

A Guide to Facilitating Employment for Persons Who Are Ex-offenders

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Preface



This publication was developed to facilitate communication and mutual understanding of the agencies and staff involved in the continuum of services that facilitate employment for persons following a period of incarceration in the correctional system. Its content focuses on the following:

- ⇒ laws pertaining to the hiring of persons with specific convictions and/or probation requirements,
- ⇒ job-seeking strategies.

This publication is intended to provide basic information; it is not medical or legal advice. Attempts were made to ensure its accuracy. Questions concerning specific situations should be directed to agency-specific policies and procedures, psychiatrists, legal advisors or attorneys, or designated state officials as appropriate. The content does not reflect the official views of any federal or state agency.

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This publication is a result of a collaborative partnership between the following Indiana-based organizations:

- ⇒ The Supported Employment Consultation & Training (SECT) Center of ASPIRE Indiana Behavioral Health System
- ⇒ Family & Social Services Administration, Division of Disability & Rehabilitative Services, Vocational Rehabilitation Services
- ⇒ Family & Social Services Administration, Division of Mental Health & Addiction
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Introduction

In a nation that imprisons more of its citizens than any other, Indiana ranks near the top. In terms of the increase in the percentage of the population that's behind bars, Indiana rose to number four in 2008 and is expected to be second only to Alabama for 2009. The “Iron Law of Corrections” dictates ever increasing numbers of Hoosiers will be released each year from confinement.

The Department of Correction’s longitudinal studies reveal that employment post-release at sustainable wages is the number one predictor of recidivism. Released individuals face several barriers that negatively impact employment prospects. This publication reviews those barriers as well as those associated with criminal activity and/or conviction in an effort to facilitate employment. However, before embarking on this endeavor, it is necessary to clarify a few terms that will be used throughout this document.

Convictions vs. charges

The term “conviction” refers to the outcome of a criminal prosecution, which concludes in a judgment that the defendant is guilty of the crime charged. The terms conviction and convicted refer to the final judgment on a verdict of guilty, a plea of guilty, or a plea of nolo contendere (“no contest”). They do not include a final judgment that has been deleted by a pardon, set aside, reversed, or otherwise rendered inoperative. By contrast, a “charge” is the specific statement of what crime the party is accused (charged with) contained in the indictment or criminal complaint. At this point a finding of guilt or innocence has not yet been reached.

Felonies, misdemeanors, and infractions

A felony is a crime sufficiently serious to be punishable by death or a term in state or federal prison, as distinguished from a misdemeanor, which is only punishable by confinement to county or local jail and/or a fine. A felony may also be a crime carrying a minimum term of one year or more in state prison, since a year or less can be served in county jail. However, a sentence upon conviction for a felony may sometimes be less than one year at the discretion of the judge and within limits set by statute. Infractions are the least serious of all criminal charges, and are often called “violations” or “petit crimes”.

Jail vs. prison

Jails are the primary detention facilities for counties and cities, and are typically under the responsibility of the county or city government. The primary purpose of a jail is to keep an individual jailed until decisions of guilt or innocence are made, or for a temporary hold during a transfer. Jails can also provide incarceration for sentenced inmates for up to a year. Prisons are correctional facilities that house individuals who have been convicted of felonies or whose sentences exceed one year. The primary purpose of a prison is to incarcerate and rehabilitate individuals who are convicted of crimes.

Probation vs. parole

Probation is a sentence whereby an offender is released from confinement but is still under court supervision; it is considered a testing or a trial period. Probation can be given in lieu of a prison term or can suspend the remainder of a prison sentence if the convict has consistently demonstrated good behavior. Probation may apply to misdemeanors or felonies, though typically only for first-time felony offenses. Probation departments investigate and provide court reports for family or criminal courts, and ensure that the individual has paid restitution (e.g., pays a fine, completes community service). Probation is assigned by a judge and monitored at the county level.

Parole is the conditional release of a person convicted of a crime prior to the expiration of that person's term of imprisonment, subject to both the supervision of the correctional authorities during the remainder of the term and a resumption of the imprisonment upon violation of the conditions imposed. Parole departments are primarily responsible for supervising individuals' release from prison into the community, and are ultimately responsible for protecting the community and reintegrating ex-offenders into that community. A parole officer usually keeps in regular contact with the ex-offender, links him or her to necessary services (e.g., health, mental health), coordinates service delivery, and investigates allegations of non-compliance with parole restrictions. Parole is assigned by the Department of Correction and monitored at the state level.

Serious mental illness

Serious mental illness is a class of mental disorders in which the individual exhibits emotional, cognitive, or behavioral functioning which is so impaired as to interfere substantially with his or her capacity to remain in the community without supportive treatment or services of a long-term or indefinite duration. In these persons, the impairment is severe and persistent resulting in a long term limitation in their functional capacities for primary activities of daily living such as interpersonal relationships, self-care, homemaking, employment, and recreation. Schizophrenia, mood disorders (e.g., depression, bipolar disorder), anxiety disorders, and personality disorders are typically included in this classification.

Substance use, abuse, and dependence

Substance use is use of a medication or drug for medicinal or non-medicinal purposes, and may be done legally or illegally. It occurs along a continuum from experimental use to harmful use and dependence. It may include use of alcohol, prescription medication, or illegal drugs.

Substance abuse is the misuse or overindulgence in a stimulant, depressant, or other chemical substance, leading to effects that are detrimental to the individual's physical or mental health or the welfare of others. The criteria for substance abuse include one or more of the following occurring within a 12-month period: recurrent substance use resulting in failure to fulfill obligations at home, work, or school; using a substance in situations that are physically dangerous (e.g., while driving); recurrent substance-related legal problems; continued usage despite recurrent social and interpersonal problems.

Substance dependence is a maladaptive pattern of substance abuse leading to clinically significant impairment or distress as manifested by three or more episodes within a 12-month period of tolerance, withdrawal, or use of larger amounts, or, over a longer period, a persistent desire or unsuccessful effort to control substance abuse or investment of a great deal of time in activities necessary to obtain the substance.

Adults vs. juveniles

A juvenile is a dependent child, usually up to the age of 18. An adult is usually a person aged 18 or older. In some instances, juveniles may be tried and convicted as adults depending upon the nature and severity of the crime. In these instances, an adult record will be formed despite the offender's age.

Sex or violent offenders

A sex or violent offender means a person described in one or more of the following categories regardless of when the offense and conviction/adjudication occurred:

Adults or juveniles convicted as adults

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification, including performing sexual conduct in the presence of a minor (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9) *unless*:
 - A. The person is convicted of sexual misconduct with a minor as a Class C felony; **and**
 - B. The person is not more than four (4) years older than the victim if the offense was committed after June 30, 2007; **and**
 - C. The sentencing court finds that the person should not be required to register as a sex or violent offender.
 - D. Items A, B, and C only apply to offenders who have committed and are convicted of this offense on or after July 1, 2007.
- (9) Incest (IC 35-46-1-3).
- (10) Sexual battery (IC 35-42-4-8).
- (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, *and the person who kidnapped the victim is not the victim's parent or guardian*. The italicized text only applies to offenders who have committed and are convicted of this offense on or after July 1, 2007.
- (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, *and the person who confined or removed the victim is not the victim's parent or guardian*. The italicized text only applies to offenders who have committed and are convicted of this offense on or after July 1, 2007.
- (13) Possession of child pornography (IC 35-42-4-4(c)).
- (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.
- (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.
- (16) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).
- (17) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less than eighteen (18) years of age.
- (18) Murder (IC 35-42-1-1).
- (19) Voluntary manslaughter (IC 35-42-1-3).
- (20) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (19).

Adjudicated delinquents

The term sex or violent offender includes a child who has committed a delinquent act and who:

- (1) is at least fourteen (14) years of age;
- (2) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in "Adults or Juveniles Convicted as Adults" if committed by an adult; **and**
- (3) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in "Adults or Juveniles Convicted as Adults".

Out-of-state offenders

The term sex or violent offenders includes offenders who are required to register as a sex or violent offender in any jurisdiction **or** offenders that have committed a crime under the laws of another jurisdiction, including a military court that is substantially equivalent to any of the offenses listed under “Adults or Juveniles Convicted as Adults”.

Sex offenders

A sex offender means a person convicted of any of the offenses under “Sex or Violent Offender Defined”, except items (18) and (19) under “Adults or Juveniles Convicted as Adults” (i.e., Murder and Voluntary Manslaughter). A person is a sex offender if they have been convicted of one of these offenses regardless of when the offense and conviction/adjudication occurred.

Sexually violent predators

As a part of the Registration required under IC 11-8-8, an offender who commits an offense described in:

- (1) Rape (IC 35-42-4-1),
 - (A) Criminal Deviate Conduct (IC 35-42-4-2),
 - (B) Child Molesting (IC 35-42-4-3) as a Class A or Class B felony,
 - (C) Vicarious Sexual Gratification (IC 35-42-4-5(a)(1)),
 - (D) Vicarious Sexual Gratification (IC 35-42-4-5(a)(2)),
 - (E) Vicarious Sexual Gratification (IC 35-42-4-5(a)(3)),
 - (F) Vicarious Sexual Gratification (IC 35-42-4-5(b)(1)) as a Class A or Class B felony,
 - (G) Vicarious Sexual Gratification (IC 35-42-4-5(b)(2)), or
 - (H) Vicarious Sexual Gratification (IC 35-42-4-5(b)(3)) as a Class A or Class B felony;
 - (I) an attempt or conspiracy to commit a crime listed in clauses (A) through (I);
 - (J) a crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (J); **or** Note: Section 1 only applies to offenders at least eighteen (18) years of age.
- (2) commits a sex offense (as defined in IC 11-8-8-5.2) while having a previous unrelated conviction for a sex offense for which the person is required to register as a sex or violent offender under IC 11-8-8; **or**
- (3) commits a sex offense (as defined in IC 11-8-8-5.2) while having had a previous unrelated adjudication as a delinquent child for an act that would be a sex offense if committed by an adult, if, after considering expert testimony, a court finds by clear and convincing evidence that the person is likely to commit an additional sex offense; **or**
- (4) commits a sex offense (as defined in IC 11-8-8-5.2) while having had a previous unrelated adjudication as a delinquent child for an act that would be a sex offense if committed by an adult, if the person was required to register as a sex or violent offender under IC 11-8-8-5(b)(2); **or**
- (5) is found by a court to suffer from a mental abnormality or personality disorder that makes the individual likely to repeatedly commit a sex offense as defined in IC 11-8-8-5.2 **is a sexually violent predator.**

A person is a sexually violent predator by operation of law if an offense committed by the person satisfies the conditions set forth in subdivision (1) or (2) and the person was released from incarceration, secure detention, or probation for the offense after June 30, 1994.

Source: Sex and Violent Offender Registration Responsibilities and Other Duties (v1.0), July 1, 2008, available at http://www.in.gov/idoc/reentry/files/Notification_Form_-_Duties_-_070108.pdf.

Personal and community safety tips

The complexity of working with individuals in the community who have sex-offending behaviors and/or potential dangerous behaviors can be overwhelming for staff. When helping these individuals acclimate to the community, staff may experience frustration or feel personally responsible for preventing recidivism. In some incidences, secondary trauma or professional burnout may occur.

When working with these individuals, the following information is important to consider for your own personal safety as well as the safety of the community.

- **Know the offender:** What is the offender's history and nature of the crime(s)? What is his or her risk level? Who were his or her past or potential victims (age, gender, etc.)? What type of grooming or manipulation techniques may have been used with the victim(s)? Are there triggers or patterns in behaviors that may lead to relapse? What supports does he or she have in the community? What are the person's current treatment goals?
- **Set and maintain personal boundaries:** Maintain a professional relationship. Do not discuss family/ children, private activities, or other personal information with the individual. Do not allow touching, horseplay, or other behaviors that may be construed as inviting. Follow your agency's safety policies regarding home visits, providing transportation, or other situations that could potentially be dangerous. Report all threatening or coercive behavior to a supervisor.
- **Know relevant laws:** What are the individual's offender registration and monitoring requirements? What are the parole or probation provisions? Are there court-ordered or mental health treatment requirements? Are there restrictions on where the person may live, work, or attend school? Does the individual understand these expectations and the consequences for breaking these requirements?
- **Review employment considerations:** Unless permitted by the courts or their parole/probation officer, employment should not allow opportunities for the person to be alone with children or endangered adults or for the individual to be unsupervised. Employment should not allow access to someone's residence or personal information. Avoid places where children may congregate (e.g. zoo, toy stores, restaurants catering to children, malls).

Employment Obstacles and Strategies

Obstacles facing ex-offenders

In addition to a criminal record, there are a number of obstacles that ex-offenders may face:

Job seeker factors

- Drug or alcohol abuse, mental health issues, and/or poor health or physical disabilities: Holzer, Raphael, & Stoll (2003) report that
 - ⇒ approximately three-fourths of ex-offenders have had substance abuse problems;
 - ⇒ 2–3% have AIDS or are HIV-positive;
 - ⇒ 18% have hepatitis C; and
 - ⇒ 15–20% report emotional disorders. A large number of female ex-offenders suffer from depression and/or past sexual abuse.
- Ex-offenders with disabilities: Overt or covert discrimination toward persons with disabilities will impede the employment or upward mobility of ex-offenders. Add to this the effects of certain physical or mental health conditions (e.g., inability to do certain job tasks, absenteeism), employment can be additionally limited.
- Minority status: Holzer, Raphael, & Stoll (2003) indicate that most ex-offenders are minorities—nearly half are African-American, and nearly a fifth are Latino or Asian. To the extent that minorities continue to suffer labor market discrimination, this will further impede the employment or upward mobility of ex-offenders.
- Job seeker attitude: Ex-offenders may choose to forgo jobs that pay very low wages and provide few benefits or chances for upward mobility in favor of illegal opportunities or more casual work. Alternatively, they may accept less satisfying jobs temporarily, but may not retain them for very long.
- Limited education and cognitive skills: Holzer, Raphael, & Stoll (2003) report that approximately 70% of offenders and ex-offenders are high school dropouts. In addition, they report that prior to incarceration, the employment rates of those involved in criminal activities generally lag well behind those of other young men—even those who had similarly limited skills and also lived in poor inner-city neighborhoods. Holzer (1996) notes that, in central-city labor markets, fewer than 5% of unskilled jobs (i.e., those that do not require college diplomas) require no high school diplomas, work experience, or other relevant skills. These poor skills and work experience generally conflict with the skills and credentials sought by employers, even when trying to fill relatively unskilled jobs.
- Limited work experience, no work history, or gaps in employment: Oftentimes, the work experience that ex-offenders had accumulated prior to incarceration was generally well below what it might have been in the absence of their participation in crime. In addition, the (often multiple) periods of time they have spent incarcerated have impeded them from gaining any additional private sector experience, and no doubt help

erode whatever job skills, positive work habits or connections to employers they might have had beforehand. Thus, if and when they do attempt to reenter the labor market after incarceration, the poor skills and very limited work experience that they bring with them limits both employability and earnings potential.

- **Conditioned behavior from institutional settings:** Authority-driven environments often result in passive and passive-aggressive behavior by their residents. Behavior by residents after discharge can include superficial compliance, manipulative behavior, “us vs. them” thinking, intimidation and posturing tactics, hierarchical positioning, and territoriality.

Source: http://www.nchv.org/docs/WorkingwithInstitutionalThinking_Benedict.pdf

- **De-conditioned behaviors that we take for granted can also arise from institutional settings.** For example, ex-offenders may have to learn to set alarm clocks, call in to work, plan for meals and transportation, etc. because those factors were always taken care of for them in the institution.
- **Gaps in employment from periods of incarceration.**

External factors

- **Employer biases:** Employers rely on the trustworthiness of employees, especially when the ability to monitor employee performance is imperfect. Jobs that require significant customer contact or the handling of cash or expensive merchandise will require dependable, honest employees. Employers often take criminal records into consideration when making hiring decisions. Under the theory of negligent hiring, employers may be liable for the risk created by exposing the public and their employees to potentially dangerous individuals. As a result, employers are often unwilling to take a “risk” of hiring someone who opens them up to the possibility of punitive damages and/or liability for loss, pain, and suffering as a result of negligent hiring. Holzer, Raphael, & Stoll (2003) found that :
 - ⇒ Employers are much more averse to hiring ex-offenders than any other disadvantaged group;
 - ⇒ Employers vary in their stated willingness to hire ex-offenders according to the characteristics of their establishments and the jobs they are seeking to fill;
 - ⇒ Employers vary according to the offense committed by the offender and whether any meaningful work experience has been obtained since release; and
 - ⇒ Employer tendency to check backgrounds is far from universal, but has risen over the previous decade.
- **Legal restrictions:** Certain occupations and career fields are legally closed to individuals with felony convictions under state and, in some cases, federal law (Hahn, 1991). Examples include jobs requiring contact with children, certain health services occupations, and security services.
- **Employers can ask about arrests that never led to conviction and refuse to hire anyone with a criminal record no matter their qualifications.** Occupational licensing authorities may not deny, revoke or suspend licenses solely because of conviction record, but may consider the record. (Legal Action Center, 2004).
- **Access to criminal records:** Most arrests that did not lead to conviction can be sealed. Conviction records can be sealed if 15 years have passed since the date of discharge from probation, imprisonment or parole for the last conviction for a crime. However, individuals may not deny the existence of sealed

records. Records of currently incarcerated and released individuals are available on the Internet (Legal Action Center, 2004).

