commits a Class A Misdemeanor

RESIDENCE

- A resident is an individual who:
 - Has located in the township or county; and
 - Intends to make the township or county their sole place of residence
- Trustee can deny assistance if they determine that the individual does not intend to make the township or county their sole residence
- If Trustee is unable to ascertain and establish the place of legal residence, the Trustee must proceed to provide assistance

NONRESIDENTS

- If an individual is a:
 - Child
 - Parent of a child requiring the parents care
 - Sick, aged, injured, crippled, or physically or mentally unable to work or travel
- Trustee shall furnish TA to the individual until they can be returned to their place of residence
- If their place of residence can be determined (and that is outside of the Township), the Trustee may return them to their place of legal residence

EMPLOYMENT AS CONDITION

- If applicant, or a member of the applicant's household is in good health, the Trustee shall require the individuals who are able to work to seek employment
 - Trustee shall refuse to give TA until the Trustee is satisfied they are endeavoring to find work
- Trustee shall make all possible efforts to secure employment for an able-bodied applicant in the Township they reside
- If an applicant says they are unable to work because of health, the Trustee may require a medical examination

WORKFARE AS CONDITION FOR TA

- Trustee shall obligate any adult member of a recipient household to do any work needed to be done within the county or an adjoining Township for any nonprofit agency or governmental unit, unless:
 - Physically unable
 - Minor
 - Over 65
 - Already have full time employment
 - They are needed to care for an individual because of their condition
 - No work available

WORKFARE AS CONDITION FOR TA (CONTINUED)

- Recipient shall perform an amount of work that equals the value of assistance received.
- Recipient shall receive credit for the work performed at a rate not less than federal minimum wage.

REHABILITATION, TRAINING, AND WORK PROGRAMS

- Trustee may, with the approval of the Board, do the following:
 - Conduct the following for TA recipients:
 - Rehabilitation programs
 - Training programs
 - Retraining programs
 - Work programs
 - Employ personnel to service the programs
 - Pay the costs of the programs from TA money
 - Must have an appropriation to do this

APPEAL PROCESS

- To County Board of County Commissioners (BCC)
- Within 15 days of written notice from Trustee of denial
- BCC may:
 - Conduct hearing; or
 - Appoint a hearing officer
- BCC must develop uniform written procedures, including provisions for:
 - Applicant review of TA file
 - Order for proceeding
 - Procedure for subpoena
 - Issuance of a decision
- Decision can be appealed by either party to circuit or superior court in the county

PAYMENT OF TA CLAIMS

- Claim must be:
 - Itemized
 - Attached to original TA order, which must be itemized and signed
 - Audited and certified by the Trustee
 - Paid in the same manner as other claims against the Township are paid
 - Paid within 45 days

- Applicant can NOT be denied based on a lack of money in the Township
 - IC 12-20-20-2
 - IC 12-20-21
 - IC 12-20-24

RECOVERY FROM ESTATE

- Trustee may file a claim for the value of the TA given the recipient before death against the estate of a recipient who:
 - Dies, leaving an estate; and
 - Is not survived by:
 - A spouse
 - An adult dependent with a disability
 - A dependent child less than 18 years of age

PROFITEERING / FRAUD

- A person who receives any item of value from anyone for assisting them commits TA Profiteering
 - Class C Misdemeanor
- A person who unfairly profits from TA commits Fraud
 - Level 6 Felony
 - Includes:
 - Receiving payments for goods or services when goods or services were not provided
 - Charging Trustee more for the goods or services than they would members of the public
 - Anyone who commits TA Fraud is ineligible to participate in TA for 30 years

ANNUAL STATISTICAL REPORT

- Completed annually in conjunction with the Annual Financial Report in Gateway

◎ Questions