

IC 12-13-5

Chapter 5. Duties of Division

IC 12-13-5-1

Powers and duties

Sec. 1. (a) The division shall administer or supervise the public welfare activities of the state. The division has the following powers and duties:

- (1) The administration of old age assistance, TANF, and assistance to the needy blind and persons with disabilities, excluding assistance to children with special health care needs.
- (2) The administration of the licensing and inspection under IC 12-17.2.
- (3) The provision of services to county governments, including the following:
 - (A) Organizing and supervising county offices for the effective administration of public welfare functions.
 - (B) Compiling statistics and necessary information concerning public welfare problems throughout Indiana.
 - (C) Researching and encouraging research into crime, delinquency, physical and mental disability, and the cause of dependency.
- (4) Prescribing the form of, printing, and supplying to the county offices blanks for applications, reports, affidavits, and other forms the division considers necessary and advisable.
- (5) Cooperating with the federal Social Security Administration and with any other agency of the federal government in any reasonable manner necessary and in conformity with IC 12-13 through IC 12-19 to qualify for federal aid for assistance to persons who are entitled to assistance under the federal Social Security Act. The responsibilities include the following:
 - (A) Making reports in the form and containing the information that the federal Social Security Administration Board or any other agency of the federal government requires.
 - (B) Complying with the requirements that a board or agency finds necessary to assure the correctness and verification of reports.
- (6) Appointing from eligible lists established by the state personnel board employees of the division necessary to effectively carry out IC 12-13 through IC 12-19. The division may not appoint a person who is not a citizen of the United States and who has not been a resident of Indiana for at least one (1) year immediately preceding the person's appointment unless a qualified person cannot be found in Indiana for a position as a result of holding an open competitive examination.
- (7) Assisting the office of Medicaid policy and planning in fixing fees to be paid to ophthalmologists and optometrists for

the examination of applicants for and recipients of assistance as needy blind persons.

(8) When requested, assisting other departments, agencies, divisions, and institutions of the state and federal government in performing services consistent with this article.

(9) Acting as the agent of the federal government for the following:

(A) In welfare matters of mutual concern under IC 12-13 through IC 12-19, except for responsibilities of the department of child services under IC 31-25-2.

(B) In the administration of federal money granted to Indiana in aiding welfare functions of the state government.

(10) Administering additional public welfare functions vested in the division by law and providing for the progressive codification of the laws the division is required to administer.

(11) Supervising day care centers.

(12) Compiling information and statistics concerning the ethnicity and gender of a program or service recipient.

(b) In the administration of the public welfare programs, the division and the department of workforce development may enter into a written memorandum of understanding concerning administering and implementing federal work requirements for public welfare programs.

As added by P.L.2-1992, SEC.7. Amended by P.L.20-1992, SEC.26; P.L.81-1992, SEC.27; P.L.1-1993, SEC.130; P.L.23-1993, SEC.52; P.L.4-1993, SEC.51; P.L.5-1993, SEC.64; P.L.142-1995, SEC.3; P.L.1-1997, SEC.53; P.L.35-1998, SEC.1; P.L.273-1999, SEC.79; P.L.234-2005, SEC.20; P.L.145-2006, SEC.75; P.L.69-2015, SEC.3; P.L.210-2015, SEC.32.

IC 12-13-5-2

Services and programs administered

Sec. 2. The division shall administer the following:

(1) A child development associate scholarship program.

(2) Any school age dependent care program.

(3) Migrant day care services.

(4) The migrant nutrition program.

(5) The home visitation and social services program.

(6) The educational consultants program.

(7) Community restitution or service programs.

(8) The crisis nursery program.

(9) Social services programs.

(10) The step ahead comprehensive early childhood grant program.

(11) Any other program:

(A) designated by the general assembly; or

(B) administered by the federal government under grants consistent with the duties of the division.

As added by P.L.2-1992, SEC.7. Amended by P.L.4-1993, SEC.52; P.L.5-1993, SEC.65; P.L.32-2000, SEC.7; P.L.234-2005, SEC.21; P.L.173-2006, SEC.45; P.L.181-2006, SEC.53; P.L.1-2007, SEC.119; P.L.130-2009, SEC.17; P.L.128-2012, SEC.5.

IC 12-13-5-3

Rules; agents

Sec. 3. The division may do the following:

- (1) Adopt rules under IC 4-22-2 and take action that is necessary or desirable to carry out IC 12-13 through IC 12-19 and that is not inconsistent with IC 12-13 through IC 12-19. Each county director shall keep copies of the rules on file available for inspection by any person interested.
- (2) Under a division rule, designate county offices to serve as agents of the division in the performance of all public welfare activities in the county.

As added by P.L.2-1992, SEC.7. Amended by P.L.4-1993, SEC.53; P.L.5-1993, SEC.66; P.L.108-1996, SEC.3.

IC 12-13-5-4

Powers of supervision of state institutions under IC 12-13 through IC 12-19 restricted

Sec. 4. IC 12-13 through IC 12-19 conferring powers of supervision on the division do not include the actual management of state institutions or the selection of the personnel of state institutions.

As added by P.L.2-1992, SEC.7.

IC 12-13-5-5

Records and reports

Sec. 5. (a) Each county auditor shall keep records and make reports relating to the county welfare fund (before July 1, 2001), the family and children's fund (before January 1, 2009), and other financial transactions as required under IC 12-13 through IC 12-19 and as required by the division or the department of child services.