- **Unexpected disclosures:** An employer may obtain a rap sheet that contains errors, information that should have been sealed, information about commitments to alcohol or drug treatment programs, or data about alcohol- or drug-related charges that an employer may interpret as evidence of drug or alcohol dependence. This leaves the applicant in an awkward position, since he may not have an opportunity to comment upon information - some of it incorrect - that may well negatively affect the employer's decision.
- **Unreliable transportation to get to work.**
- **Unsafe housing or living situations that impact dependability and/or attendance.**

Juvenile offense factors

On any given day, Indiana has an incarcerated juvenile population of approximately 900 students inside the Department of Correction:

- The students are aged 12-21, with 40% being classified as “minority” compared to the school state average of 23%.
- All of the students qualify for federally funded Title I programming under the category of “Neglected and Delinquent”.
- Educationally, 63% of the students enrolled in IDOC juvenile facility schools test below 6th grade in math, language arts, or both. Of the student population, 42% qualify for special education services, with the highest percentage of that group receiving services under the category of “emotionally disabled”.
- These youth are “out of sequence” with their age-appropriate peers. Over half of them are legal 9th graders, and 22% are legal 10th graders. However, the average age of the student is 16.7 years.
- The students are involved in programs to support the development of pro-social skills and positive peer selection. In addition, students typically receive help with anger management, substance abuse treatment, and life skills attainment.

Offender registration requirements

Length of Registration: As a part of the Registration required under IC 11-8-8, sex or violent offenders who have been:

- identified as sexually violent predators;
- convicted of at least 1 offense that the sex or violent offender committed when he/she was at least 18 years of age and against a victim who was less than 12 years of age at the time of the crime; or
- committed an offense that proximately caused serious bodily injury or death to the victim, used force or the threat of force against the victim or a member of the victim's family, or rendered the victim unconscious or otherwise incapable of giving voluntary consent

are required to register for life.

All other offenders are required to register until the **expiration of 10 years** after the date the sex or violent offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21) or a secure juvenile detention facility of a state or another jurisdiction;
- (2) is placed in a community transition program;
- (3) is placed in a community corrections program;
- (4) is placed on parole; or
- (5) is placed on probation; for the sex or violent offense requiring registration, whichever occurs last.

The registration period is tolled during any period that the sex or violent offender is incarcerated.

Note:

- (1) A person who is required to register as a sex or violent offender in any jurisdiction shall register for the period required by the other jurisdiction or the period described in this section, whichever is longer.
- (2) The language appearing above "for the sex or violent offense requiring registration..." was added as the result of PL 119 and will only apply to those offenders who are convicted and/or released for a registerable offense after June 30, 2008.

Required Registration Information: The registration required under IC 11-8-8 must include the following information:

- (1) The sex or violent offender's full name, alias, any name by which the sex or violent offender was previously known, date of birth, sex, race, height, weight, hair color, eye color, any scars, marks, or tattoos, Social Security number, driver's license number or state identification card number, vehicle description and vehicle plate number for any vehicle the sex or violent offender owns or operates on a regular basis, principal residence address, other address where the sex or violent offender spends more than seven (7) nights in a fourteen (14) day period, and mailing address, if different from the sex or violent offender's principal residence address.
- (2) A description of the offense for which the sex or violent offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.
- (3) The name and address of each of the sex or violent offender's employers in Indiana and the name and address of each campus or location where the sex or violent offender is enrolled in school.
- (4) A recent photograph of the sex or violent offender.
- (5) Any electronic mail address, instant messaging username, electronic chat room username, or social networking web site username that the sex or violent offender uses or intends to use.
- (6) Any other information required by the department.

If a sex or violent offender who is on probation, parole, or under court supervision registers any electronic mail address, instant messaging username, electronic chat room username, or social networking web site username that the sex or violent offender uses or intends to use, the offender authorizes the:

- (1) search of the sex or violent offender's personal computer or device with Internet capability, at any time; and
- (2) installation on the sex or violent offender's personal computer or device with Internet capability, at the sex or violent offender's expense, of hardware or software to monitor the sex or violent offender's Internet usage.

Registration Requirements: Sex or violent offenders that have been released from the Indiana Department of Correction, sentenced directly to community supervision (e.g., probation, community corrections, etc.), or have relocated from another jurisdiction and are identified as sexually violent predators will report in person and register with the local law enforcement authority in the counties where he/she intends to live or owns real property within **72 hours of arrival**. If an offender identified as sexually violent predator plans to work or attend school, he/she must register in person with the appropriate local law enforcement authorities within **72 hours of arrival in these locations** as well.

A sexually violent predator shall (1) report in person to the local law enforcement authority, (2) register, and (3) be photographed by the local law enforcement authority in each location where the offender is required to register **every 90 days**. If an offender works or attends school, the offender shall provide documentation to the local law enforcement authority providing evidence that the offender is working or attending school at the registered location.

Sex or violent offenders that have been released from the Indiana Department of Correction, sentenced directly to community supervision (e.g., probation, community corrections, etc.), or have relocated from another jurisdiction and are not identified as sexually violent predators will report in person and register with the local law enforcement authority in the counties where he/she intends to live or owns real property within **7 days of arrival**. If an offender not identified as sexually violent predator plans to work or attend school, he/she must register in person with the appropriate local law enforcement authority within **72 hours of arrival in these locations** as well.

An offender not identified as a sexually violent predator shall (1) report in person to the local law enforcement authority, (2) register; and (3) be photographed by the local law enforcement authority in each location where the offender is required to register **at least once annually**. If an offender works or attends school, the offender shall provide documentation to the local law enforcement authority providing evidence that the offender is working or attending school at the registered location.

If a sex or violent offender (regardless if the offender is a predator or not) moves his/her principal residence, where real property is owned, work address, or school attended while registered with a local law enforcement authority, the offender is required to register these changes with the local law enforcement authority he/she is currently registered with **not more than 72 hours after the change**. After changing principal residence, where real property is owned, work address, or school attended, the offender **must register in person within 72 hours** with the local law enforcement authority in the new counties in which he/she is required to register. If an offender works or attends school, the offender shall provide documentation to the local law enforcement authority providing evidence that the offender is working or attending school at the registered location.

If a sex or violent offender who is required to register under IC 11-8-8 changes or obtains a new electronic mail address, instant messaging username, electronic chat room username, or social networking web site username, the sex or violent offender shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal address or location and shall provide the local law enforcement authority with the new address or username **not more than seventy-two (72) hours after the change or creation of the address or username**.

Sex or violent offenders are required to respond to address verification mailings and will receive periodic visits from local registration officials. If an offender fails to return a signed address verification form either by mail or in person, not later than 14 days after mailing, or appears not to reside at the listed address, the local law en-

forcement authority shall immediately notify the Indiana Department of Correction and the county's prosecuting attorney.

Note:

- (1) Principal residence means the residence where a sex or violent offender spends the most time. The term includes a residence owned or leased by another person if the offender does not own or lease a residence or spends more time at the residence owned or leased by the other person than at the residence owned or leased by the offender.
- (1) The legislative body of a county may adopt an ordinance requiring the local law enforcement authority to collect an annual sex or violent offender registration fee and a sex or violent offender address change fee. If an ordinance is adopted, the annual sex or violent offender registration fee may not exceed fifty dollars and the address change fee may not exceed five dollars per address change.

Name Changes: A sex or violent offender who is required to register may not petition for a change of name under IC 34-28-2. If an offender who is required to register changes names due to marriage, the offender must register with the local law enforcement authorities the offender is currently registered with not more than 7 days after the name change.

Sexually Violent Predator Monitoring: As a part of the Registration required under IC 11-8-8, sexually violent predators who will be **absent from the sexually violent predator's principal residence for more than 72 hours** shall inform the local law enforcement authority in the principal residence county, in person, of the following:

- (1) That the sexually violent predator will be absent from the sexually violent predator's principal residence for more than 72 hours.
- (2) The location where the sexually violent predator will be located during the absence from the sexually violent predator's principal residence.
- (3) The length of time the sexually violent predator will be absent from the sexually violent predator's principal residence.

A sexually violent predator who will **spend more than 72 hours in a county in which the sexually violent predator is not required to register** shall inform the local law enforcement authority in the county in which the sexually violent predator is not required to register, in person, of the following:

- (1) That the sexually violent predator will spend more than 72 hours in the county.
- (2) The location where the sexually violent predator will be located while spending time in the county.
- (3) The length of time the sexually violent predator will remain in the county.

Upon request of the local law enforcement authority in the county in which the sexually violent predator is not required to register, the sexually violent predator shall provide the local law enforcement authority with any additional information that will assist the local law enforcement authority in determining the sexually violent predator's whereabouts during the sexually violent predator's stay in the county.

A sexually violent predator who knowingly or intentionally violates this section commits failure to notify, a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this section based on the person's failure to comply with any requirement imposed on a sex or violent offender under IC 11-8-8.

Temporary Residence: As a part of the Registration required under IC 11-8-8, sex or violent offenders who live in temporary residences (as defined below) are required to register in person with the local law enforcement

authority where they live, own real property, work, or attend school not more than 72 hours after the offender moves into the temporary residence. **During the period in which the offender resides in a temporary residence, he/she is required to register with the appropriate local law enforcement authorities in person every 7 days.**

Temporary residence means a residence that is established to provide transitional housing for a person without another residence and in which a person is not typically permitted to reside for more than 30 days in a 60 day period.

A sex or violent offender's obligation to register in person once every seven days terminates when the offender no longer resides in the temporary residence.

Note:

A sex or violent offender who does not have a principal residence or temporary residence shall report in person to the local law enforcement authority in the county where the offender resides at least once every seven days to report an address for the location where the offender will stay during the time in which the offender lacks a principal address or temporary residence. A sex or violent offender's obligation to register in person once every seven days terminates when the offender establishes a principal residence.

Sex or Violent Offender Identification: As a part of the Registration required under IC 11-8-8, a sex or violent offender who is a resident of Indiana **shall obtain and keep in the offender's possession:**

- (1) a valid Indiana driver's license, or
- (2) a valid Indiana identification card (as described in IC 9-24-16).

A sex or violent offender required to register in Indiana who is not a resident of Indiana shall obtain and keep in the offender's possession:

- (1) a valid driver's license issued by the state in which the offender resides, or
- (2) a valid state issued identification card issued by the state in which the offender resides.

A person who knowingly or intentionally violates this section commits failure of a sex or violent offender to possess identification, a Class A misdemeanor. However, the offense is a Class D felony if the person:

- (1) is a sexually violent predator, or
- (2) has a prior unrelated conviction under this section or based on the person's failure to comply with any requirement imposed on an offender under IC 11-8-8.

Offenders Against Children: A person is an offender against children by operation of law if the person meets the conditions described in subdivision (1) or (2) at any time (see below).

"Offender against children" means a person required to register as a sex or violent offender under IC 11-8-8 who has been:

- (1) found to be a sexually violent predator under IC 35-38-1-7.5 **or**
- (2) convicted of one (1) or more of the following offenses:
 - (A) Child molesting (IC 35-42-4-3).
 - (B) Child exploitation (IC 35-42-4-4(b)).
 - (C) Child solicitation (IC 35-42-4-6).
 - (D) Child seduction (IC 35-42-4-7).
 - (E) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age and the person is not the child's parent or guardian.

- (F) Attempt to commit or conspiracy to commit an offense listed in clauses (A) through (E).
- (G) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (F).

Sex Offender Residency Offense (IC 35-42-4-11) : "Reside" means to spend more than three (3) nights in a residence or a particular location (if the person does not reside in a residence) during any thirty (30) day period.

An offender against children who knowingly or intentionally:

- (1) resides within one thousand (1,000) feet of:
 - (A) school property, not including property of an institution providing post-secondary education;
 - (B) a youth program center; or
 - (C) a public park; **or**
- (2) establishes a residence within one (1) mile of the residence of the victim of the offender's sex offense; commits a sex offender residency offense, a Class D felony.

Unlawful Employment Near Children by a Sexual Predator (IC 35-42-4-10): A sexually violent predator or an offender against children who knowingly or intentionally works for compensation or as a volunteer:

- (1) on school property;
- (2) at a youth program center; or
- (3) at a public park;

commits unlawful employment near children by a sexual predator, a Class D felony. However, the offense is a Class C felony if the person has a prior unrelated conviction based on the person's failure to comply with any requirement imposed on an offender under IC 11-8-8.

Sex Offender Internet Offense (IC 35-42-4-12) : This offense applies only to a person required to register as a sex or violent offender under IC 11-8-8 who has been:

- (1) found to be a sexually violent predator under IC 35-38-1-7.5; or
- (2) convicted of one (1) or more of the following offenses:
 - (A) Child molesting (IC 35-42-4-3).
 - (B) Child exploitation (IC 35-42-4-4(b)).
 - (C) Possession of child pornography (IC 35-42-4-4(c)).
 - (D) Vicarious sexual gratification (IC 35-42-4-5(a) or IC 35-42-4-5(b)).
 - (E) Sexual conduct in the presence of a minor (IC 35-42-4-5(c)).
 - (F) Child solicitation (IC 35-42-4-6).
 - (G) Child seduction (IC 35-42-4-7).
 - (H) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age and the person is not the child's parent or guardian.
 - (I) Attempt to commit or conspiracy to commit an offense listed in clauses (A) through (H).
 - (J) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (H).

A person described above who knowingly or intentionally uses:

- (1) a social networking web site; or
- (2) an instant messaging or chat room program;

that the offender knows allows a person who is less than eighteen (18) years of age to access or use the web site or program commits a sex offender Internet offense, a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this section.

Failure to Register: As a part of the Registration required under IC 11-8-8, a sex or violent offender who knowingly or intentionally:

- (1) fails to register when required to register;
- (2) fails to register in every location where the offender is required to register;
- (3) makes a material misstatement or omission while registering as a offender;
- (4) fails to register in person as required; or
- (5) does not reside at the offender's registered address or location;

commits a Class D felony. The offense is a Class C felony if the sex or violent offender has a prior unrelated conviction for an offense under this section or based on the person's failure to comply with any requirement imposed on a sex or violent offender under this chapter or under IC 5-2-12 before its repeal.

The following pages describe categories of convictions, federal laws, Indiana statutes and codes that relate to employment, and general strategies and supports and agencies that offer them. These agencies are listed later in the book (see Table of Contents) with service descriptions and eligibility/application information.

