

## **IC 12-20-6**

### Chapter 6. Application for Township Assistance

#### **IC 12-20-6-0.5**

##### **Previous denial of assistance or conviction**

Sec. 0.5. (a) As used in this section, "member of the applicant's household" includes any person who lives in the same residence as the applicant.

(b) The 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.

(c) A township trustee has no obligation to extend aid to an applicant or to a member of an applicant's household who has been denied assistance as described in subsection (b).

(d) A township trustee shall not extend aid to an applicant or to a member of an applicant's household if the applicant or the member of the applicant's household has 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 township trustee shall not extend aid to the applicant or the member of the applicant's household for one (1) year after the conviction.

(2) If the conviction is a felony, a township trustee shall not extend aid to the applicant or the member of the applicant's household for ten (10) years after the conviction.

*As added by P.L.46-1995, SEC.56.*

#### **IC 12-20-6-1**

##### **Application and affidavit**

Sec. 1. (a) A township trustee may not extend aid to an individual or a household unless an application and affidavit setting forth the personal condition of the individual or household has been filed with the trustee within one hundred eighty (180) days before the date aid is extended.

(b) 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 the household's eligibility for township assistance. The application must be on the form prescribed by the state board of accounts.

(c) An applicant for utility assistance under IC 12-20-16-3(a) must comply with IC 12-20-16-3(d).

(d) 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.

(e) 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.

*As added by P.L.2-1992, SEC.14. Amended by P.L.51-1996, SEC.21; P.L.259-2001, SEC.1; P.L.73-2005, SEC.29.*

#### **IC 12-20-6-2**

**Repealed**

*(Repealed by P.L.51-1996, SEC.77.)*

#### **IC 12-20-6-3**

##### **Eligibility for other public assistance**

Sec. 3. Each township trustee shall obtain information about public assistance programs and services administered by the division of family resources and county offices under this article, the Social Security Administration, the federal Food Stamp program (7 U.S.C. 2011 et seq.), or by another federal or state governmental entity. If a trustee believes a township assistance applicant or a member of 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 has filed, within the 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 resources and county offices 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 resources and county offices or another federal or state governmental entity; or
- (3) the applicant or a member of the applicant's household has an emergency need that the trustee determines must be met immediately.

*As added by P.L.2-1992, SEC.14. Amended by P.L.4-1993, SEC.191; P.L.5-1993, SEC.204; P.L.51-1996, SEC.22; P.L.73-2005, SEC.30; P.L.145-2006, SEC.112.*

#### **IC 12-20-6-4**

**Repealed**

*(Repealed by P.L.51-1996, SEC.77.)*

#### **IC 12-20-6-5**

##### **Application for other assistance**

Sec. 5. If the township trustee determines that an applicant or a member of the applicant's household who is granted emergency township assistance under section 3(3) of this chapter may be eligible for public assistance other than township assistance, the applicant

shall, not more than fifteen (15) working days after the date that emergency township assistance was granted, file an application for public assistance and comply with all the requirements necessary for completing the application process for public assistance administered by the division of family resources and county offices or another federal or state governmental entity. An applicant or a member of the applicant's household who fails to file an application for public assistance not more than fifteen (15) working days after the date that emergency township assistance was granted may not be granted township assistance for sixty (60) days following the grant of township assistance on an emergency basis.

*As added by P.L.2-1992, SEC.14. Amended by P.L.4-1993, SEC.192; P.L.5-1993, SEC.205; P.L.51-1996, SEC.23; P.L.73-2005, SEC.31; P.L.145-2006, SEC.113.*

#### **IC 12-20-6-5.5**

##### **Application for public assistance before granting township assistance**

Sec. 5.5. (a) This section does not apply in an emergency.

(b) 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 resources and county offices; or
- (2) any other federal or state governmental entity.

(c) 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.

*As added by P.L.51-1996, SEC.24. Amended by P.L.73-2005, SEC.32; P.L.145-2006, SEC.114.*

#### **IC 12-20-6-6**

##### **Repealed**

*(Repealed by P.L.262-2003, SEC.9.)*

#### **IC 12-20-6-6.5**

##### **Denial of relief; welfare fraud**

Sec. 6.5. (a) 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.

(b) 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.

