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State Board of Accounts



TOWNSHIP ASSISTANCE

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WHERE AM I REQUIRED TO PROVIDE TOWNSHIP ASSISTANCE?

- IC 12-20-16-1 – “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.”
- Cannot extend aid to an individual if they have been convicted of a misdemeanor (1 year after conviction) or a felony (10 years after conviction) pertaining to an offense under IC 35-43-5
- IC 12-20-5.5-1 – Trustee must process all applications for township assistance according to uniform written standards and without consideration of race, creed, nationality, or gender.

TOWNSHIP ASSISTANCE PROFITEERING/FRAUD

- IC 12-20-1-4
 - A person who receives any item of value from anyone for assisting them in obtaining township assistance commits township profiteering, a Class C misdemeanor
 - A person who unfairly profits from the sale, lease, or rental of goods or shelter, or the provision of services to a township assistance recipient commits township assistance fraud, a Level 6 felony.
 - A person unfairly profits if the person:
 - Receives payments for goods or services that were not provided
 - Charges the trustee more for goods and services than would be charged the public
 - In addition to above penalties, any person convicted of township assistance fraud is ineligible to participate in the township assistance program for 30 years.

BASIC NECESSITIES

- IC 12-7-2-20.5 – includes those services or items essential to meet the minimum standards of health, safety, and decency, including the following:
 - Medical care described in IC 12-20-16-2
 - Clothing and footwear
 - Food
 - Shelter
 - Transportation to seek and accept employment on a reasonable basis
 - Household essentials
 - Essential utility services
 - Other services or items the township trustee determines are necessities

IN WHAT FORM CAN I PROVIDE TOWNSHIP ASSISTANCE?

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

WHAT ELSE CAN I PAY FOR OUT OF TOWNSHIP ASSISTANCE?

- Salaries/Wages for:
 - Clerical Staff
 - *Supervisors*
 - *Investigators*
 - If you have supervisors/investigators, please review IC 12-20-4-4 through 11
- Office Expenses

TOWNSHIP ASSISTANCE (TA) STANDARDS

- IC 12-20-5.5-1
 - Required to process all applications according to:
 - Uniform written standards
 - Without consideration of race, creed, nationality, or gender
 - TA Standards for the issuance of TA and processing of applications must be:
 - Governed by IC 12-20
 - Proposed by the trustee, adopted by the township board, and filed with the county commissioners
 - Reviewed and updated annually to reflect changes in the cost of basic necessities in the township and changes in the law
 - Published in a single written document, including addenda attached to the document
 - Posted in a place prominently visible to the public in all offices of the trustee where applications are taken or processed

TOWNSHIP ASSISTANCE (TA) STANDARDS (CONTINUED)

- IC 12-20-5.5-1 (Continued)
 - Trustee shall annually certify the uniform written standards for the issuance of township assistance has been filed with the board of county commissioners
 - Certification is required to be noted in the township's budget submitted to DLGF via Gateway under IC 6-1.1-17-3

WHAT SHOULD BE IN THE TOWNSHIP ASSISTANCE (TA) STANDARDS?

- IC 12-20-5.5-2
 - Criteria for determining TA eligibility
 - Minimum requirements of township trustee accessibility
 - Office locations, hours, and days of availability
 - Initial eligibility criteria
 - Continuing eligibility criteria
 - Workfare requirements
 - Essential and nonessential assets
 - Available resources and wasted resources
 - Countable income and countable assets
 - Income exemptions
 - Application process

ACCESSIBILITY REQUIREMENTS

- IC 12-20-5.5-3
 - Must publish a telephone number in the TA-7 and the budget submitted to DLGF
 - If township assistance office is not in trustee's home, the location must have a sign that includes the trustee's name, availability of assistance, and telephone number
- IC 12-20-5.5-4
 - Applies to townships that have assisted more than 50 households in each of the last 2 years and have a population of at least 10,000
 - Must provide scheduled office hours with staff qualified to determine eligibility and issue sufficient relief to meet the township assistance needs of the township
 - Minimum of 14 hours per week, with not more than 1 weekday between open office days
 - Provide after hours access via answering machine/service that can take messages and provide TA info

ACCESSIBILITY REQUIREMENTS (CONTINUED)