Convictions and related legal considerations and service recommendations

Conviction	Legal considerations	Related Indiana Codes	Potential Services or Supports	Who Offers These Services and Supports
Sexual or violent offender	<p>Prohibitive</p> <ul style="list-style-type: none"> • Change in registration location or status • Registration locations, time limits, photographs • Duty to register or notify • Possession of valid IN driver's license or ID card • If considered an "offender against children" – it is unlawful to have employment near children <ul style="list-style-type: none"> ⇒ cannot work as a volunteer on school property, ⇒ at a youth program center, or ⇒ at a public park • If considered an "offender against children" – cannot reside (more than 3 days) within 1,000 feet of <ul style="list-style-type: none"> ⇒ school property, ⇒ a youth program center, or ⇒ a public park • Individuals may have difficulty obtaining state-issued professional licenses, particularly related to "Health Professions Standards of Practice" or "Professional Licensing Standards of Practice if the individual has been convicted of a crime that: <ul style="list-style-type: none"> ⇒ has a direct bearing on the practitioner's ability to continue to practice competently, ⇒ is harmful to the public, ⇒ has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question, ⇒ has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public, or ⇒ has engaged in sexual contact with a patient under the practitioner's care or has used the practitioner-patient relationship to solicit sexual contact with a patient under the practitioner's care. 	<p>IC 11-8-8-4.5</p> <p>IC 11-8-8-5</p> <p>IC 11-8-8-7</p> <p>IC 11-8-8-9</p> <p>IC 11-8-8-11</p> <p>IC 11-8-8-15</p> <p>IC 11-8-8-17</p> <p>IC 11-8-8-18</p> <p>IC 35-42-4-10</p> <p>IC 25-1-9</p>	<p>Case manager</p> <p>Counseling or mental health services</p> <p>Employment advocacy</p> <p>Parole or probation officer</p>	<p>Community mental health center</p> <p>Department of Workforce Development</p> <p>Department of Correction</p> <p>Probation</p>

Conviction	Legal considerations	Related Indiana Codes	Potential Services or Supports	Who Offers These Services and Supports
Sexual or violent predator	<p>Prohibitive</p> <ul style="list-style-type: none"> • Change in registration location or status • Registration locations, time limits, photographs • Duty to register or notify • Possession of valid IN driver's license or ID card • If considered an "offender against children" – it is unlawful to have employment near children <ul style="list-style-type: none"> ⇒ cannot work as a volunteer on school property, ⇒ at a youth program center, or ⇒ at a public park • If considered an "offender against children" – cannot reside (more than 3 days) within 1,000 feet of <ul style="list-style-type: none"> ⇒ school property, ⇒ a youth program center, or ⇒ a public park • Cannot use social networking websites or instant messaging/chat room programs that allow a person who is less than 18 years of age to access or use the website or program • Individuals may have difficulty obtaining state-issued professional licenses, particularly related to "Health Professions Standards of Practice" or "Professional Licensing Standards of Practice if the individual has been convicted of a crime that: <ul style="list-style-type: none"> ⇒ has a direct bearing on the practitioner's ability to continue to practice competently, ⇒ is harmful to the public, ⇒ has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question, ⇒ has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public ⇒ has engaged in sexual contact with a patient under the practitioner's care or has used the practitioner-patient relationship to solicit sexual contact with a patient under the practitioner's care. 	<p>IC 11-8-8-4.5</p> <p>IC 11-8-8-5</p> <p>IC 11-8-8-7</p> <p>IC 11-8-8-9</p> <p>IC 11-8-8-11</p> <p>IC 11-8-8-15</p> <p>IC 11-8-8-17</p> <p>IC 11-8-8-18</p> <p>IC 35-42-4-10</p> <p>IC 35-42-4-11</p> <p>IC 35-42-4-12</p> <p>IC 25-1-9</p>	<p>Case manager</p> <p>Counseling or mental health services</p> <p>Employment advocacy</p> <p>Parole or probation officer</p>	<p>Community mental health center</p> <p>Department of Workforce Development</p> <p>Department of Correction</p> <p>Probation</p>

Conviction	Legal considerations	Related Indiana Codes	Potential Services or Supports	Who Offers These Services and Supports
Attempted murder	Prohibitive Class A felony	IC 35-41-5-1	Employment advocacy	Community mental health center
Murder	Felony	IC 35-42-1-1	Parole or probation officer	Department of Workforce Development
Voluntary manslaughter	Class A or B felony	IC 35-42-1-4		Department of Correction
Involuntary manslaughter	Class C or D felony	IC 35-42-1-3		Probation
Reckless homicide	Class C felony	IC 35-42-1-5		
Battery	Class A or B misdemeanor or Class A,B,C, or D felony	IC 35-42-2-1		
Domestic battery	Class A misdemeanor or Class D felony	IC 35-42-2-1.3		
Aggravated battery	Class B felony Individuals may have difficulty obtaining state-issued professional licenses, particularly related to “Health Professions Standards of Practice” or “Professional Licensing Standards of Practice” if the individual has been convicted of a crime that: ⇒ has a direct bearing on the practitioner's ability to continue to practice competently, ⇒ is harmful to the public, or ⇒ has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question.	IC 35-42-2-1.5 IC 25-1-9		

Conviction	Legal considerations	Related Indiana Codes	Potential Services or Supports	Who Offers These Services and Supports
<p>Promotion of human trafficking; sexual trafficking of a minor; human trafficking</p>	<p>Prohibitive Class A, B, or C felony</p> <p>Individuals may have difficulty obtaining state-issued professional licenses, particularly related to “Health Professions Standards of Practice” or “Professional Licensing Standards of Practice if the individual has been convicted of a crime that:</p> <ul style="list-style-type: none"> ⇒ has a direct bearing on the practitioner's ability to continue to practice competently, ⇒ is harmful to the public, ⇒ has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question, ⇒ has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public, or ⇒ has engaged in sexual contact with a patient under the practitioner's care or has used the practitioner-patient relationship to solicit sexual contact with a patient under the practitioner's care. 	<p>IC 35-42-3.5-1</p> <p>IC 25-1-9</p>	<p>Employment advocacy</p> <p>Parole or probation officer</p>	<p>Community mental health center</p> <p>Department of Workforce Development</p> <p>Department of Correction</p> <p>Probation</p>
<p>Kidnapping</p>	<p>Prohibitive Class A felony</p> <p>Individuals may have difficulty obtaining state-issued professional licenses, particularly related to “Health Professions Standards of Practice” or “Professional Licensing Standards of Practice if the individual has been convicted of a crime that:</p> <ul style="list-style-type: none"> ⇒ has a direct bearing on the practitioner's ability to continue to practice competently, ⇒ is harmful to the public, or ⇒ has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question. 	<p>IC 35-42-3-2</p> <p>IC 25-1-9</p>	<p>Employment advocacy</p> <p>Parole or probation officer</p>	<p>Community mental health center</p> <p>Department of Workforce Development</p> <p>Department of Correction</p> <p>Probation</p>

Conviction	Legal considerations	Related Indiana Codes	Potential Services or Supports	Who Offers These Services and Supports
Criminal confinement	<p>Prohibitive</p> <p>Class B, C, or D felony</p> <p>Individuals may have difficulty obtaining state-issued professional licenses, particularly related to “Health Professions Standards of Practice” or “Professional Licensing Standards of Practice if the individual has been convicted of a crime that:</p> <ul style="list-style-type: none"> ⇒ has a direct bearing on the practitioner's ability to continue to practice competently, ⇒ is harmful to the public, or ⇒ has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question. 	<p>IC 35-42-3-3</p> <p>IC 25-1-9</p>	<p>Employment advocacy</p> <p>Parole or probation officer</p>	<p>Community mental health center</p> <p>Department of Workforce Development</p> <p>Department of Correction</p> <p>Probation</p>
Rape	<p>Prohibitive</p> <p>Class A or B felony</p> <p>Individuals may have difficulty obtaining state-issued professional licenses, particularly related to “Health Professions Standards of Practice” or “Professional Licensing Standards of Practice if the individual has been convicted of a crime that:</p> <ul style="list-style-type: none"> ⇒ has a direct bearing on the practitioner's ability to continue to practice competently, ⇒ is harmful to the public, ⇒ has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question, ⇒ has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public, or ⇒ has engaged in sexual contact with a patient under the practitioner's care or has used the practitioner-patient relationship to solicit sexual contact with a patient under the practitioner's care. 	<p>IC 35-42-4-1</p> <p>IC 25-1-9</p>	<p>Employment advocacy</p> <p>Parole or probation officer</p>	<p>Community mental health center</p> <p>Department of Workforce Development</p> <p>Department of Correction</p> <p>Probation</p>

Conviction	Legal considerations	Related Indiana Codes	Potential Services or Supports	Who Offers These Services and Supports
Criminal deviate conduct Child molesting Child exploitation, possession of child pornography Vicarious sexual gratification; sexual conduct in presence of a minor Child solicitation Child seduction Incest	<p>Prohibitive</p> <p>Class A or B felony</p> <p>Class A, B, or C felony</p> <p>Class C or D felony</p> <p>Class A, B, C, or D felony</p> <p>Class B, C, or D felony</p> <p>Class D felony</p> <p>Class B or C felony</p> <p>Individuals may have difficulty obtaining state-issued professional licenses, particularly related to “Health Professions Standards of Practice” or “Professional Licensing Standards of Practice” if the individual has been convicted of a crime that:</p> <ul style="list-style-type: none"> ⇒ has a direct bearing on the practitioner’s ability to continue to practice competently, ⇒ is harmful to the public, ⇒ has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question, ⇒ has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public, or ⇒ has engaged in sexual contact with a patient under the practitioner’s care or has used the practitioner-patient relationship to solicit sexual contact with a patient under the practitioner’s care. 	<p>IC 35-42-4-2</p> <p>IC 35-42-4-3</p> <p>IC 35-42-4-4</p> <p>IC 35-42-4-5</p> <p>IC 35-42-4-6</p> <p>IC 35-42-4-7</p> <p>IC 35-46-1-3</p> <p>IC 25-1-9</p>	<p>Employment advocacy</p> <p>Parole or probation officer</p>	<p>Community mental health center</p> <p>Department of Workforce Development</p> <p>Department of Correction</p> <p>Probation</p>

Conviction	Legal considerations	Related Indiana Codes	Potential Services or Supports	Who Offers These Services and Supports
Robbery Arson Burglary	<p>Prohibitive Class A, B, or C felony</p> <p>Class A, B, C, or D felony</p> <p>Class A, B, or C felony</p> <p>Individuals may have difficulty obtaining state-issued professional licenses, particularly related to “Health Professions Standards of Practice” or “Professional Licensing Standards of Practice if the individual has been convicted of a crime that:</p> <ul style="list-style-type: none"> ⇒ has a direct bearing on the practitioner's ability to continue to practice competently, ⇒ is harmful to the public, or ⇒ has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question. 	IC 35-42-5-1 IC 35-43-1-1 IC 35-43-2-1 IC 25-1-9	Employment advocacy Parole or probation officer	Community mental health center Department of Workforce Development Department of Correction Probation
Criminal Stalking Promoting prostitution	<p>Prohibitive Class A, B, C, or D felony</p> <p>Class B or C felony</p> <p>Individuals may have difficulty obtaining state-issued professional licenses, particularly related to “Health Professions Standards of Practice” or “Professional Licensing Standards of Practice if the individual has been convicted of a crime that:</p> <ul style="list-style-type: none"> ⇒ has a direct bearing on the practitioner's ability to continue to practice competently, ⇒ is harmful to the public, or ⇒ has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question. 	IC 35-45-10-5 IC 35-45-4-4 IC 25-1-9	Employment advocacy Parole or probation officer	Community mental health center Department of Workforce Development Department of Correction Probation

General strategies for supporting ex-offenders

Data regarding jail and prison recidivism suggests that employment is a good predictor of successful reintegration into the community: ex-offenders without a job are three times more likely to re-offend than people who become employed (Houston, 2001). Nearly half of mental health center service recipients have had at least one contact with the criminal justice system, and prison and jail data indicate that serious mental illness is two to four times higher among the offender population. Many of these individuals also have a substance abuse problem in addition to a psychiatric diagnosis. The combination of diagnostic label and offender label usually results in a poor prognosis for employment.

When working with individuals who have had criminal justice involvement, it is important to be aware of:

- ***The attitude of the individual.*** Does the individual have an attitude of entitlement? If so, he or she may be very rigid and high in expectations about employment outcomes without simultaneously giving effort toward achieving the outcome.
- ***The socioeconomic culture that the individual was born into or to which he or she ascribes.*** Being born into a culture of poverty yields very different values and skill sets than a middle-class or upper-class culture. For more information regarding culture of poverty, see the Resources list at on page 62.
- ***Position in the stages of change.*** Is the individual in the precontemplation stage or is he or she ready to engage in the process? For more information regarding the stages of change in relation to a culture of poverty, see the Resources list at on page 62.
- ***Motivation to work.*** What is the reason or reasons that the individual wants to engage in productive activity, earn wages, or contribute to the greater good? Does the individual really want to work or is someone else convincing him or her to work or exerting pressure on him/her to work? Does the motivation to work outweigh any disincentives to working?

First steps

- Thoroughly preparing before the hiring process begins can often avert a rejection on the basis of an applicant's alcoholism or addiction history or criminal record or HIV status. Therefore, employment advocates should learn about the job seeker and find out about the prospective job and hiring process before sending a person out to apply for jobs.
- For each arrest, determine the date, the exact charges, and the disposition of the charges (see pages 149-151 for how to request the right kind of report). If the arrest resulted in a conviction, obtain the name of the court in which the conviction was issued and sentence imposed, and learn how and where the sentence was served. Ask if the individual is still on probation or parole and who his supervisor is.
- A pre-application interview should also explore positive traits and accomplishments that can be worked into an interview or can somehow be highlighted on a job application form. The most important traits are those that counterbalance the applicant's weak spots.
- Make contact with the probation/parole officer.
- Review applicable restrictions (see pages 17-23 for prohibitive legal considerations associated with various convictions).

- If there are substantial periods of time not accounted for by employment, the military, incarceration, or the like, inquire about them closely. These periods are often warning flags to an employer.
- Access community resources for ex-offenders.
- Identify potential employers.

Negligent hiring concerns

- Fear of liability for knowingly hiring an ex-offender who later commits a new crime
- Reasonable check and consideration of history usually protects from liability
- Use resources: fidelity bonds and community based organizations

Helping ex-offenders become employed

- Become familiar with the laws that affect the employment of people with criminal histories.
- Find out information about the jobs sought and places where the individual is applying:
 - ⇒ Is a medical examination required? Does it involve urine testing or other screening for drug use?
 - ⇒ Are applicants fingerprinted?
 - ⇒ Does the employer run a routine check with law enforcement agencies for applicants' criminal records?
 - ⇒ Does the employer obtain reports on applicants from a consumer credit reporting agency?
- In general, job seekers should limit their responses to the scope of the inquiry. For example, if an application form asks a person to list all "convictions" or convictions of all "offenses", the applicant should list both criminal (felony and misdemeanor) and noncriminal (violations) convictions, but should not list any arrest not followed by a conviction (for example, an arrest resulting in acquittal or dismissal). If an application form just asks about "crimes", "convictions of crimes", or "criminal offenses", only misdemeanors and felonies need be listed. If an application asks only about a current alcohol or drug problem, past use should not be mentioned. When in doubt, however, it is usually more prudent to reveal than to withhold; an employer who discovers anything that the applicant has not disclosed may give it more attention than it deserves, and may even accuse the client of willful misrepresentation. Applicants are under no obligation to volunteer information about their drug or alcohol histories or criminal records, or about any other troublesome aspect of the past. However, a job seeker should not attempt to evade an ambiguously worded inquiry when the questioner's intent is clear.
- Sexual offenders or violent offenders may be required to disclose their convictions depending upon the requirements of their parole or community supervision.
- Minimize the negative aspects of a criminal record by attempting to place it in context. Applicants should not try to rationalize their behavior after the fact, or assert innocence of crimes for which they have been convicted or dispute the seriousness of any conviction. These tactics are usually counterproductive. The average employer will assume that the job seeker either has difficulty facing reality or thinks the employer can be conned.

- Applicants should inform the employer of any mitigating circumstances connected with a criminal record. For example, point out the relationship between a conviction for driving while intoxicated and simultaneous alcoholism; this allows the applicant then to argue persuasively that, having successfully conquered one problem, he or she has conquered both. Another applicant might successfully emphasize that his last conviction was ten years ago. A third individual could note that she was only 17 years old when she committed the only serious offense for which she was convicted.
- An applicant can emphasize the positive by demonstrating his or her rehabilitation. Make sure the applicant meets an employer only when ready with a firm statement of his or her rehabilitation efforts. To help the applicant stress the positive parts of her background, look carefully at some of the following things:
 - ⇒ Progress in treatment program: If the applicant has decided to reveal his or her criminal history, he or she should consider mentioning participation in treatment or counseling. If the applicant has a good record in the program, he or she will almost certainly want to inform a potential employer of this. For example, the applicant might well want to mention that she has participated voluntarily in drug treatment for three years, particularly if periodic testing at the program verifies that she has not reverted to drug or alcohol abuse during that period.
 - ⇒ Previous employment record: If the applicant had been consistently employed during any period, either before or after becoming involved with alcohol, drugs or crime, emphasize the fact. Highlight good performance at and low absenteeism in previous positions, especially if the jobs involved difficult working conditions such as irregular hours or compulsory overtime.
 - ⇒ Educational achievements: What the applicant studied may not be nearly as important as the fact that she did study. For example, if a woman's two-year residence in an alcoholism treatment program appears on her resume as a two-year gap between jobs, she can effectively stress her faithful attendance at a community college during the same two years.
 - ⇒ Social and religious activities: The applicant should stress any such activities. For example, If she has a conviction for larceny or embezzlement, the fact that she handles the cash at a neighborhood fundraising event may be even more impressive.
 - ⇒ Military achievements: A good military record, especially if it displays commendations, educational achievements or other special accomplishments, can be helpful; it shows an ability to work well in a structured environment.
- Consider a letter of reference detailing a provider's knowledge of the applicant's efforts at rehabilitation. Employers tend to look more favorably on applicants who present such concrete evidence of their abilities. However, before a provider can give any recommendation, either orally or in writing, on behalf of a person in recovery to it has provided treatment services, federal rules governing confidentiality require that the individual first sign a consent form permitting such a recommendation.
- The job seeker should also include letters of recommendation from former employers if they are willing to provide them. The individual should send letters of recommendation from clergy, community leaders, or anyone else who might impress an employer. Employers tend to worry about whether applicants will make stable and reliable employees, so letters of recommendation should address that issue as favorably as possible.

- Recognize and respond to the legitimate concerns of employers. For example, employers may have concerns about the perceived risks of hiring ex-offenders, liability concerns, safety concerns, etc.
- Reduce the transaction costs associated with hiring new employees. For example, by using the services of an employment specialist or other placement agency, it may reduce expenditures of a business of advertising, interviewing, and hiring new employees.

Incentives for employers

- Work Opportunity Tax Credit (WOTC) (see page 92 for more information)
 - ⇒ Ex-felons: Economically disadvantaged individuals who have been convicted of a felony and were either convicted or released from prison within a year of hire
- Federal bonding (see page 90 for more information)
- Tax credits: See IRS Form 8826 (Disabled Access Credit)

Long-term retention strategies

Below are seven strategies that can make a difference in helping offenders reenter the workforce and potentially decrease the recidivism rate.

