

## **CHAPTER 210**

### **TOWNSHIP ASSISTANCE APPEAL PROCEDURES**

#### **210-1. Appeal Requirements**

The appeal must be made in the following manner:

- (A)** The appeal must be received by the Monroe County Auditor not more than fifteen (15) days from the date of issuance by the township trustee of written notice of the denial of poor relief.
- (B)** The appeal must be in writing, must state the name of the person appealing, that person's address, home and work telephone numbers, the township from which the appeal is taken, and the issues which are the basis of the appeal. The appeal must be signed, subject to the penalties for perjury, by the person appealing. A copy of the trustee's written notice of denial of poor relief must be attached to the appeal.
- (C)** The Auditor shall, upon request, provide assistance in physically writing the appeal. However, the Auditor is not responsible for the content of the appeal and has no duty to advise the person appealing how the appeal should be written.
- (D)** If the Auditor has physically written the appeal, the Auditor shall read its text to the person appealing before the person signs it.
- (F)** If signature is by the mark of the person appealing, the mark shall be witnessed by the Auditor or a notary public.
- (G)** The appeal need not be in any particular form, but a form will be provided for the convenience of those who choose to use it.

#### **210-2. Appellant's Right to Records**

At least three (3) days before the hearing, the trustee against whom an appeal is pending shall, on request, provide an opportunity for the appellant or the appellant's legal representative to review the appellant's poor relief file and any documents or evidence used by the township trustee to make the determination under appeal, and shall provide copies of such documents upon request.

#### **210-3. Order of Hearing**

The order of the hearing shall be as follows:

- (A)** The person appealing (hereafter, the "Appellant") shall present the basis for the appeal, and call any witnesses in support of the appeal.
- (B)** The trustee shall have the opportunity to question the appellant and supporting witnesses at the conclusion of each witness's presentation.

- (C) The trustee shall have the opportunity to respond and call witnesses.
- (D) The appellant shall have the opportunity to question the trustee and the trustee's witnesses at the conclusion of each witness's presentation.
- (E) The Commissioners, or their designated hearing officer, shall have the right to question any participant at any point during the hearing.
- (F) The hearing shall be informal, and legal rules of evidence shall not apply.

**210-4. Standards For Township Assistance**

In accordance with IC 12-20-15-4:

In hearing an appeal, the Board of Commissioners or hearing officer shall be governed by the township's assistance standards for determining eligibility to the extent that the standards comply with existing law for the granting of poor relief. If no legally sufficient standards have been established, the Board of Commissioners or hearing officer shall be guided by the circumstances in each case.

**210-5. Subpoena**

A subpoena of a witness or for production of evidence may be issued by the President of the Board of Commissioners if requested by the appellant or the township trustee. The Commissioners may apply for an order from the Monroe Circuit Court to enforce the subpoena.

**210-6. Attendance Requirements**

In accordance with IC 12-20-15-5:

- (A) The appellant must be present at a hearing conducted by the Board of Commissioners or a hearing officer.
- (B) The township trustee, as administrator of township assistance, or the trustee's representative shall be notified in writing of the hearing date and time, but the failure of the township trustee or the trustee's representative to be present is not a cause for postponement of the hearing unless the trustee requests and is granted a continuance.
- (C) A continuance requested by the township trustee does not reduce the period required for a written decision by the Commissioners.

## **210-7. Scheduling of Hearings - Decision Requirements**

In accordance with IC 12-20-15-6:

- (A)** The Board of Commissioners shall hold a hearing as soon as possible after the filing of an appeal but not more than ten (10) working days after the appeal form or other notice of appeal is received in the office of the Board of Commissioners.
- (B)** The Board of Commissioners shall issue a written decision that must:
  - Appear in the official records of the board;
  - (1)** Be issued to the appellant and the township trustee not more than five (5) working days following the date of the hearing;
  - (2)** State the legal and factual basis for the decision;
  - (3)** Advise the appellant and the township trustee of the right to judicial review and the period prescribed for requesting judicial review; and
  - (4)** Inform the appellant of the availability of free legal counsel for the indigent.

## **210-8. Hearing Officer Appointment**

- (A)** In the event a majority of the Board of Commissioners is unable to hear an appeal under this Chapter, any single Commissioner is authorized to act as the Hearing Officer as authorized by IC 12-20-15-3.
- (B)** The Commissioners' Attorney, or in his absence, any member of the Legal Department is appointed hearing officer for the purpose of screening appeals and hearing those which he determines, following screening, are seriously procedurally deficient, such as those filed more than fifteen (15) days from the date of issuance by the township trustee of written notice of the denial of the poor relief assistance, or those which are unsigned. In the event the hearing officer determines that an appeal is seriously procedurally deficient, and that he intends to deny it as hearing officer, he shall so notify the Appellant, the Commissioners and the trustee at least 24 hours before the scheduled hearing.

**[end of chapter]**