



# STATE OF INDIANA

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May 19, 2026

Re: Complaint 25-FC-177  
Chris M. Myers (Complainant) v.  
Indiana Family and Social Services Administration [FSSA] (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed August 14, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 24, 2025, requesting a formal response by November 24, 2025. A formal response, submitted by Attorney Avery Penn on behalf of Respondent, was received in this office on March 27, 2026.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide copies of the requested records in a reasonable time.

## **ANALYSIS**

The public policy of APRA states that “[p]roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information.” Indiana Code (IC) 5-14-3-1. Respondent is a public agency for purposes of APRA; and therefore, subject to the requirements. IC 5-14-3-2(q). As a result, unless an exception applies, any person has the right to inspect and copy Respondent’s public records during regular business hours. IC 5-14-3-3(a).

Complainant originally submitted her request on July 9, 2025, through the “contact us” access on Respondent’s website. However, that process failed to reach the APRA reviewers. Complainant was re-directed to submit through Respondent’s APRA portal, where she submitted the request again the same day, on July 29, 2025. That request was acknowledged by the portal when submitted.

Complainant alleges Respondent violated the APRA provisions by failing to act upon the request in a reasonable amount of time. The request was for an accounting of the American Rescue Plan Act (ARPA) funding and what led to a reduction in the state sponsored C.H.O.I.C.E. grant funds. This created two (2) issues: 1) the records themselves and 2) the timeliness of response.

As to the records, Respondent replied on August 28, 2025, that a diligent search was conducted and that no records were found. However, in a February 27, 2026, email to this office, Respondent stated:

*While not responsive to Ms. Myer's request, the agency would like to offer the following links as resources to more general budget information and reporting:*

[https://www.in.gov/fssa/home-and-community-based-services-spending-plan/#HCBS\\_Spend\\_Plan\\_Resources](https://www.in.gov/fssa/home-and-community-based-services-spending-plan/#HCBS_Spend_Plan_Resources)

<https://www.in.gov/fssa/home-and-community-based-services-spending-plan/>

This office also completed a simple web search on the “American Rescue Plan Act” in Indiana and found several potential resources as ARPA was a prominent funding program. Therefore, it seems that a more appropriate response to Complainant may have been that her request “lacked reasonable particularity”, to narrow her request and find some resources that may have been helpful to her, rather than that “no records were found”.

We asked Respondent to reach out to Complainant to share the resources above, to explain the issues with the way the funding was pooled, and to see if there were records that would be helpful to her. Although Respondent does not hold the information or records in the format Complainant has requested, Respondent has been working with Complainant to understand her request and share records which may be helpful to her, even though no records may be exactly what she had in mind when she made her request.

As to the timeliness, Respondents outlined the large volume of APRA requests that the agency receives, the sensitive nature of the records and record search necessary to respond to Complainant. Finally, the request was for information for which Respondent did not have a specific record to produce and is not required to create a record under APRA.

A public agency may not deny or interfere with the exercise of the right to inspect or copy records. If the public agency does not deny the request, within a reasonable time after the request is received by agency the public agency shall either:

- (1) Provide the requested copies to the person making the request; or
- (2) Allow the person to make copies:

- (A) on the agency's equipment; or
- (B) on the person's own equipment.

IC 5-14-3-3(b).

APRA does not define the term "reasonable time". This office has in the past provided guidance on what would be considered a reasonable time for purposes of compliance with the APRA provisions. An informal benchmark this office observes for a typical response time would be thirty (30) days from the receipt of the request. *Opinion of the Public Access Counselor 20-FC-87.*

However, this office has further observed that many requests cannot be fulfilled within thirty (30) days for a variety of reasons. In those circumstances, this office considers the following factors:

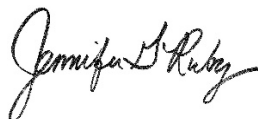
- (1) the size of the public agency;
- (2) the size of the request;
- (3) the number of pending requests;
- (4) the complexity of the request; and
- (5) any other operational considerations or factors that may reasonably affect the public records process.

*Opinion of the Public Access Counselor 25-FC-071.*

Respondent provided its response to Complainant within thirty (30) days of receipt of the APRA request through the required APRA portal. The complaint was filed sixteen (16) days after the receipt of the records request by Respondent. Given the explanation of internal operations in fulfilling APRA requests by Respondent, the timeframe for the response does not appear unreasonable.

## **CONCLUSION**

This office finds that Respondent did not violate APRA as alleged in the complaint.



Jennifer G. Ruby  
Public Access Counselor