- ***Reduce fragmentation through partnerships.*** The mental health center and the correctional system should collaborate with each other *while the individual is incarcerated* to ensure that the offender has mental health supports upon release. Communication prior to release will also allow the mental health center staff to gather information so that medications, shelter, employment options and other services are available.
- ***Maximize the use of all resources.*** Meet with the probation officer/parole officer to determine what assistance he or she will be providing and what is required from the offender for post-release. Work is often a condition of staying on probation/parole. Find out if there are any stipulations placed on work activity (e.g., location, hours, type of work). Are there community safety concerns that need to be considered prior to job search? Identify the supports that will be provided from both systems as well as from outside resources to help increase the potential for the individual to be successful on the job.
- ***Involve the individual and family members in service planning and delivery.*** When possible, meet the individual prior to his or her release. This may help reduce the stigma of being an offender, and he or she may provide more factual information about the offense. Family members can be a great asset to the person by providing encouragement during the job search process. Remember that individuals who want to change and have access to family support are more likely to accomplish their employment goals.
- ***Ensure that mental health center staff are culturally competent.*** Staff should have an understanding on how to work with different cultures, including people who are from a different ethnic, financial, or religious background. Understanding where the individual came from and what is valued by the person can help build trust.
- ***When opportunities arise, staff should educate the public to help destigmatize mental illness.*** The media and film industry often portray people with mental illness as violent. It is a myth that people who have mental illness are more violent than people who do not have a diagnosis of mental illness. If upon assess-

ment, however, it is discovered that an individual does have a history of violence, it is important that appropriate safety measures are in place.

- **Promote evidence-based practices.** Assess the individual's skills, interests, and abilities so the person finds a job he or she will enjoy. Utilize a rapid job search process. Prior to job development, discuss with the individual how he or she wants to address his or her criminal history with potential employers. It is often best for the individual to admit the crime, then focus on positive subsequent interventions or changes in circumstances. What did the person learn while incarcerated? Did the person learn new work skills, self-management skills, or complete his or her GED? How has the person changed for the better? Practice interviewing with the person and provide feedback. Speak with the employer about his or her concerns as well as potential advantages of hiring people with criminal histories (e.g., Work Opportunity Tax Credit, drug testing if court ordered, parole/probation requirement).
- **Use federal bonds to negotiate employment.** In 2008, the Indiana Department of Workforce Development (DWD) initiated a statewide Federal Bonding Program (FBP) that provides bonding insurance to employers for coverage of job applicants who are qualified for employment, but who fail to secure jobs because regular commercial insurance is denied. A bond's sole purpose is to cover the liability of the employer against loss from an employee. Employees who handle money, goods or valuable tools and equipment for sale are usually required to be bonded. However, insurance companies routinely refuse to cover employees who can be considered "high risk". By hiring an applicant eligible for the FBP, the employer receives, free of charge, fidelity bond insurance that protects against employee theft and dishonesty. See page 90 for more information on bonding in Indiana.

Specific strategies for juvenile offenders

- In some situations it may be beneficial to see if a juvenile's records can be sealed or expunged. For information on whether or not an individual may be eligible for sealing or expungement of records and how to pursue one of these options, consult pages 152-154.
- It is important for juveniles to determine whether or not to disclose an offense record. For information of whether and how to disclose, consult pages 162-164.
- It may be necessary to advocate to the juvenile's school to have him or her evaluated for support services to aid in school-to-work or other educational support services.
- Transition services may be available for juvenile offenders via the Department of Corrections/Department of Education Transition to School procedure which supports a juvenile's re-enrollment into school upon completion of his period of incarceration. See page 102 for more information.
- Juveniles with disabilities (with or without an offense record) may qualify for Vocational Rehabilitation Services to assist them in school-to-work transition. For more information about Vocational Rehabilitation Services school-to-work services, consult page 81.

For more information on how to support individuals with criminal involvement:

Websites:

National Institute of Corrections - Offender Workforce Development Division

<http://nicic.org/OWD>

U.S. Department of Education - Office of Safe and Drug-Free Schools, Character, Civic, and Correctional Education (CCCE) group

<http://www.ed.gov/about/offices/list/osdfs/programs.html#cce>

NAMI New York State /Urban Justice Center Mental Health Project: *When a Person with Mental Illness is Arrested... How to Help*

<http://www.naminys.org/UJC.pdf>

Additional Resources:

Masters, R.E. (2004). *Counseling Criminal Justice Offenders*, (2nd Ed.). London: Sage Publications.

Payne, R.K., DeVol, P., & Dreussi Smith, T. (2001). *Bridges Out of Poverty: Strategies for Professionals and Communities*. Highlands, TX: RFT Publishing.

Introduction to psychiatric disorders (mental illness)

Depression: Depressive disorders are serious illnesses that affect a person's mood, concentration, sleep, activity, appetite, social behavior, and feelings. Depressive disorders come in different forms, the most common being major depression (unipolar depression). Major depression, the leading cause of disability in the U.S., affects over nine million adults in a given year. Despite the disabling effects, it is highly treatable.

Bipolar disorder: Bipolar disorder (manic depression) is a brain disorder involving episodes of mania and depression. It affects more than two million American adults. Effective treatments are available that greatly reduce the symptoms of bipolar disorder and allow people to lead normal and productive lives.

Schizophrenia: Schizophrenia is a severe and chronic brain disorder that affects approximately two million Americans today. Schizophrenia impairs a person's ability to think clearly, manage his or her emotions, make decisions, and relate to others. People with schizophrenia suffer terrifying symptoms that often leave them fearful and withdrawn. However, this illness is highly treatable, and new discoveries and treatments are continually improving the outlook for people with this disorder.

Post-Traumatic Stress Disorder (PTSD): Post-traumatic stress disorder is a condition that can occur after exposure to a terrifying event or ordeal in which grave physical harm occurred or was threatened. Traumatic events that can trigger PTSD include violent personal assaults such as rape or mugging, natural or human-caused disasters, accidents, or military combat. Many people with PTSD repeatedly re-experience the ordeal in the form of flashback episodes, memories, nightmares, or frightening thoughts, especially when they are exposed to events or objects reminiscent of the trauma. Anniversaries of the event can also trigger symptoms. People with PTSD also experience emotional numbness and sleep disturbances, depression, anxiety, and irritability or outbursts of anger. Feelings of intense guilt are also common. Most people with PTSD try to avoid any reminders or thoughts of the ordeal. PTSD is diagnosed when symptoms last more than one month.

Obsessive-Compulsive Disorder: People with obsessive-compulsive disorder (OCD) suffer intensely from recurrent unwanted thoughts (obsessions) or rituals (compulsions), which they feel they cannot control. Rituals such as hand washing, counting, checking, or cleaning are often performed in hope of preventing, obsessive thoughts or making them go away. Performing these rituals, however, provides only temporary relief, and not performing them markedly increases anxiety. Left untreated obsessions and the need to perform rituals can take over a person's life. OCD is often a chronic, relapsing illness.

Panic Disorders: Panic disorder is characterized by unexpected and repeated episodes of intense fear accompanied by physical symptoms that may include chest pain, heart palpitations, shortness of breath, dizziness, or abdominal distress. These sensations often mimic symptoms of a heart attack or other life-threatening medical conditions. As a result, the diagnosis of panic disorder is frequently not made until extensive and costly medical procedures fail to provide a correct diagnosis or relief.

Seasonal Affective Disorder: SAD may be an effect of this seasonal light variation in humans. As seasons change, there is a shift in our "biological internal clocks" or circadian rhythm, due partly to these changes in sunlight patterns. This can cause our biological clocks to be out of "step" with our daily schedules. The most difficult months for SAD sufferers are January and February, and younger persons and women are at higher risk. Symptoms Include: regularly occurring symptoms of depression (excessive eating and sleeping, weight gain) during the fall or winter months. Full remission from depression occurs in the spring and summer months. Symptoms have occurred in the past two years, with no non seasonal depression episodes. Seasonal episodes substantially outnumber non seasonal depression episodes (American Psychiatric Association, 1994).

Obstacles facing persons with mental illness

In addition to the symptoms associated with particular disorders, people with mental illness often face additional employment barriers:

- **Gaps in work history:** Symptoms often interfere with the ability to obtain and/or maintain employment for periods of time due to inability to perform job functions, function in the workplace culture, and/or meet attendance requirements (e.g., due to hospital stays). In some cases there are large gaps due to periods of hospitalization.
- **Limited employment experience:** Depending on the timing of disability onset, decision-making opportunities may have been limited, resulting in social immaturity and indecisiveness. Lack of early exposure to career opportunities can result in learned helplessness, dependency, fear of competition, or difficulty participating in the labor market due to stigma, discrimination, or physical barriers.
- **Lack of confidence:** People with mental illness can become convinced they are unemployable as a result of repeated stigma, discrimination, and loss of jobs.
- **Fear and anxiety:** In some cases fear and anxiety are manifested as symptoms of the mental illness. In others, these feelings are a result of repeated loss of jobs caused by symptoms, stigma, and discrimination.
- **Workplace discrimination and inflexibility:** Employers often hold negative beliefs toward hiring persons with mental illness such as poor work performance, excessive supervision needs, poor co-worker relations, lower stamina, difficulty following instructions, and concerns over symptoms on the job.
- **Social stigma:** People with mental illness are often inequitably treated in the workplace. This may be manifested in terms of sociocultural barrier, minimal expectations, lower standards of achievement, or the reverse—they may have to meet higher standards than their co-workers to prove themselves worthy employees. Employment stigma is reported as one of the most common stigma experiences.
- **The rigidity of existing income support/benefit programs:** One of the biggest barriers quoted by persons with mental illness, providers, and family members is fear of loss of public health insurance. Lesser so, but equally valid are concerns over loss of other government entitlements such as Social Security Disability Insurance, Supplemental Security Income, public assistance (e.g., TANF), supported housing, and food stamps.

Sources: Canadian Mental Health Association. Employment and Mental Illness:
http://www.cmha.ca/bins/content_page.asp?cid=3-109&lang=1

MacDonald-Wilson, Rogers, Ellison, & Lyass. (2003).

Department of Employment and Workplace Relations:
<http://www.dewr.gov.au>

The following are some of the more common mental illnesses diagnosed, legal considerations associated with employment for persons with mental illness, and services and support that may facilitate employment

Barrier/ problem	Legal considerations	Related Indiana Codes	Potential Services or Supports	Who Offers These Services and Supports
<p>Bipolar Disorder</p> <p>Depression</p> <p>Schizophrenia</p> <p>Anxiety Disorders</p> <p>Personality Disorders</p>	<p>Protective</p> <ul style="list-style-type: none"> • Americans with Disabilities Act <ul style="list-style-type: none"> ⇒ The Americans with Disabilities Act (ADA) definition of "mental impairment" includes "[a]ny mental or psychological disorder that "substantially limits" one or more major life activities of the individual. This includes any psychiatric disorder to the extent that it meets the "substantially limits" clause. ⇒ The "illegal use of drugs" does not include drugs taken under supervision of a licensed health care professional, including experimental drugs for people with mental illness. ⇒ All ADA pre- and post-employment disclosure protections apply so long as the person meets the definition above. ⇒ Employers must keep all information concerning the medical condition or history of its applicants or employees, including information about psychiatric disability, confidential. <p>Prohibitive</p> <ul style="list-style-type: none"> • Americans with Disabilities Act <ul style="list-style-type: none"> ⇒ Workplace conduct standards ⇒ Direct threat conditions • Individuals may have difficulty obtaining state-issued professional licenses, particularly related to "Health Professions Standards of Practice" or "Professional Licensing Standards of Practice" if they have, or have a record of, a psychiatric disability. 	<p>IC 25-1-9-4</p> <p>IC 25-1-11</p> <p>IC 25-2.5-2-6</p> <p>828 IAC 1-1-15</p>	<p>Case manager</p> <p>Counseling or mental health services</p> <p>Employment advocacy</p> <p>Supported Employment services</p> <p>Accommodations at the worksite</p>	<p>Community mental health center</p> <p>Department of Workforce Development</p> <p>Vocational Rehabilitation Services</p> <p>Equal Employment Opportunity Commission (EEOC)</p> <p><u>Enforcement Guidance: The Americans With Disabilities Act and Psychiatric Disabilities</u></p> <p>Job Accommodation Network</p> <p>Depression: http://www.jan.wvu.edu/media/depr.htm</p> <p>http://www.jan.wvu.edu/media/employmentdefact.doc</p> <p>Bipolar disorder: http://www.jan.wvu.edu/media/Bipolar.html</p> <p>Seasonal affective disorder: http://www.jan.wvu.edu/corner/vol01iss04.htm</p> <p>Anxiety disorders: http://www.jan.wvu.edu/media/anxi.htm</p> <p>Post-traumatic stress disorder: http://www.jan.wvu.edu/media/ptsd.html</p> <p>General: http://www.jan.wvu.edu/media/Psychiatric.html</p> <p>http://www.jan.wvu.edu/media/employmentmifact.doc</p>

General strategies for supporting persons with mental illness

First steps

- Interview the individual to find out what symptoms are experienced, under what conditions, and how often.
- If there are substantial periods of time not accounted for by employment, the military, incarceration, or the like, inquire about them closely. These periods are often warning flags to an employer.
- Explore positive traits and accomplishments that can be worked into an interview or can somehow be highlighted on a job application form. The most important traits are those that counterbalance the applicant's weak spots.
- Find out information about the jobs sought and places where the individual is applying:
 - ⇒ Is a medical examination required? Does it involve urine testing or other screening for drug use?
 - ⇒ Does the employer obtain reports on applicants from a consumer credit reporting agency?
- With the consent of the individual, maintain regular communication with the mental health service provider (or link to mental health services) in order to integrate and coordinate services.
- Review applicable restrictions (see page 32 for prohibitive legal considerations associated with various licensures and occupations).
- Access available community resources for persons with mental illness.
- Identify potential employers.

Negligent hiring concerns

- Fear of liability for perceived or real behavior or criminal problems associated with a mental illness
- Reasonable check and consideration of history usually protects from liability
- Use resources: fidelity bonds and community-based organizations

Helping individuals with mental illness become employed

- Become familiar with the laws that affect the employment of people with mental illness (see page 147).
- The job seeker should also include letters of recommendation from former employers if they are willing to provide them. The individual should send letters of recommendation from clergy, community leaders, or anyone else who might impress an employer. Employers tend to worry about whether applicants will make stable and reliable employees, so letters of recommendation should address that issue as favorably as possible.
- Recognize and respond to the legitimate concerns of employers.
- Reduce the transaction costs associated with hiring new employees.
- Assist with the development and implementation of job accommodations and/or worksite training.

Incentives for employers

- Work Opportunity Tax Credit (WOTC) (see page 92 for more information)
- Federal bonding (see page 90 for more information)
- Tax credits: See IRS Form 8826 (Disabled Access Credit)

Mental health impairments and the Americans with Disabilities Act

The ADA does not contain a list of medical conditions that constitute disabilities. Instead, the ADA has a general definition of disability that each person must meet (EEOC, 1992). Therefore, some people with mental health impairments will have a disability under the ADA and some will not.

A person has a disability if he or she has a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or is regarded as having such an impairment (EEOC, 1992). For more information about how to determine whether a person has a disability under the ADA, visit <http://www.jan.wvu.edu/corner/vol02iss04.htm>.

Where can employers get additional information about mental health impairments and the ADA?

The EEOC (2000) has a publication called “Psychiatric Disabilities and the ADA,” which is available online at <http://www.eeoc.gov/policy/docs/psych.html>. This document is reproduced at the end of this book (pages 188-207)

Long-term retention strategies

- Evidence-based practices: As supported employment initiatives have progressed, research has measured the models, techniques, strategies, etc., that produce outcomes. In recent years a body of research has been compiled that summarizes and identifies the predictors of success in supported employment for persons with serious mental illness. “Evidence-based practices” have been established as practices validated through rigorous research studies. These practices have guidelines describing critical ingredients that have been successfully implemented in a wide range of settings. The following seven principles are critical to successful employment programs for persons with mental illness:
 - ⇒ Services are seamlessly integrated with mental health treatment at national, state, and local levels.
 - ⇒ Eligibility is based on individual choice, not readiness.
 - ⇒ Individual preferences are important.
 - ⇒ Competitive employment is the goal.
 - ⇒ Benefits counseling is systematic and ongoing.
 - ⇒ Job search starts soon after an individual expresses interest in working.
 - ⇒ Follow-along supports are individualized and continuous.

Sources: Corrigan, Mueser, Bond, Drake, & Solomon (2008).

Bond, G. Personal communication, October 6, 2008.