(b) All records provided for in IC 12-13 through IC 12-19 shall be kept, prepared, and submitted in the form required by the division or the department of child services and the state board of accounts.

As added by P.L.2-1992, SEC.7. Amended by P.L.36-1994, SEC.13; P.L.273-1999, SEC.80; P.L.234-2005, SEC.22; P.L.146-2008, SEC.384.

IC 12-13-5-6

Appointment of personnel

Sec. 6. The secretary or the secretary's designee shall appoint necessary eligible personnel for the efficient performance of the division's duties.

As added by P.L.2-1992, SEC.7. Amended by P.L.35-2016, SEC.30.

IC 12-13-5-7

Appointment of bureau head or employee

Sec. 7. (a) The secretary or the secretary's designee shall appoint a bureau head or an employee who reports directly to the director.

(b) The bureau head shall, with the approval of the secretary or the secretary's designee, appoint each employee who reports directly to the head.

As added by P.L.2-1992, SEC.7. Amended by P.L.35-2016, SEC.31.

IC 12-13-5-8

Deputies; payment of salaries

Sec. 8. (a) The attorney general shall assign to the division the number of deputies the director determines are needed to assist in the administration of the division.

(b) The salary of each deputy assigned to the division shall, during the deputy's service to the division, be paid from the money made available for the administration and enforcement of IC 12-13 through IC 12-19.

As added by P.L.2-1992, SEC.7.

IC 12-13-5-9

Failure or refusal to perform duty or obey order; enforcement procedures

Sec. 9. (a) If a public official, board, or commission fails or refuses to perform a duty under IC 12-13 through IC 12-19, the division or an agency allowed by law to coordinate or supervise assistance under IC 12-13 through IC 12-19 may order the public official, board, or commission to perform the duty.

(b) If the public official, board, or commission refuses to obey an order issued under subsection (a), the agency issuing the order under subsection (a) may institute a mandamus proceeding in a court to compel the public official, board, or commission to perform the duty.

(c) The attorney general shall assist in proceedings under this section.

As added by P.L.2-1992, SEC.7.

IC 12-13-5-10

Amendment or repeal of provision of title; claim for compensation barred

Sec. 10. The amendment or repeal of a provision of this title does not create a claim for compensation on behalf of a recipient under this title.

As added by P.L.2-1992, SEC.7.

IC 12-13-5-11

Taking charge of child under IC 12-13 through IC 12-19 over parental objection restricted

Sec. 11. Except as provided in IC 31-37-7-3, IC 12-13 through

IC 12-19 does not authorize a state or county official, agent, or representative, in carrying out IC 12-13 through IC 12-19, to take charge of a child over the objection of either parent of the child or of the person standing in loco parentis to the child, except under a court order.

As added by P.L.2-1992, SEC.7. Amended by P.L.79-1994, SEC.1; P.L.1-1997, SEC.54.

IC 12-13-5-12

Liberal construction of IC 12-13 through IC 12-19

Sec. 12. IC 12-13 through IC 12-19 shall be liberally construed so that the purposes may be accomplished as equitably, economically, and expeditiously as possible.

As added by P.L.2-1992, SEC.7.

IC 12-13-5-13

Repealed

(As added by P.L.133-2005, SEC.2. Repealed by P.L.143-2008, SEC.15.)

IC 12-13-5-14

Contractor responsibilities; report

Sec. 14. (a) As used in this section, "committee" refers to the interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4.

(b) A contractor for the division, office, or secretary that has responsibility for processing eligibility intake for the federal Supplemental Nutrition Assistance program (SNAP), the Temporary Assistance for Needy Families (TANF) program, and the Medicaid program shall do the following:

- (1) Review the eligibility intake process for:
 - (A) document management issues, including:
 - (i) unattached documents;
 - (ii) number of documents received by facsimile;
 - (iii) number of documents received by mail;
 - (iv) number of documents incorrectly classified;
 - (v) number of documents that are not indexed or not correctly attached to cases;
 - (vi) number of complaints from clients regarding lost documents; and
 - (vii) number of complaints from clients resolved regarding lost documents;
 - (B) direct client assistance at county offices, including the:
 - (i) number of clients helped directly in completing eligibility application forms;
 - (ii) wait times at local offices;
 - (iii) amount of time an applicant is given as notice before a scheduled applicant appointment;

- (iv) amount of time an applicant waits for a scheduled appointment; and
 - (v) timeliness of the tasks sent by the contractor to the state for further action, as specified through contracted performance standards; and
 - (C) call wait times and abandonment rates.
 - (2) Provide an update on employee training programs.
 - (3) Provide a copy of the monthly key performance indicator report.
 - (4) Provide information on error reports and contractor compliance with the contract.
 - (5) Provide oral and written reports to the committee concerning matters described in subdivision (1):
 - (A) in a manner and format to be agreed upon with the committee; and
 - (B) whenever the committee requests.
- However, written reports shall be provided in an electronic format under IC 5-14-6.
- (6) Report on information concerning assistance provided by voluntary community assistance networks (V-CANs).
 - (7) Report on the independent performance audit conducted on the contract.
- (c) Solely referring an individual to a computer or telephone does not constitute the direct client assistance referred to in subsection (b)(1)(B).
- As added by P.L.153-2009, SEC.2. Amended by P.L.205-2013, SEC.183; P.L.53-2014, SEC.103.*