- IC 12-20-5.5-4 (Continued)
 - Must respond to telephone inquiry within 24 hours after receiving the inquiry, excluding weekends and legal holidays (IC 1-1-9-1)
 - Post township assistance office hours and telephone numbers at the entrance to each township assistance office

OTHER PUBLIC ASSISTANCE

- Trustee must obtain information about public assistance programs and services administered by:
 - Division of Family Resources (FSSA)
 - County Offices
 - Social Security Administration
 - Federal Food Stamp (SNAP) Program
 - Other Federal/State Governmental Entities
- If someone is granted emergency assistance, and the trustee determines they may be eligible for other public assistance, the applicant must file for that other public assistance within 15 days
 - If they don't, they cannot be granted township assistance for 60 days
- If an applicant has a relative in the township who is able to assist, the trustee should ask the relative to help the applicant before giving aid a second time.

OTHER PUBLIC ASSISTANCE (CONTINUED)

- “Relative” – Parent, Child, Siblings, Stepparents, Stepchildren, Stepsiblings, Grandparents, Grandchildren
- Trustee can’t use township assistance funds to pay the cost of shelter if:
 - The applicant lives with a relative, or
 - If the landlord is a relative if the housing:
 - Is unencumbered by a mortgage, or
 - If 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 township assistance 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 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 applicant's income

MISUSE OF PERSONAL INFORMATION

- IC 12-20-7-6
 - Personal information received cannot be disclosed or used outside of what is allowed by IC 12-20-7
 - Personal information received is NOT public record
 - Knowingly disclosing or using information outside of IC 12-20-7 is a Class A Misdemeanor

TOWNSHIP APPLICATION REQUIREMENTS

- IC 12-20-6
 - Trustee shall determine whether an applicant or a member of the applicant's household has been denied under other Indiana Code
 - Trustee shall not extend aid to an applicant who has been convicted under IC 35-43-5 for one year if a misdemeanor, and ten years if a felony
- Must have an application or affidavit on file with the trustee within the prior 180 days
- If additional assistance is provided, then an affidavit must be filed where the applicant affirms the condition of the individual or household
- If the trustee knows that the individual may be eligible for other public assistance, then when referred by the trustee, the individual is required to apply for the other public assistance prior to getting township assistance

TOWNSHIP APPLICATION REQUIREMENTS (CONTINUED)

- Emergency situations require immediate action. For nonemergency situations the trustee has up to 72 hours after receiving the application, excluding weekends and legal holidays, to act
- Notice of action must be in writing, provided in person or mailed with 72 hours, and include the option of the applicant to appeal a denial with the county board of commissioners
 - Requires trustee to complete an investigation prior to providing assistance
- If an applicant or a member of the applicant's household has a relative living within the township, then the trustee is required to request the relative to assist the applicant prior to providing assistance for a second time

TOWNSHIP APPLICATION REQUIREMENTS (CONTINUED)

- Application for township assistance is not complete until all adult members of the household have signed:
 - The township assistance application, or
 - Any other form or document required by law or determined necessary by Trustee, as contained in the township assistance guidelines
- Trustee can assist with filling out the application if:
 - Mental or physical disability
 - Dyslexia
 - Can't read or write English

INVESTIGATION

- When an 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:
 - 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

RESIDENCE

- IC 12-20-8-1 – A resident is an individual who:
 - Is located in the township or county; and
 - Intends to make the township or county the individual's sole place of residence
- Trustee can deny assistance if they determine that the individual does not intend to make the township their sole residence
- If Trustee is unable to ascertain and establish the place of legal residence, the trustee must provide assistance

NON-RESIDENTS

- If a non-resident 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 township assistance to the individual until they can be returned to their place of residence

If their place of residence can be determined and it is outside of the township, the trustee may return them to their place of legal residence

PAYMENT OF TOWNSHIP ASSISTANCE CLAIMS

- IC 12-20-20
 - Assistance claims must be itemized, audited, and certified by the trustee
 - Payments directly to vendors must be made within 45 days
- IC 12-20-24
 - If money is not available for the payment of township assistance, the township board must appeal to the DLGF to borrow money
 - If the township board does not appeal or the appeal fails, the county board of commissioners may borrow money or otherwise provide the money
 - Debt must be paid back within 5 years
 - Additional appropriations must be requested, and a tax rate must be levied