- **Off-site job support:** Individuals with serious mental illness may not necessarily need job task-related support; instead, they may need support with how to deal with the onset of symptoms, social skills training, counseling prior to work, etc. The types of support strategies will vary from individual to individual. Support and training must focus on both job tasks and work culture. The supported employee needs to learn his or her job tasks and fit into the work environment. It is very important that the worker go through the typical orientation and training process of the employer. The goal is to develop a strong relationship between the supported employee and his or her new supervisor and coworkers, and fully utilize the “natural supports” that exist in the workplace.
- **Natural supports:** These are the supports typically available to all employees or members in a workplace or community setting (e.g., orientation and training programs, company-sponsored social events, supervision, car pools, benefits, and reminders). As this relates to supported employment, it is any assistance, relationship or interaction that allows a person to secure, maintain, and advance in a community job of his or her choosing, correspond to the typical work routines and social actions of other employees and enhance an individual's work and non-work social life among his or her coworkers and other members of the community (Murphy and Rogan, 1994).
- **Non-wage ways for employers to reward employees:** In some cases employees who receive government entitlements may avoid raises, promotions, or other increases in wages or earned income in an effort to keep their income below the eligibility requirements for such entitlements. In these instances, it may be beneficial to discuss non-monetary ways to reward employees for their good work (e.g., gift card to a coffee shop, an extra day off).

Accommodating employees with mental health impairments

People with mental health impairments may develop some of the limitations discussed below, but seldom develop all of them. Also, the degree of limitation will vary among individuals. Be aware that not all people with mental health impairments will need accommodations to perform their jobs and many others may only need a few accommodations. The following is only a sample of the possibilities available. Numerous other accommodation solutions may exist.

Questions to Consider:

1. What limitations is the employee with a mental health impairment experiencing?
2. How do these limitations affect the employee and the employee's job performance?
3. What specific job tasks are problematic as a result of these limitations?
4. What accommodations are available to reduce or eliminate these problems? Are all possible resources being used to determine possible accommodations?
5. Has the employee with a mental health impairment been consulted regarding possible accommodations?
6. Once accommodations are in place, would it be useful to meet with the employee with a mental health impairment to evaluate the effectiveness of the accommodations and to determine whether additional accommodations are needed?
7. Do supervisory personnel and employees need training regarding mental health impairments?

Accommodation Ideas

Maintaining Stamina:

- Allow flexible scheduling
- Allow longer or more frequent work breaks
- Provide additional time to learn new responsibilities
- Provide self-paced workload
- Provide backup coverage for when the employee needs to take breaks
- Allow time off for counseling
- Allow use of supported employment and job coaches
- Allow employee to work from home during part of the day or week

Maintaining Concentration:

- Reduce distractions in the work area
- Provide space enclosures or a private office
- Allow for use of white noise or environmental sound machines
- Allow the employee to play soothing music using a cassette player and headset
- Increase natural lighting or provide full spectrum lighting
- Allow the employee to work from home and provide necessary equipment
- Plan for uninterrupted work time
- Allow for frequent breaks
- Divide large assignments into smaller tasks and goals
- Restructure job to include only essential functions

Difficulty Staying Organized and Meeting Deadlines:

- Make daily TO-DO lists and check items off as they are completed
- Use several calendars to mark meetings and deadlines
- Remind employee of important deadlines
- Use electronic organizers
- Divide large assignments into smaller tasks and goals

Memory Deficits:

- Allow the employee to tape record meetings
- Provide type written minutes of each meeting
- Provide written instructions
- Allow additional training time
- Provide written checklists

Working Effectively with Supervisors:

- Provide positive praise and reinforcement
- Provide written job instructions
- Develop written work agreements that include the agreed upon accommodations, clear expectations of responsibilities and the consequences of not meeting performance standards
- Allow for open communication to managers and supervisors
- Establish written long term and short term goals
- Develop strategies to deal with problems before they arise
- Develop a procedure to evaluate the effectiveness of the accommodation

Interacting with Coworkers:

- Educate all employees on their right to accommodations
- Provide sensitivity training to coworkers and supervisors
- Do not mandate that employees attend work related social functions
- Encourage all employees to move non-work related conversations out of work areas

Difficulty Handling Stress and Emotions:

- Provide praise and positive reinforcement
- Refer to counseling and employee assistance programs
- Allow telephone calls during work hours to doctors and others for needed support
- Allow the presence of a support animal
- Allow the employee to take breaks as needed

Attendance Issues:

- Provide flexible leave for health problems
- Provide a self-paced work load and flexible hours
- Allow employee to work from home
- Provide part-time work schedule
- Allow employee to make up time

Handling Changes in the Workplace:

- Recognize that a change in the office environment or in supervisors may be difficult for a person with a mental health impairment
- Maintain open channels of communication between the employee and the new and old supervisor to ensure an effective transition
- Provide weekly or monthly meetings with the employee to discuss workplace issues and productions levels

Source: Duckworth, K.M. (2008). *Accommodation and Compliance Series: Employees with Mental Health Impairments*. Job Accommodation Network.

For more information on how to support individuals with mental illness:

APSE—The Network on Employment
1627 Monument Avenue
Richmond, VA 23220
Phone: (804) 278-9187
www.apse.org

Indiana APSE
P.O. Box 6106
Bloomington, IN 47407
www.inapse.org

Center for Psychiatric Rehabilitation
Boston University
940 Commonwealth Avenue
Boston, MA 02215
Direct: (617)353-3549
<http://www.bu.edu/cpr>

Depression and Bipolar Support Alliance (DBSA)
730 North Franklin, Suite 501
Chicago, IL 60654-7225
Toll Free: (800)826-3632
<http://www.ndmda.org>

Key Consumer Organization, Inc.
2506 Willowbrook Parkway Suite 199
Indianapolis, Indiana 46205
Toll Free: 1-800-933-5397
<http://www.keyconsumer.org>

National Mental Health Consumer Self-Help
Clearinghouse
1211 Chestnut Street, Suite 1207
Philadelphia, PA 19107
Toll Free: (800)553-4539
<http://www.mhselfhelp.org>

National Alliance on Mental Illness (NAMI)
Colonial Place Three
2107 Wilson Blvd., Suite 300
Arlington, VA 22201-3042
Toll Free: 800-950-NAMI
Direct: 703-524-7600
<http://www.nami.org>

NAMI—Indiana
PO Box 22697
Indianapolis, IN 46222-0697
Phone: (317) 925-9399
Fax: (317) 925-9398
www.namiindiana.org

National Mental Health America (MHA)
2000 N. Beauregard Street, 6th Floor
Alexandria, VA 22311
Toll Free: (800)969-6642
Direct: (703)684-7722
TTY: (800)433-5959
<http://www.nmha.org>

National Institute of Mental Health (NIMH)
Information Resources and Inquiries Branch
6001 Executive Blvd., Room 8184, MSC 9663
Bethesda, MD 20892-9663
Toll Free: (866)615-6464
Direct: (301)443-4513
TTY: (866)415-8051
<http://www.nimh.nih.gov>

SAMHSA's Health Information Network
P.O. Box 2345
Rockville, MD 20847-2345
<http://www.samhsa.gov/shin>

Supported Employment Consultation and Training
(SECT) Center
1100 Broadway
Anderson, IN 46012
Phone: (765) 641-8346
<http://www.sectcenter.org>

Introduction to co-occurring disorders

For the purpose of this guide, a co-occurring disorder refers to persons said to have one or more disorders relating to the use of alcohol and/or other drugs of abuse as well as one or more mental disorders. The increased consciousness of co-occurring disorders is due to evolving treatment philosophies to coincide with evidence based practices and integrated diagnosis by the medical community.

What is chemical dependency?

The term chemical dependency refers to a disease which is characterized by addiction to a mood-altering chemical.

- Chemical dependency includes both drug addiction and alcoholism
- Person is unable to stop drinking or taking a particular mood-altering chemical despite serious health, economic, vocational, legal, spiritual, and social consequences
- It is a disease that does not discriminate by age, sex, race, religion, or economic status
- It is progressive and chronic, and if left untreated can be fatal

What are the behavioral signs/ symptoms of chemical dependency?

- Change in overall attitude/personality with no other identifiable cause
- Avoiding friends or family members in order to get high or drunk
- Missing work or school because of drug use or drinking
- General lack of motivation, energy, self-esteem or having an “I don’t care” attitude
- Taking risks while under the influence of drugs or alcohol
- Constantly talking about using drugs or alcohol
- Pressuring others to take drugs or drink
- Believing drug use or alcohol has to be used in order to have fun
- Excessive need for privacy
- Chronic dishonesty or lying about the amount of drugs or alcohol being taken
- Possession of drug paraphernalia
- Getting in trouble with the law

What are the physical signs/ symptoms of chemical dependency?

- Loss or increase of appetite, significant changes in eating habits or unexplained weight loss or gain
- Red, watery eyes or pupils larger or smaller than normal
- Smell of substance on breath, body or clothes
- Nausea, vomiting or excessive sweating
- Tremors or shakes of hands, feet or head
- Needle marks on lower arm or leg

What is alcohol dependence?

Alcohol dependence is a chronic disease with genetic, psychosocial, and environmental factors influencing its development. The disease is characterized by a continuous or periodic impaired control over drinking; preoccupation with alcohol; use of alcohol despite negative consequences and distortions in thinking most notably denial.

What is alcohol abuse?

Alcohol abuse is the use of alcoholic beverages to excess, either on individual occasions ("binge drinking") or as a regular practice. Alcohol abuse can cause health and social problems or both.

What is drug dependence?

Drug dependence is compulsive use of a substance despite negative consequences which can be severe; drug abuse is excessive use of a drug or use of a drug for purposes for which it was not medically intended. Physical dependence on a substance (needing a drug to function) is not necessary or sufficient to define addiction. There are some substances that don't cause addiction but do cause physical dependence (for example, some blood pressure medications) and substances that cause addiction but not classic physical dependence (cocaine withdrawal, for example, doesn't have symptoms like vomiting and chills; it is mainly characterized by depression).

What is drug abuse?

Drug abuse is the use of illicit drugs or the abuse of prescription or over-the-counter drugs for purposes other than those for which they are indicated or in a manner or in quantities other than directed.

Obstacles facing persons with chemical addiction

People with active or former addiction face a number of employment obstacles:

- Their own substance use
- Transportation problems, such as a suspended (or no) driver's license and/or Inability to get insurance
- Mental health problems
- Peer or family substance use or abuse
- Learning disabilities
- Gaps in employment
- Negative perceptions by employers: Even if the individual both discloses his alcohol or drug or criminal history and presents evidence of rehabilitation to a potential employer, he may still encounter difficulties. Frequently an employer obtains criminal record information or information about a client's alcohol or drug problem from an independent source. In these cases, what the employer knows about an applicant may be more extensive than what the applicant has been asked to reveal.
- Unexpected disclosures: An employer may obtain a rap sheet that contains errors, information that should have been sealed, information about commitments to alcohol or drug treatment programs, or data about alcohol- or drug-related charges that an employer may interpret as evidence of drug or alcohol dependence. This leaves the applicant in an awkward position, since he may not have an opportunity to comment upon information - some of it incorrect - that may well negatively affect the employer's decision.

Barrier/ problem	Legal considerations	Related Indiana Codes	Potential Services or Supports	Who Offers These Services and Supports
Alcohol abuse	<p>Protective</p> <ul style="list-style-type: none"> • Americans with Disabilities Act <ul style="list-style-type: none"> ⇒ A person who is an alcoholic is an "individual with a disability" under the ADA and may be entitled to consideration of accommodation, if s/he is qualified to perform the essential functions of a job. Blood, urine, and breath analyses to check for alcohol use are considered medical exams, and therefore are subject to ADA limitations. ⇒ Prior to an offer of employment, the ADA prohibits all disability-related inquiries and medical examinations, even if they are related to the job. ⇒ After an applicant is given a conditional job offer, but before s/he starts work, an employer may make disability-related inquiries and conduct medical examinations, regardless of whether they are related to the job, as long as it does so for all entering employees in the same job category. ⇒ After employment begins, an employer may make disability-related inquiries and require medical examinations only if they are job-related and consistent with business necessity. <p>Prohibitive</p> <ul style="list-style-type: none"> • Americans with Disabilities Act <ul style="list-style-type: none"> ⇒ An employer may prohibit the illegal use of drugs and the use of alcohol at the workplace. ⇒ An employer may discipline, discharge or deny employment to an alcoholic whose use of alcohol impairs job performance or conduct to the extent that s/he is not a "qualified individual with a disability." ⇒ Employees who use drugs or alcohol may be required to meet the same standards of performance and conduct that are set for other employees. • Individuals may have difficulty obtaining state-issued professional licenses, particularly related to "Health Professions Standards of Practice" or "Professional Licensing Standards of Practice" if they have, or have a record of, addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely. • Drug-Free Workplace Act of 1988 and/or rules set by Federal agencies pertaining to drug and alcohol use in the workplace. <ul style="list-style-type: none"> ⇒ Regulations applicable to particular types of employment, such as law enforcement positions; ⇒ Regulations of the Department of Transportation for airline employees, interstate motor carrier drivers and railroad engineers; and ⇒ Regulations for safety sensitive positions established by the Department of Defense and the Nuclear Regulatory Commission. 	<p>IC 25-1-9-4 IC 25-1-11 IC 25-2.5-2-6 828 IAC 1-1-15</p>	<p>Case manager</p> <p>Counseling or mental health services</p> <p>Employment advocacy</p> <p>Supported Employment services</p> <p>Accommodations at the worksite</p>	<p>Community mental health center</p> <p>Department of Workforce Development</p> <p>Equal Employment Opportunity Commission (EEOC)</p> <p>Job Accommodation Network http://www.jan.wvu.edu/media/alco.htm http://www.jan.wvu.edu/links/ADAtam1.html#VIII</p>

Barrier/ problem	Legal considerations	Related Indiana Codes	Potential Services or Supports	Who Offers These Services and Supports
Drug abuse	<p>Protective</p> <ul style="list-style-type: none"> • Americans with Disabilities Act <ul style="list-style-type: none"> ⇒ An employer may not discriminate against a drug addict who is not currently using drugs and who has been rehabilitated, because of a history of drug addiction. ⇒ A person who is an alcoholic is an "individual with a disability" under the ADA. ⇒ Blood, urine, and breath analyses to check for alcohol use are considered medical exams, and therefore are subject to ADA limitations. ⇒ Prior to an offer of employment, the ADA prohibits all disability-related inquiries and medical examinations, even if they are related to the job. ⇒ After an applicant is given a conditional job offer, but before s/he starts work, an employer may make disability-related inquiries and conduct medical examinations, regardless of whether they are related to the job, as long as it does so for all entering employees in the same job category. ⇒ After employment begins, an employer may make disability-related inquiries and require medical examinations only if they are job-related and consistent with business necessity <p>Prohibitive</p> <ul style="list-style-type: none"> • Americans with Disabilities Act <ul style="list-style-type: none"> ⇒ An individual who is currently engaging in the illegal use of drugs is not an "individual with a disability" when the employer acts on the basis of such use. ⇒ If an individual tests positive on a test for the illegal use of drugs, the individual will be considered a current drug user under the ADA where the test correctly indicates that the individual is engaging in the illegal use of a controlled substance. ⇒ "Current" drug use means that the illegal use of drugs occurred recently enough to justify an employer's reasonable belief that involvement with drugs is an on-going problem. It is not limited to the day of use, or recent weeks or days, in terms of an employment action. It is determined on a case-by-case basis. ⇒ An employer may prohibit the illegal use of drugs and the use of alcohol at the workplace. ⇒ It is not a violation of the ADA for an employer to give tests for the illegal use of drugs. ⇒ An employer may discharge or deny employment to persons who currently engage in the illegal use of drugs. ⇒ Employees who use drugs or alcohol may be required to meet the same standards of performance and conduct that are set for other employees. 		<p>Case manager</p> <p>Counseling or mental health services</p> <p>Employment advocacy</p> <p>Supported Employment services</p> <p>Accommodations at the worksite</p>	<p>Community mental health center</p> <p>Department of Workforce Development</p> <p>Equal Employment Opportunity Commission (EEOC)</p> <p>Job Accommodation Network http://www.jan.wvu.edu/media/drugadd.html</p> <p>http://www.jan.wvu.edu/links/ADAtam1.html#VIII</p> <p>http://www.jan.wvu.edu/media/employmentdrugfact.doc</p>

Barrier/ problem	Legal considerations	Related Indiana Codes	Potential Services or Supports	Who Offers Them
Drug abuse, continued	<p>Prohibitive</p> <ul style="list-style-type: none"> • Americans with Disabilities Act, continued • Individuals may have difficulty obtaining state-issued professional licenses, particularly related to “Health Professions Standards of Practice” or “Professional Licensing Standards of Practice” if they have, or have a record of, addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely. • Drug-Free Workplace Act of 1988 and/or rules set by Federal agencies pertaining to drug and alcohol use in the workplace. <ul style="list-style-type: none"> ⇒ Regulations applicable to particular types of employment, such as law enforcement positions; ⇒ Regulations of the Department of Transportation for airline employees, interstate motor carrier drivers and railroad engineers; and ⇒ Regulations for safety sensitive positions established by the Department of Defense and the Nuclear Regulatory Commission. • Controlled Substances Act <ul style="list-style-type: none"> ⇒ Includes the use of illegal drugs and the illegal use of prescription drugs that are "controlled substances". ⇒ Includes the use, possession, or distribution of drugs that are unlawful under this Act. 	<p>IC 25-1-9-4 IC 25-1-11 IC 25-2.5-2-6 828 IAC 1-1-15</p>	<p>Case manager</p> <p>Counseling or mental health services</p> <p>Employment advocacy</p> <p>Supported Employment services</p> <p>Accommodations at the worksite</p>	<p>Community mental health center</p> <p>Department of Workforce Development</p> <p>Equal Employment Opportunity Commission (EEOC)</p> <p>Job Accommodation Network http://www.jan.wvu.edu/media/drugadd.html</p> <p>http://www.jan.wvu.edu/links/ADAtam1.html#VIII</p> <p>http://www.jan.wvu.edu/media/employmentdrug-fact.doc</p>

General strategies for supporting persons with co-occurring disorders

Persons with co-occurring disorders have multidimensional problems as a result of their dual diagnosis and often require an array of varied services to stabilize and prepare for employment.