*As added by P.L.51-1996, SEC.25. Amended by P.L.73-2005, SEC.33.*

#### **IC 12-20-6-6.6**

##### **Aid cannot pay for goods or services during period when assistance denied**

Sec. 6.6. Notwithstanding any other provision of this article:

- (1) a township trustee may not extend aid to or for the benefit of an individual if that aid would pay for goods or services provided to or for the benefit of the individual; and
- (2) a township is not obligated to pay the cost of basic necessities incurred on behalf of the household in which the individual resides;

during a period that the individual has previously applied for and been denied township assistance.

*As added by P.L.51-1996, SEC.26. Amended by P.L.259-2001, SEC.2; P.L.73-2005, SEC.34.*

#### **IC 12-20-6-7**

##### **Action on application**

Sec. 7. (a) In a case of emergency, a trustee shall accept and promptly act upon a completed 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 application, excluding weekends and legal holidays listed in IC 1-1-9. The trustee's office shall retain a copy of each application and affidavit whether or not relief is granted.

(b) 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.

(c) 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).

*As added by P.L.2-1992, SEC.14. Amended by P.L.51-1996, SEC.27; P.L.259-2001, SEC.3; P.L.73-2005, SEC.35.*

### **IC 12-20-6-8**

#### **Notice of action taken; appeals**

Sec. 8. (a) A township trustee shall promptly notify in writing each applicant for township assistance of action taken upon a completed application for township assistance. The trustee shall do the following:

(1) Mail notice or provide personal notice not later than seventy-two (72) hours, excluding weekends and legal holidays listed in IC 1-1-9, after the completed application is received, advising the applicant of the right to appeal an adverse decision of the trustee to the board of commissioners.

(2) Include in the notice required under subdivision (1) the following:

(A) The type and amount of assistance granted.

(B) The type and amount of assistance denied or partially granted.

(C) Specific reasons for denying all or part of the assistance requested.

(D) Information advising the applicant of the procedures for appeal to the board of commissioners.

(b) A copy of the notice described in subsection (a) shall be filed with the recipient's application and affidavit in the trustee's office.

(c) 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's township assistance guidelines.

*As added by P.L.2-1992, SEC.14. Amended by P.L.51-1996, SEC.28; P.L.259-2001, SEC.4; P.L.73-2005, SEC.36.*

### **IC 12-20-6-9**

#### **Investigation; relatives**

Sec. 9. If an application for township assistance is made to the township trustee as administrator of township assistance, the township trustee, as administrator of township assistance, shall carefully investigate the circumstances of the applicant and each member of the applicant's household to ascertain the following:

(1) Legal residence.

(2) Names and ages.

(3) Physical condition relating to sickness or health.

(4) Present and previous occupation.

(5) Ability and capacity to perform labor.

(6) The cause of the applicant's or household member's

condition if the applicant or household member is found to be in need and the cause can be ascertained.

(7) Whether the applicant or a member of the applicant's household is entitled to income in the immediate future from any source, including the following:

(A) Past or present employment.

(B) A pending claim or cause of action that may result in a monetary award being received by any member of the applicant's household claiming to be in need.

(C) A pending determination for assistance from any other federal or state governmental entity.

(8) The family relationships of the township assistance applicant.

(9) Whether the township assistance applicant or members of the applicant's household have relatives able and willing to assist the applicant or a member of the applicant's household.

*As added by P.L.2-1992, SEC.14. Amended by P.L.51-1996, SEC.29; P.L.73-2005, SEC.37.*

#### **IC 12-20-6-10**

##### **Support by relatives**

Sec. 10. (a) As used in this section, "relative" includes only the parent, stepparent, child, stepchild, sibling, stepsibling, grandparent, stepgrandparent, grandchild, or stepgrandchild of a township assistance applicant.

(b) If an applicant who applies for township assistance or a member of the applicant's household has a relative living in the township who is able to assist the applicant or member of the applicant's household, the township trustee shall, as administrator of township assistance and before granting aid a second time, ask the relative to help the applicant or member of the applicant's household, either with material relief or by furnishing employment.

(c) 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.

(d) 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 shelter assistance granted.

*As added by P.L.2-1992, SEC.14. Amended by P.L.51-1996, SEC.30; P.L.73-2005, SEC.38.*