APPEAL PROCESS

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

TOWNSHIP ASSISTANCE STATISTICAL REPORT (TA-7)

- IC 12-20-28-3
 - Requires SBOA to collect an annual statistical report of township assistance
 - Statute lists the specific information that must be collected
 - SBOA has included the list of information in a section on the TA-7 within the Annual Financial Report (AFR) in Gateway
 - Requires a copy of the report to be provided to the county auditor
 - DLGF may not approve the budget of a trustee who fails to file the TA-7 in the preceding calendar year

BURIALS – COMMON QUESTIONS

IC 12-20-16-12

- When do I have to pay burial expenses?
 - If an individual dies in a township without leaving money, real or personal property, other assets that may be liquidated, or other means necessary to defray funeral expenses and the individual is not a resident of another township in Indiana
- What should I do if the individual is not a resident of my township?
 - Notify the trustee of the township of which they are a resident. That trustee then shall provide a person to superintend and authorize either the funeral and burial or cremation of the deceased individual

BURIALS – COMMON QUESTIONS

IC 12-20-16-12 (CONTINUED)

- How much can I pay for burial expenses?
 - Trustee shall determine the cost for items and services required by law for the funeral and burial or cremation of an individual, including a burial plot, and for the cremation of an individual, and include in the township assistance standards the maximum funeral and burial or cremation amount to be paid from township assistance funds.
 - The cost of the funeral may not be more than the cost of the least expensive funeral, including any necessary merchandise and embalming, available from the funeral director under their price list disclosed to the Federal Trade Commission
- When am I not allowed to cremate?
 - Trustee may not cremate a deceased individual if the individual or a surviving family member of the individual has objected in writing to cremation

RECOVERY FROM ESTATE

- IC 12-20-27-1
 - Trustee may file a claim for the value of the township assistance 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
- “Estate” under this section includes any money or other personal property in the possession of a coroner under IC 36-2-14-11

WASTED RESOURCES

- IC 12-20-5.5-2
 - Township assistance standards are required to contain information for “Wasted Resources”
- IC 12-7-2-200.5
 - “Wasted Resources” means
 - The amount of money or resources expended by an applicant or an adult member of an applicant’s household seeking township assistance during the 30 days before the date of application for township assistance for items or services that are not basic necessities
 - Income, resources, or tax supported services lost or reduced as a result of a voluntary act during the 60 days before the date of application for township assistance by an adult member of an applicant’s household without good reason
 - Lump sums from tax refunds, lawsuits, inheritances, or pension payments expended on items that are not basic necessities during the 180 days before date of application

EMPLOYMENT AS A CONDITION

- IC 12-20-10
 - If an applicant or member of 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 township assistance until the trustee is satisfied that the individual is endeavoring to find work
 - Trustee shall make all possible efforts to secure employment for an able-bodied applicant in the township they reside
 - Trustee also may call upon residents to aid in finding employment for applicant
 - If an applicant says they are unable to work for health reasons, the trustee may require a medical examination.

WORKFARE REQUIREMENTS

- IC 12-20-11
 - 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
 - Needed to care for an individual because of their condition
 - No work available

WORKFARE REQUIREMENTS (CONTINUED)

- Recipient shall perform an amount of work equaling the value of assistance received
- Recipient shall receive credit for the work performed at a rate not less than federal minimum wage
- Trustee shall determine an applicant's suitability to perform available work.
 - May provide for medical examinations necessary to make the determination
- Trustee shall see that a recipient performing work is covered by adequate liability insurance for injuries or damages suffered by or caused by the recipient.

WORKFARE REQUIREMENTS (CONTINUED)

- IC 12-20-13
 - Township trustee, with the approval of the township board, may conduct, employ personnel to supervise, and pay the costs out of township assistance for the following:
 - Rehabilitation programs
 - Training programs
 - Retraining programs
 - Work programs

CONFLICT OF INTEREST

- Must file a conflict of interest if:
 - A public servant has a pecuniary interest in or derives a profit from a contract of purchase connected with an action by the governmental entity
- Example: If a trustee owns rental properties and the applicant lives in a property they own...
 - Receiving township assistance funds would require the trustee to file a conflict of interest
- March 2021 Bulletin Article (Page 3)



THANK YOU

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