Literature regarding employment services for individuals with co-occurring disorders is quickly emerging to meet the growing need of employment specialists already actively engaging persons with co-occurring disorders on their case load. Researchers have published a set of guidelines intended to assist vocational specialists with this endeavor (Becker, Drake, and Naughton, 2005).

- **Encourage individuals with co-occurring disorders to consider employment:** Individuals with a co-occurring disorders benefit from services provided by employment specialists because works functions as a rehabilitative tool by providing stability, accountability and predictability for the consumer. Once engaged in the employment process consumers are more likely to stabilize their mental illness and attain recovery.
- **Advocate during the eligibility process:** Individuals with co-occurring disorders qualify for vocational rehabilitation services based on current policy. It is important to remember however that due to the multilayered barriers that individuals with co-occurring disorders face it is imperative to consider an integrated employment plan which includes employment assistance, chemical dependency and mental health services. A holistic plan based on consumer need and professional chemical dependency and mental health support will provide optimal employment outcomes.
- **Include substance abuse in the vocational assessment:** It is vital to determine if the consumer is actively using alcohol or drugs, seeking treatment, involved in treatment, or stable in recovery with the help of ongoing supports (i.e. Alcoholics Anonymous, Narcotics Anonymous, Cocaine Anonymous, Church, smart Recovery, etc.). Establishing a relationship with the consumer and assessing ongoing need for support and treatment will be vital in the success of the employment plan.
- **Find a job that supports recovery:** People with co-occurring disorders will positively respond to employment opportunities if they are individualized based on the consumers unique needs and supportive of continued abstinence/recovery efforts. If the person is actively involved in addiction or mental health treatment, engaging collateral support from those professionals to determine the person's readiness to gain employment is strongly encouraged.
- **Develop a plan to manage money:** Some individuals with co-occurring disorders may have difficulty managing personal finances. This can be a barrier to gainful employment and recovery efforts. The individual may benefit from financial counseling, money management, or intensive case management to supervise expenditures.
- **Integrate substance abuse treatment into the continuum of services planned for the individual:** Integrated and coordinated addiction, mental health, case management, and supportive employment services are vital so that the person is successful and does not fall through the cracks of the continuum of care.

For more information on how to support individuals with co-occurring disorders:

Websites:

The Indiana Addictions Coalition

<http://www.recoveryindiana.org>

U.S. Dept. of Health & Human Services Substance Abuse & Mental Health Services Administration

<http://www.samhsa.gov>

<http://coce.samhsa.gov>

Kenneth Minkoff, M.D.

<http://www.kenminkoff.com>

Additional Resources:

Minkoff K. and Drake R.E. (eds.). (1991). *Dual Diagnosis of Serious Mental Illness and Substance Disorder*. San Francisco, CA: Jossey-Bass.

Mueser K.T., Corrigan P.W., Hilton D.W., et al. (2002). Illness management and recovery: A review of the research. *Psychiatric Services*, 52, 1272-1284.

First steps

- Interview the individual to find out what symptoms are experienced, under what conditions, and how often. Review with him or her the treatments received, where and when, and discuss his or her record in the program. Confirm the person's treatment history and readiness for employment with the treatment program's medical and counseling staff.
- Explore positive traits and accomplishments that can be worked into an interview or can somehow be highlighted on a job application form. The most important traits are those that counterbalance the applicant's weak spots.
- Thoroughly preparing before the hiring process begins can often avert a rejection on the basis of the applicant's alcoholism history. Therefore, employment advocates should learn about the job seeker and find out about the prospective job and hiring process before sending the person out to apply for jobs:
 - ⇒ Is a medical examination required? Does it involve urine testing or other screening for drug use?
 - ⇒ Are applicants fingerprinted?
 - ⇒ Does the employer run a routine check with law enforcement agencies for applicants' criminal records?
 - ⇒ Does the employer obtain reports on applicants from a consumer credit reporting agency?
- With the consent of the individual, maintain regular communication with the addictions service provider (or link to addictions services) in order to integrate and coordinate services.

- Review applicable restrictions (see pages 42-44 for prohibitive legal considerations associated with various diagnoses or alcohol-related convictions).
- Access available community resources for persons with alcoholism.
- Identify potential employers.

Negligent hiring concerns

- Fear of liability for perceived or real behavior or criminal problems associated with alcoholism
- Reasonable check and consideration of history usually protects from liability
- Use resources: Federal bonds and community-based organizations

Helping individuals with alcoholism become employed

- Become familiar with the laws that affect the employment of people with substance-related convictions.
- In general, job seekers should limit their responses to the scope of the inquiry. For example, if an application asks only about a current alcohol or drug problem, past use should not be mentioned. Applicants are under no obligation to volunteer information about their drug or alcohol histories or about any other troublesome aspect of the past. However, a job seeker should not attempt to evade an ambiguously worded inquiry when the questioner's intent is clear.
- Employers may only ask job-related questions concerning a person's history of alcohol or drug dependence, and only after making a conditional offer of employment.
- When preparing to discuss their substance use or related criminal history, applicants should bear in mind some common employer prejudices and beliefs about people in recovery or ex-offenders:
 - ⇒ the job seeker continues to abuse alcohol or drugs or is still committing crimes;
 - ⇒ the job seeker will relapse or revert to crime;
 - ⇒ drug dependence, alcoholism or a criminal record stems from a fundamental and irremediable character flaw;
 - ⇒ alcohol or drug dependence results in lasting physical and/or psychological impairment; and
 - ⇒ all persons with former alcohol or drug problems and ex-offenders are unreliable and irresponsible.
- Minimize the negative aspects of the applicant's addiction record and emphasize the positive. Describe the addiction or alcoholism history honestly and succinctly, and put it into perspective by describing briefly any family problems or other circumstances which helped cause or foster the problem. An applicant can also mention his relative youth at the time he or she was using, and stress the length of time he has been drug- or alcohol-free, or successfully maintained on methadone.

- An applicant can emphasize the positive by demonstrating his or her rehabilitation. Make sure the applicant meets an employer only when ready with a firm statement of her rehabilitation efforts. To help the applicant stress the positive parts of her background, look carefully at some of the following things:
 - ⇒ Progress in treatment program: If the applicant has decided to reveal his or her addiction, he or she should consider mentioning participation in treatment or counseling. If the applicant has a good record in the program, he or she will almost certainly want to inform a potential employer of this. For example, the applicant might well want to mention that she has participated voluntarily in drug treatment for three years, particularly if periodic testing at the program verifies that she has not reverted to drug or alcohol abuse during that period.
 - ⇒ Previous employment record: If the applicant had been consistently employed during any period, either before or after becoming involved with alcohol, drugs or crime, emphasize the fact. Highlight good performance at and low absenteeism in previous positions, especially if the jobs involved difficult working conditions such as irregular hours or compulsory overtime.
 - ⇒ Educational achievements: What the applicant studied may not be nearly as important as the fact that she did study. For example, if a woman's two-year residence in an alcoholism treatment program appears on her resume as a two-year gap between jobs, she can effectively stress her faithful attendance at a community college during the same two years.
 - ⇒ Social and religious activities: The applicant should stress any such activities. For example, If she has a conviction for larceny or embezzlement, the fact that she handles the cash at a neighborhood fund-raising event may be even more impressive.
 - ⇒ Military achievements: A good military record, especially if it displays commendations, educational achievements or other special accomplishments, can be helpful; it shows an ability to work well in a structured environment.
- Consider a letter of reference detailing a provider's knowledge of the applicant's efforts at rehabilitation. Employers tend to look more favorably on applicants who present such concrete evidence of their abilities. However, before a provider can give any recommendation, either orally or in writing, on behalf of a person in recovery to it has provided treatment services, federal rules governing confidentiality require that the individual first sign a consent form permitting such a recommendation.
- The job seeker should also include letters of recommendation from former employers if they are willing to provide them. The individual should send letters of recommendation from clergy, community leaders, or anyone else who might impress an employer. Employers tend to worry about whether applicants will make stable and reliable employees, so letters of recommendation should address that issue as favorably as possible.
- Recognize and respond to the legitimate concerns of employers.
- Reduce the transaction costs associated with hiring new employees.
- Assist with the development and implementation of job accommodations and/or worksite training.

Incentives for employers

- Work Opportunity Tax Credit (WOTC) (see page 92 for more information)
- Federal bonding (see page 90 for more information)
- Tax credits: See IRS publication 8826 (Disabled Tax Credit)

Accommodating employees with alcoholism

The following is a quick overview of some of the job accommodations that might be useful for employees with alcoholism. For a more in depth discussion, access the Job Accommodation Network's (JAN) publications at <http://www.jan.wvu.edu/media/atoz.htm>. To discuss an accommodation situation with a consultant, contact JAN directly.

Attendance Issues:

- Allow use of paid or unpaid leave for medical treatment
- Allow use of paid or unpaid leave or flexible scheduling for counseling
- Provide a self-paced workload or the ability to modify daily schedule

Maintaining Concentration:

- Reduce distractions in the workplace
- Provide space enclosures or a private office
- Plan for uninterrupted work time
- Allow for frequent breaks
- Divide large assignments into smaller tasks and steps
- Restructure job to include only essential functions

Difficulty Staying Organized and Meeting Deadlines:

- Provide clerical support
- Make a daily to-do list
- Use electronic organizers
- Maintain a current calendar
- Remind employee of important dates
- Schedule weekly meeting with supervisor to determine goals and address employee's questions, concerns, and work progress
- Write clear expectations of employee's responsibilities and the consequences of not meeting them
- Establish written long term and short term goals

Difficulty Handling Stress:

- Provide praise and positive reinforcement
- Refer to counseling and employee assistance programs
- Allow for the ability to modify daily schedule
- Allow for frequent breaks
- Do not mandate job-related social functions where there would be exposure to alcohol

Maintaining Stamina during the Workday:

- Allow flexible scheduling
- Allow for longer or more frequent work breaks
- Encourage the employee to use company sponsored health programs

For more information on how to support individuals with alcoholism:

Alcoholics Anonymous World Services, Inc. (AA)
475 Riverside Drive
11th Floor
New York, NY 10115
Direct: (212) 870-3400
<http://www.alcoholics-anonymous.org>

National Association on Alcohol, Drugs & Disability (NAADD)
2165 Bunker Hill Drive
San Mateo, CA 94402-3801
Direct/TTY:(650) 578-8047
Fax:(650) 286-9205
<http://www.naadd.org>

National Clearinghouse for Alcohol & Drug Information
PO Box 2345
Rockville, MD 20847
Toll Free: (800) 729-6686
Direct: (301) 468-2600
TTY: (800) 487-4889
<http://www.ncadi.samhsa.gov>

National Institute on Alcohol Abuse and Alcoholism
Division of Clinical & Prevention Research
6000 Executive Blvd.
Suite 505
Bethesda, MD 20892
Direct: (301) 443-0788
<http://www.niaaa.nih.gov>

Accommodating employees with drug addiction

The following is a quick overview of some of the job accommodations that might be useful for employees with drug addiction. For a more in depth discussion, access the publication titled “Employees with Drug Addiction” at <http://www.jan.wvu.edu/media/drugadd.html>. To discuss an accommodation situation with a consultant, contact the Job Accommodation Network (JAN) directly.

Treatment Needs:

- Allow use of paid or unpaid leave for inpatient medical treatment
- Allow use of paid or unpaid leave or flexible scheduling for counseling or to attend support meetings

Difficulty Handling Stress:

- Provide praise and positive reinforcement
- Refer to counseling and employee assistance programs
- Allow modified daily schedule
- Allow frequent breaks
- Provide a self-paced workload
- Modify supervisory methods
- Reassign to a less stressful job

Fatigue:

- Reduce or eliminate physical exertion and workplace stress
- Schedule periodic rest breaks away from the workstation
- Allow a flexible work schedule and flexible use of leave time
- Allow work from home
- Implement ergonomic workstation design

Maintaining Concentration:

- Reduce distractions in the workplace
- Provide space enclosures or a private office
- Plan for uninterrupted work time
- Allow for frequent breaks
- Divide large assignments into smaller tasks and steps
- Restructure job to include only essential functions

Exposure to Drugs in the Workplace (e.g. hospitals, pharmacies):

- Provide workplace supports
- Provide extra supervision
- Reassign to a position that does not involve exposure to drugs

For more information on how to support individuals with drug addiction:

Addiction Resource Guide
P.O. Box 8612
Tarrytown, NY 10591
Direct: (914)725-5151
Fax: (914)631-8077
info@addictionresourceguide.com
<http://www.addictionresourceguide.com>

American Society of Addiction Medicine
4601 North Park Ave, Arcade Suite 101
Chevy Chase, MD 20815
Direct: (301)656-3920
Fax: (301)656-3815
email@asam.org
<http://www.asam.org>

National Center on Addiction and Substance Abuse
at Columbia University
633 Third Ave., 15th Floor
New York, NY 10017-6706
Direct: (212)841-5200
Fax: (212)956-8020
<http://www.casacolumbia.org>

National Clearinghouse for Alcohol and Drug
Information
PO Box 2345
Rockville, MD 20847
Toll Free: (800)729-6686
Direct: (301)468-2600
TTY: (800)487-4889
Fax: (301)486-6433
<http://www.niaaa.nih.gov>

National Institute on Drug Abuse, National Institutes
of Health
6001 Executive Boulevard Room 5213
Bethesda, MD 20892-9561
Direct: (301)443-1124
<http://www.nida.nih.gov>

Substance Abuse and Mental Health Services
Administration
7079 Oakland Mills Road
Columbia, MD 21046
Toll Free: (800)729-6686
Direct: (301)443-6780
TTY: (800)487-4889
Fax: (301)443-9050
dgoodman@samhsa.gov
<http://www.samhsa.gov>

Working Partners for an Alcohol- and Drug-Free
Workplace
U.S. Department of Labor
200 Constitution Avenue, Room S-2312
Washington, DC 20210
Toll Free: (202)693-5919
Fax: (202)693-5961
webwp@dol.gov
<http://www.dol.gov/workingpartners>

Introduction to gambling addiction

Employment specialists are expected to become more aware of individuals with varied diagnoses in the current field of practice. Individuals who seek assistance from an employment specialist often have multiple problems that require an array of varied services to stabilize and prepare for employment.

Although identified in the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) as an Impulse Control Disorder, the signs and symptoms of pathological and problem gambling mimic those of addiction. Consumers may exhibit some of the signs and symptoms listed below, which could drastically interfere with their ability to attain and maintain gainful employment.

What is Pathological/ Problem Gambling?

Pathological Gambling is a compulsive obsession with gambling that interferes with normal living. The gambling addict may prioritize gambling over family, friends or work

Signs/ Symptoms of Pathological/ Problem Gambling

- Exceeds limits (time and money)
- Losing causes financial problems
- Affects relationships, work or mood
- Hiding the amount of gambling and losses
- Constantly thinking about gambling
- Desperation: "I deserve a win, I need a win."
- Gambling to win back previous losses
- Borrowing money for gambling
- Gambling until all your money is gone
- Feeling ashamed about gambling
- Disrupts/destroys the person's life, family, job
- Gambles beyond limits
- Loss of money and time
- Emotional dependence on gambling
- Loss of control
- Spend a lot of time thinking about how to get money for gambling
- Gambling to escape problems or sad feelings
- Chasing, going back to gamble again and again to win back money that was lost, going back again and again to prove "their" system works
- Lying about gambling, lying about the amount gambled, making up stories to cover up time or money lost

- In danger of losing relationships with family, job, or education
- Financial problems are so bad that a bail out (loan) or strict budget is required to get back on track
- Breaking the law to get money to gamble or pay gambling debts

Literature regarding employment specialists who work with individuals who have a primary or co-occurring diagnosis of pathological or problem gambling is non-existent. If it is suspected that someone has a gambling addiction please do the following:

- **Refer the individual:** To a Division of Mental Health and Addiction endorsed gambling provider for screening.
- **Provide the individual with the gambling hotline number:** 1-800-994-8448
- **Find a job that supports recovery:** Individuals who are identified as pathological or problem gamblers will respond positively to an employment opportunities that are individualized and supportive of continued recovery efforts.

Co-dependency

Co-dependency is a learned behavior that can be passed down from one generation to another. It is an emotional and behavioral condition that affects an individual's ability to have a healthy, mutually satisfying relationship. It is also known as "relationship addiction" because people with codependency often form or maintain relationships that are one-sided, emotionally destructive, and/or abusive. The disorder was first identified about ten years ago as the result of years of studying interpersonal relationships in families of alcoholics. Co-dependent behavior is learned by watching and imitating other family members who display this type of behavior.

Who does co-dependency affect?

Co-dependency often affects a spouse, a parent, sibling, friend, or co-worker of a person afflicted with alcohol or drug dependence. Originally, co-dependent was a term used to describe partners in chemical dependency, persons living with, or in a relationship with an addicted person. Similar patterns have been seen in people in relationships with chronically or mentally ill individuals. Today, however, the term has broadened to describe any co-dependent person from any dysfunctional family.

How do co-dependent people behave?

Co-dependent people have low self-esteem and look for anything outside of themselves to make them feel better. They find it hard to "be themselves." Some try to feel better through alcohol, drugs or nicotine - and become addicted. Others may develop compulsive behaviors like workaholism, gambling, or indiscriminate sexual activity.

They have good intentions. They try to take care of a person who is experiencing difficulty, but the caretaking becomes compulsive and defeating. Co-dependents often take on a martyr's role and become "benefactors" to an individual in need. A wife may cover for her alcoholic husband; a mother may make excuses for a truant child; or a father may "pull some strings" to keep his child from suffering the consequences of delinquent behavior.

The problem is that these repeated rescue attempts allow the needy individual to continue on a destructive course and to become even more dependent on the unhealthy caretaking of the "benefactor." As this reliance increases, the co-dependent develops a sense of reward and satisfaction from "being needed." When the caretaking becomes compulsive, the co-dependent feels choiceless and helpless in the relationship, but is unable to break away from the cycle of behavior that causes it. Co-dependents view themselves as victims and are attracted to that same weakness in the love and friendship relationships.

Characteristics of co-dependency

- An exaggerated sense of responsibility for the actions of others
- A tendency to confuse love and pity, with the tendency to "love" people they can pity and rescue
- A tendency to do more than their share, all of the time
- A tendency to become hurt when people don't recognize their efforts
- An unhealthy dependence on relationships. The co-dependent will do anything to hold on to a relationship; to avoid the feeling of abandonment

- An extreme need for approval and recognition
- A sense of guilt when asserting themselves
- A compelling need to control others
- Lack of trust in self and/or others
- Fear of being abandoned or alone
- Difficulty identifying feelings
- Rigidity/difficulty adjusting to change
- Problems with intimacy/boundaries
- Chronic anger
- Lying/dishonesty
- Poor communications
- Difficulty making decisions

How is co-dependency treated?

Because co-dependency is usually rooted in a person's childhood, treatment often involves exploration into early childhood issues and their relationship to current destructive behavior patterns. Treatment includes education, experiential groups, and individual and group therapy through which co-dependents rediscover themselves and identify self-defeating behavior patterns. Treatment also focuses on helping patients getting in touch with feelings that have been buried during childhood and on reconstructing family dynamics. The goal is to allow them to experience their full range of feelings again.

Source: <http://www.nmha.org/go/codependency>

For more information on how to support individuals with co-dependency:

Co-dependents Anonymous

Phone: (602) 277-7991

<http://www.codependents.org/index.php>

National Mental Health America

http://www.nmha.org/go/find_support_group

Key Consumer Organization

2506 Willowbrook Parkway Suite 199

Indianapolis, Indiana 46205

Toll Free: 1-800-933-5397

Phone: (317)-205-2500

Fax: (317)-205-2510

http://www.keyconsumer.org/support_groups

Other co-morbidities

Traumatic Brain Injury (TBI) or Acquired Brain Injury (ABI)

Brain injury is a risk factor for the development of a mental illness because following a brain injury, people are at a higher risk of developing mental health conditions such as adjustment disorders, depression, anxiety and drug and alcohol addictions. The risk is elevated for a number of reasons (e.g., issues with grief and loss, adjustment to disability, pre-injury personality traits and strengths, coping skills and level of social support) . Alternately, people with a mental health disorder are at an increased risk of acquired brain injury due to changes in cognitive abilities including reaction time, alertness and increased risk of self-harm which may lead to intentional and un-intentional accidents resulting in brain injury.

The brain can incur several different types of injuries depending on the type, amount, and position of force impacting the head. The impact may affect one functional area of the brain, several areas, or all areas of the brain. These factors determine what types of treatment and accommodations are effective.

Potential Barriers to Employment (barriers will vary depending upon the nature of the brain injury)

- Impaired concentration
- Impaired memory
- Reduced organizational skills
- Impaired problem-solving abilities
- Gross or fine motor impairment
- Visual impairment
- Speech impairment
- Fatigue/weakness

Employment Strategies (strategies will vary depending upon the nature of the brain injury)

- Reduce distractions and clutter in the work area
- Plan for uninterrupted work time
- Divide large assignments into smaller tasks and steps
- Restructure job to include only essential functions
- Make daily TO-DO lists and check items off as they are completed
- Use calendars and/or electronic organizers to mark meetings and deadlines
- Remind employee of important deadlines via memos or e-mail or weekly supervision
- Use a watch or pager with timer capability
- Assign a mentor to assist employee with determining goals and provide daily guidance
- Provide picture diagrams of problem solving techniques, e.g., flow charts
- Modify the work-site/workstation to make it accessible
- Provide written job instructions
- Write clear expectations of responsibilities and the consequences

Sources: <http://braininjury.org.au/portal/psychological/dual-diagnosis---abi-and-mental-illness-fact-sheet.html>

<http://www.jan.wvu.edu/media/employmentbrainfact.doc>

For more information on how to support individuals with brain injuries:

Brain Injury Association of Indiana

<http://www.biausa.org/Indiana>

National Resource Center for Traumatic Brain Injury

<http://www.neuro.pmr.vcu.edu>

Job Accommodation Network

<http://www.jan.wvu.edu/media/employmentbrainfact.doc>

HIV/AIDS

HIV stands for human immunodeficiency virus. This is the virus that causes AIDS. HIV is different from most other viruses because it attacks the immune system. The immune system gives our bodies the ability to fight infections. HIV finds and destroys a type of white blood cell (T cells or CD4 cells) that the immune system must have to fight disease.

AIDS stands for acquired immunodeficiency syndrome. AIDS is the final stage of HIV infection. It can take years for a person infected with HIV, even without treatment, to reach this stage. Having AIDS means that the virus has weakened the immune system to the point at which the body has a difficult time fighting infection. When someone has one or more specific infections, certain cancers, or a very low number of T cells, he or she is considered to have AIDS.

In the United States substance use disorders and other mental illnesses are closely linked to the acquisition and transmission of HIV infection. A substantial proportion of cases of heterosexual transmission are linked to having injection drug-using partners. Moreover, many substance use disorders alone or in combination with other psychiatric illnesses are associated with increased risk for acquiring HIV. Patients with severe mental illnesses have rates of HIV infection that exceed the general population and, in this group, women are as likely as men to be infected.

Barriers to Employment - Individual

- Symptoms related to compromised immune system.
- HIV is non-static and unpredictable
- Issues related to medications such as side effects, scheduling, timing with meals, etc.
- Issues related to treatment such as need for medical appointments
- Interrupted vocational development
- Gaps in work history
- Interrupted career development
- Skills may be atrophied or outdated
- Experience of illness also can profoundly affect the individual's sense of FUTURE
- Illness shifts the priority of attention necessarily to one's health, and away from work and other life priorities.

Systemic and Environmental Barriers

- People are desperately afraid of losing government entitlements, especially medical coverage.
- Workplaces can be rigid re: schedule, and other policies
- Burden for requesting accommodations is on the individual
- Employment is “off the radar” of many AIDS Service Organizations (ASOs)
- Lack of general knowledge re: HIV, and prevalence of stigma, discrimination, etc.
- Lack of info for the individual about employee rights, ADA, reasonable accommodations, etc.
- Lack of info for the individual about the Vocational Rehabilitation systems and resources
- Lack of info for VR about HIV and needs of PLHA
- Lack of linkage and collaboration between ASOs and VR
- Additional barriers to employment that are related to many common co-occurring circumstances:
 - ⇒ Addiction
 - ⇒ MH issues
 - ⇒ Issues related to sexual orientation and/or gender identity
 - ⇒ Immigration status
 - ⇒ Incarceration and/or forensic history
 - ⇒ Domestic violence
 - ⇒ Need for education and/or training

Employment Strategies

Ensure access to treatment

- Teach self-care and empowerment to understand HIV and make choices
- Ensure access to nutrition and supports
- Make sure people have housing
- Ensure continuity of income, generally via government entitlements
- Teach and promo prevention
- Link to mental health services and/or addictions treatment
- Connect with existing Vocational Rehabilitation resources

Sources: Eskovitz, K. (2006). Overcoming Barriers to Employment: Creative Programming and Parallel Processes. Presentation at the RWCA All Titles Conference.

<http://www.cdc.gov/hiv/topics/basic/index.htm#resources>

<http://www.psych.org/Departments/EDU/Library/APAOfficialDocumentsandRelated/PositionStatements/200407.aspx?css=print>

For more information on how to support individuals with HIV/AIDS:

The Body: The Complete HIV/AIDS Resource
<http://www.thebody.com>

The Center for Disease Control
<http://www.cdc.gov>

AIDS Service Organization Finder
<http://asofinder.com>

Job Accommodation Network
<http://www.jan.wvu.edu/media/aids.htm>

Intellectual or Developmental Disabilities

Developmental disabilities are severe, chronic disabilities which are attributable to a mental or physical impairment or combination of mental and physical impairments; are manifested before the person attains the age twenty-two; is likely to continue indefinitely; and results in substantial functional limitations in three or more of the following areas of major life activities:

- self-care
- receptive and expressive language
- learning
- mobility
- self-direction
- capacity of independent living
- economic self-sufficiency

People with intellectual or developmental disabilities may experience limitations in cognitive abilities, motor abilities, and social abilities that can affect workplace performance. The degree of limitation will vary from individual to individual, and therefore, the accommodation provided will also vary. Several developmental disabilities and their descriptions are listed below:

Asperger Syndrome is a social and communication disorder. Individuals with Asperger Syndrome may have problems with social interaction, nonverbal communication, or managing change. They appear to lack common sense. Other difficulties include motor skills, writing, math, abstract reasoning, or concept formation. People with Asperger Syndrome may have anxiety, depression, or behavioral problems.

Source: <http://www.asperger.org>

Autism is a complex developmental disorder. Symptoms of autism include impaired social interaction, problems with verbal and nonverbal communication and imagination, and unusual or severely limited activities and interests. The most severe cases of autism are marked by extremely repetitive, unusual, self-injurious, and aggressive behavior. The mildest forms of autism resemble a personality disorder associated with a perceived learning disability. Source: <http://www.autism-society.org>

Cerebral Palsy is a disorder caused by brain damage, affecting ability to control movement and posture. People with Cerebral Palsy exhibit muscle weakness (paresis), inability to make voluntary movements and suppress involuntary ones. It can be associated with other problems such as seizures, mental retardation, ear/hearing problems, eye/vision problems, or verbal communication problems. Source: <http://www.ucpa.org>

Down Syndrome is a genetic condition caused by extra genetic material (genes) from the 21st chromosome. Individuals with Down Syndrome also have some degree of mental retardation, or cognitive disability and other developmental delays. Sixty to eighty percent of people with Down syndrome have hearing deficits. Forty to forty-five percent of people with Down syndrome have congenital heart disease. Other important medical aspects in Down syndrome, including immunologic concerns, leukemia, Alzheimer disease, seizure disorders, sleep apnea and skin disorders. Source: <http://TheArc.org/faqs/down.html>

Mental Retardation begins in childhood and is characterized by limitations in both intelligence and adaptive skills. An individual is considered to have mental retardation based on three criteria: intellectual functioning level (IQ) is below 70-75; significant limitations exist in two or more adaptive skill areas; and the condition is present from childhood (defined as age 18 or less) (AAMR, 1992). The three major known causes of mental retardation are Fetal Alcohol Syndrome, Down syndrome, and Fragile X syndrome. Source: <http://thearc.org>

For more information about these disabilities or for related employment strategies, visit <http://www.jan.wvu.edu/media/ment.htm>.

Homelessness

Title 42, Chapter 119, §11302 of the U.S. Code defines the term “homeless” or “homeless individual or homeless person” as:

1. an individual who lacks a fixed, regular, and adequate nighttime residence; and
2. an individual who has a primary nighttime residence that is –
 - A. a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
 - B. an institution that provides a temporary residence for individuals intended to be institutionalized; or
 - C. a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Individuals who are homeless and have serious mental illness must be offered a combination of services addressing their housing, treatment, and support needs. Strategies that can facilitate the successful employment of these individuals include:

- **Employment outreach.** Offering vocational services through mobile outreach or Assertive Community Treatment (ACT) services can help individuals who are homeless or who live in shelters.
- **Challenge traditional concepts of readiness.** Funding sources and other providers are likely to expect individuals who are homeless to “prove” themselves ready to work. It may be necessary to advocate on their behalf in the referral process or assist them with program entry.
- **Pay attention to recovery.** Many individuals who are homeless are also in recovery from a co-occurring disorder, which is likely to be a long-term process. Employment services will need to be long-term, flexible, and regularly monitored.
- **Employ creative goal-setting and redefine failure.** Be sure that goals and expectations are clear and reasonable to the individual, and that staff have the expectation that individuals can achieve these goals. However, the length of time to achieve goals can vary. Individual employment paths usually include intermediate outcomes such as working part-time, increasing hourly wages or the number of hours worked, or retaining a position over time.
- **Job development and placement.** Because of the impact that homelessness has on an individual’s health and appearance, the individual may need assistance and/or resources to meet the dress and grooming code for the workplace. People living in shelters may have limited access to a telephone, and some may not want to list the shelter’s phone number as their own. A job developer may serve as a communication link between the prospective employer and job seeker or may help the individual acquire a community voice mailbox where he or she can receive messages. Participants may also need counseling about disclosure, particularly if there is a criminal record and/or a history of substance abuse.
- **Managing the transition to work.** Assistance in managing the transition in role of “homeless person” to “worker” is critical, particularly for those who have experienced repeated failure. Staff can help by under-

standing the individual's work history, the meaning of work in his or her life, and concerns about fulfilling the new role. Discussions about expectations and concerns, help in identifying achievable goals, and developing a career plan are important in facilitating the transition.

- **Remember that homelessness can be damaging to a person's view of self-worth.** Use a strengths-based approach, but also consider the loss or damage this person has encountered.

Adapted from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, National Mental Health Information Center (2003).

General strategies for supporting people who are homeless

There are several agencies that can assist with housing issues and/or housing:

- U.S. Department of Housing and Urban Development (HUD) - see page 105 for information on these programs
- Veterans' programs for eligible veterans—see page 140 for information about these programs
- Some mental health centers have services (e.g., case management) or residential programs to support individuals who need supervised care—see page 73 for more information on these services

For more information on how to support individuals who are homeless:

Websites:

Homeless and Re-entry Helpers, Inc.

<http://www.indyhelpers.com/>

Indiana Coalition on Housing and Homeless Issues (ICHHI)

<http://www.ichhi.org>

Indiana Homeless Shelter Directory

<http://www.homelessshelterdirectory.org/indiana.html>

Indiana Shelters and Homeless Providers

<http://www.vba.va.gov/ro/indianapolis/Documents/IndShelters.pdf>

Homelessness.us

<http://www.homeless.us/Indiana-Homeless.html>

Additional Resources:

Payne, R.K., DeVol, P., & Dreussi Smith, T. (2001). *Bridges Out of Poverty: Strategies for Professionals and Communities*. Highlands, TX: RFT Publishing.

Transportation obstacles

Recently there have been several significant changes in Indiana law that have affected transportation:

- Changes in driver's license age
- Changes in requirements for driver's license or state ID
- Homeland security

The following information reflects these changes for individuals who need to obtain a license or state ID:

Driver's license requirements

- To get an Indiana driver's license, the person must hold an Indiana learner's permit or an Indiana driver education learner's permit for 60 days. For more information on how to get a learner's permit or driver education learner's permit, visit <http://www.in.gov/bmv/4775.htm>.
- If the person is a new Indiana resident who has held a driver's license in another state he or she does not have to hold a learner's permit before applying for an Indiana driver's license.
 - ⇒ When a person becomes a resident of Indiana, he or she has 60 days to get a new Indiana driver's license if he or she holds a valid driver's license from another state. If the person does not hold a valid driver's license from another state, he or she must hold an Indiana learner's permit or an Indiana driver education learner's permit for 60 days before getting an Indiana driver's license.
 - ⇒ If the person is a new Indiana resident and needs to get an Indiana driver's license, he or she must visit a license branch and pass a written examination and a standard vision screening test. When applying for an Indiana driver's license, the person must surrender any valid driver's licenses that held from other states.
 - ⇒ If the person is 16 or 17 years old when getting a driver's license, the license is considered probationary until he or she turns 18 years old and he or she may drive only under certain circumstances
 - ⇒ If the person is a new Indiana resident applying for a license and has held an unrevoked out-of-state license for at least one year, and the out-of-state license has been expired for less than three years, the person must pass a standard vision screening test and the written examination required for the license type.
 - ⇒ If the person is a new Indiana resident applying for a license and has held an unrevoked out-of-state license for less than one year, or if his or her out-of-state license has been expired for more than three years, he or she must pass a standard vision screening test, the written examination required for the license type, and a driving skills test.
- Indiana residents may renew a driver's license at any Indiana license branch up to one year before the driver's license expires.
 - ⇒ If between 18 and 74 years of age, a license must be renewed every six years and will cost \$21.
 - ⇒ If between 75 and 84 years of age, a license must be renewed every three years and will cost \$11.
 - ⇒ If 85 years of age or older, a license must be renewed every two years and will cost \$7.

- ⇒ If 16 or 17 years old when first getting a license, the license is considered probationary and must be renewed on or before the person's 21st birthday. The license may be amended after turning 18 years old to remove the probationary driver's license designation.
- ⇒ A driver's license expires at midnight on the person's birthday. If the birthday falls on a day on which license branches are closed, the driver's license will expire at midnight on the next business day. A late fee of \$5 will be charged if the license is renewed after that date.
- ⇒ To renew a driver's license the person will need to pass a standard vision screening test.
- ⇒ If renewing a license that has been expired for six months to three years a person must pay a \$5 late fee, and pass a written examination and a standard vision screening test.
- ⇒ If renewing a license that has been expired for more than three years, it is required that a \$5 late fee be paid, and the person must pass a written examination, a driving skills test, and a standard vision screening test.
- ⇒ If younger than 21 years of age and has any points on his or her driving record, or older than 21 years of age and has more than six points on his or her driving record, a person must take the written examination to renew the driver's license.
- ⇒ A person does not need to provide any documents of identification when renewing a driver's license unless he or she has moved or his or her name has changed since the last license renewal. If moved, the person will need to provide a computer-generated document such as a utility bill or pay-check stub that contains his or her name and new address. If the person's name has changed, he or she will need to provide a court-issued order verifying the change to the name.

When applying for a new, renewed, amended, or duplicate driver's license, permit, or identification card after January 1, 2010, a person must present original versions or certified copies of the following source documents:

- One document proving the person's identity; and
 - ⇒ United States birth certificate.
 - ⇒ United States passport.
 - ⇒ Foreign passport with a VISA and I-94 form.
 - ⇒ Consular Report Of Birth Abroad.
- One document proving the person's Social Security number; and
 - ⇒ Social Security card.
 - ⇒ W-2 form.
 - ⇒ SSA-1099 form.
 - ⇒ Non-SSA-1099 form.
 - ⇒ Pay stub with the person's name and Social Security number on it.
 - ⇒ Social Security Administration documents establishing ineligibility for a Social Security number.
- One document proving lawful status in the United States; and
 - ⇒ United States birth certificate.
 - ⇒ United States passport.
 - ⇒ Foreign passport with a VISA and I-94 form.
 - ⇒ Consular Report Of Birth Abroad.

- Two documents proving Indiana residency:
 - ⇒ Computer-generated bill from a utility company, credit card company, doctor, or hospital, issued within sixty days of the date visiting a license branch and containing the person's name and address of residence.
 - ⇒ Bank statement.
 - ⇒ Pre-printed pay stub.
 - ⇒ Medicaid or Medicare benefit statement.

Identification cards

The Bureau of Motor Vehicles offers identification cards for Indiana residents of any age who do not have a driver's license. A person cannot hold both an identification card and a driver's license at the same time.

To get an identification card the person must visit a license branch and present certain documents of identification. To get a free identification card for voting purposes the person should state that he or she needs a free identification card for voting purposes when visiting the license branch.

- Indiana residents who do not have a birth certificate or a Social Security number may get an identification card by submitting alternate documents of identification.
- If 65 years of age or older and applying for a license, permit, or identification card, a person may present a different form of identification as a primary document if he or she can attest that they were never issued a birth certificate because their birth was not recorded with a state office of vital statistics. Individuals who are 65 years or older may present as a primary document one of the following documents:
 - ⇒ Medicaid/Medicare card.
 - ⇒ Social Security benefits statement.
 - ⇒ Property deed.
 - ⇒ Property tax statement.
 - ⇒ Bank statement.
 - ⇒ US Veteran's Access Photo ID card.
 - ⇒ Marriage/divorce decree.
 - ⇒ Pension statement.

Please note that secondary documents, and other documents proving residency, are still required for most transactions.

- Any Indiana resident who wants to apply for a license, permit, or identification card but who does not have a Social Security number should visit a license branch and ask to apply through the Central Verification Process. This process allows the BMV to verify the applicant's immigration or residency status.
- Any documents presented at a license branch establishing an applicant's immigration or residency status will be forwarded to the BMV's Central Verification Division. The applicant will be issued a temporary license, permit, or identification card valid for 60 days. When the Central Verification Division has verified the applicant's documents, the permanent license, permit, or identification card will be mailed to the applicant.

Rural and other creative transportation strategies

In many rural communities there are few resources for transportation. Check to see if the individual's community or natural supports have any of the following resources available:

- Carpooling: in linking an individual to employment, see if there are established carpool networks or natural support people who may be able to provide transportation (e.g., during their own regular commute).
- An inter-urban system—some of the Independent Living Centers and Area Agencies on Aging have established inter-urban transportation systems. For a list of these agencies and their contact information, visit <http://www.in.gov/fssa/ddrs/2762.htm> or <http://www.in.gov/fssa/da/3478.htm>, respectively.
- Some larger cities and towns have public transportation systems directed toward accessible services for persons with disabilities who need point-to-point transportation (e.g., IndyGo's Open Door in Indianapolis).
- Some supported employment programs at mental health centers or community rehabilitation programs have established transportation services. If the individual is receiving supported employment services, check with the provider to see if they provide limited or extended transportation services.
- Individuals who receive services from Vocational Rehabilitation Services may be able to receive a short-term bus pass or a gas card to assist with the transition to work. Consult the Vocational Rehabilitation Counselor regarding this service.
- Churches and other faith-based organizations may have limited cash resources to provide intermittent assistance to individuals for gas for vehicles.
- Trustees may have limited cash resources to provide intermittent assistance to individuals for gas for vehicles (e.g., a gas card), but they are considered the payer of last resort. For more information about Trustees, consult page 137.

For additional information and resources:

Research and Training Center on Disability in Rural Communities (RTC: Rural)

<http://rtc.ruralinstitute.umt.edu/Tm/models.htm>

Rural Assistance Center

http://www.raonline.org/info_guides/transportation

National Summit on Transportation for People with Disabilities in Rural Settings

<http://www.in.gov/gpcpd/2345.htm>

Social/Cultural changes

Depending on how long an individual has been out of the job market or job-hunting arena, he or she may have noticed many changes in the job-seeking process:

- **Technology**
 - ⇒ Online applications are now the primary way for employers to seek and screen applicants. It will be important for an applicant to learn basic web-browsing and word processing skills to be able to apply online.
 - ⇒ Personality tests are often required by employers routinely to screen out applicants who may not meet their perceived job requirements. Some personality tests may unknowingly screen out persons with disabilities. Be prepared to provide accommodations with applications or at interviews.
 - ⇒ Not face-to-face: Because most applications are taken online there is little opportunity for applicants to make a positive first impression face-to-face that would potentially reduce barriers identified on an application.
- **Not knowing how to find a job:** Depending on if/when the person was institutionalized or incarcerated, he or she may not have had training or experience in the skills associated with job seeking, interviewing, etc.
- **Generational changes**
 - ⇒ People don't know their neighbors: In today's day and age, our culture has become more private, secluded, and introverted when it comes to connecting with one's community. Oftentimes people commute to cities outside their town of residence, they drive to/from work alone (e.g., don't use public transportation or carpool), and work with people who are not in their home communities. This has created a sense of dissociation and disconnectedness with co-workers and neighbors.
 - ⇒ Kids don't play outside: Video games and concerns over the outdoor security of children have resulted in an age when children play indoors and don't connect with their friends face to face out in the neighborhoods. As a result, this has also strengthened the disconnectedness of communities.
 - ⇒ Babysitting at age 12: Children used to begin their first paid jobs as babysitters, paperboys, etc. at the early ages of 10 or 12. With the strengthening of child labor laws, emphasis by schools and parents on education and league sports, few children begin working until mid-teens. Because many of these jobs are in high-turnover, poorly supervised positions, teens have poor work environments to learn their first jobs skills and work ethics.

Strategies for addressing social/cultural changes

- Find ways to connect with others. This is the age of social networking (e.g., Facebook, Twitter). Applicants can get connected in a professional manner and post themselves out there for employers.
- Seek out the assistance of a job placement agency, such as a supported employment provider or temp service. Any assistance is better than facing these changes alone, and these folks are trained to help wade through the maze of employment changes.
- Find out what the individual's skills are—take an online or paper and pencil skills inventory or career

placement test to see where the person's strengths lie. This might help keep from pigeon-holing the individual into an area that he or she previously worked and might expand job options.

- Be flexible in job expectations. The job market is exceptionally tight, especially to those with barriers to employment. Consider what the individual is worth and be willing to take some chances.
- Be organized in the job search. Keep records of contacts, qualifications desired, cultural and work environment information, etc. Keep track of the strategies used to make connections, apply for jobs, interview, etc. to determine which strategies are or are not working.

Strategies for addressing communication barriers

Deaf and hard-of hearing:

- Deaf & Hard of Hearing Services (DHHS), a program of the Bureau of Rehabilitation Services (BRS), Division of Disability & Rehabilitative Services (DDRS) provides assistance to identify and find resources to meet the needs of deaf and hard of hearing individuals and their families, throughout the State of Indiana. For more information about Deaf & Hard of Hearing Services, visit <http://www.in.gov/fssa/ddrs/2637.htm>.
- Aspire Indiana Behavioral Health Services: a mental health center in central Indiana that provides services to deaf, deaf-blind, hard of hearing and late-deafened individuals, who experience mental illness and/or emotional disorders. For more information about these services, visit : http://www.behaviorcorp.com/services_PrinterFriendlyTemp_deafServices.htm
- Relay Indiana: an agency that provides full telephone accessibility for people who are deaf, hard of hearing or speech impaired. Relay Indiana is available 24 hours a day, 365 days a year. Specially-trained Communication Assistants connect the call and remain on the line to assist in the conversation. For more information, visit <http://relayindiana.com>.
- Deaf Community Services: DCS arranges ASL interpreters to facilitate communications between Deaf/hard of hearing clients and hearing persons, as well as case management, advocacy, community education and outreach, and referral services. For more information, visit http://crossroads.easterseals.com/site/PageServer?pagename=INCN_deaf_services.

Interpreter and Translation Services

- Indiana Interpreters, Inc. - provides live/phone interpreter services for over 75 languages; provides document translation services. Their call center is available 24 hours a day, 7 days a week. For more information visit <http://indianapolisinterpreters.com>.
- Indianapolis Translation Service - provides translation services in over 140 language pairs. For more information , visit <http://www.languagemarketplace.com/13-indianapolis-translation-services.html> or call 1-888-294-3032.

Agency Overviews

Division of Mental Health & Addiction

The Division of Mental Health and Addiction (DMHA):

- Certifies all community mental health centers, addiction treatment services, and managed care providers.
- Administers federal funds earmarked for substance abuse prevention projects.
- Licenses inpatient psychiatric hospitals.
- Operates the State mental health hospitals: Larue D. Carter Memorial Hospital, Evansville Psychiatric Children's Center, Evansville State Hospital, Logansport State Hospital, Madison State Hospital and Richmond State Hospital.
- Provides funding support for mental health and addiction services to target populations with financial need through a network of managed care providers.

The DMHA strategies are to:

- Partner with consumers and families;
- Represent the taxpayer through wise stewardship of tax dollars;
- Inform the public about addiction and mental health services;
- Provide addiction and mental health services to uninsured and underinsured Hoosiers; and
- Set standards of quality care for the provision of addictions and mental health services.

Mental Health Managed Care Providers

Mental Health/Addiction Managed Care Providers (MCP) for Seriously Mentally Ill (SMI) adults and Serious Emotional Disturbance (SED) in children and adolescents offer a comprehensive, integrated continuum of care including counseling, education, psychological, medical and social services designed to positively impact individuals who suffer from mental illness diagnosis under the Diagnostic and Statistical Manual of Mental Disorders, 4th edition (DSM IV-TR), published by the American Psychiatric Association. Most, but not all, are also Community Mental Health Centers (CMHC) offering a continuum of care for family problems, mental illness and co-occurring disorders.

Agencies are certified by the Division of Mental Health and Addiction as Managed Care Providers and receive additional funding from the State of Indiana to offer services on a sliding fee scale basis. Funded services are provided by MCPs, Community Mental Health Centers (CMHC) and other not for profit agencies. For a list of funded providers, please see: <http://www.in.gov/fssa/dmha/4456.htm>.

Addiction Managed Care Providers

Addiction Service Managed Care Providers (MCP) offer a comprehensive, integrated continuum of care including counseling, education, psychological, medical and social services designed to positively impact individuals who suffer from alcohol and/or drug addiction. Most, but not all, are also mental health Managed Care Providers offering a similar continuum of care for family problems, mental illness and co-occurring disorders.

Agencies are certified by the Division of Mental Health and Addiction as Managed Care Providers and receive additional funding from the State of Indiana to offer services on a sliding fee scale basis. Funded services are provided by MCPs, Community Mental Health Centers (CMHC) and other not for profit agencies. For a list of funded providers, please see: <http://www.in.gov/fssa/dmha/4456.htm>.

Hoosier Assurance Plan

The Hoosier Assurance Plan (HAP) is the primary system used by the Indiana Family and Social Services Administration's Division of Mental Health and Addiction (DMHA) to fund public mental health and addiction services. HAP is intended to ensure service availability to the Indiana population in greatest need of mental health and addiction services. Under the Hoosier Assurance Plan, DMHA strives to ensure availability of the continuum of care to all eligible citizens. The continuum of care includes individual treatment planning, 24 hour crisis intervention, case management, outpatient services, acute stabilization services, residential and day treatment, family support services, medication monitoring and services to prevent unnecessary hospitalization.

DMHA contracts with HAP provider organizations who provide the continuum of care, at the most appropriate level based on individual need, for all individuals who meet diagnostic, functioning level and income criteria. HAP provider organizations specialize in working with individuals in the following targeted areas:

- Adults with serious mental illness
- Children and adolescents with serious emotional disturbance
- Persons with a substance abuse disorder
- Persons with a gambling problem

Who qualifies to receive assistance through HAP?

Persons who have either no insurance or not enough insurance for mental health or addictions treatment may need to seek access to care. HAP helps to fund these services for those who qualify.

An individual may be eligible to have some of his/her treatment paid by the Hoosier Assurance Plan if he or she can:

1. Show that he or she qualifies for Medicaid, Food Stamps, or fall at or below 200% of the poverty level (the provider chosen will help with this).
2. Meet certain evaluation criteria that are determined by a mental health professional.
3. Provide proof of income.
4. Provide his or her Social Security number.

In most cases, HAP will not cover 100% of the cost of a person's care. Individuals registered in HAP are expected to participate in paying for their care based on their financial ability through a sliding fee schedule. The HAP provider organization chosen will help determine the amount of the person's share of treatment costs.

Contact DMHA:

For questions, or to report Service Provider concerns, contact the DMHA Consumer Service Line: 1-800-901-1133, Monday through Friday, 8:30 a.m.-5:00 p.m. Dial 711 to access the Consumer Service Line if deaf, hard of hearing or speech impaired.

Community Mental Health Centers

Community Mental Health Centers were established to provide a comprehensive program of five essential services—inpatient, outpatient, partial hospitalization, 24-hour crisis, and consultation & education—to all residents of designated service areas (catchment areas) due to the downsizing of State psychiatric hospitals, which began in earnest during the 1960s. CMHCs were expected to treat patients regardless of their ability to pay. Since the 1970s, many have also established Community Support Programs (CSPs), a more rehabilitation-focused program of care for persons with serious mental illness, to address the problems caused by deinstitutionalization and community-based care.

Services Offered

	Description	Who is eligible	For more information
Mental health	<p>Inpatient services Residential services Partial hospitalization services Outpatient services Consultation-education services Community support program</p>	<ul style="list-style-type: none"> • Seriously mentally ill • Seriously emotionally disturbed children and adolescents • Alcohol and other drug abusers • Older adults 	<p>See pages 74-76 for a list of community mental health centers and contacts.</p> <p>Visit the Division of Mental Health and Addiction (DMHA) website: http://www.in.gov/fssa/dmha/</p> <p>Call the DMHA Consumer Service Line: 1-800-901-1133, Monday through Friday, 8:30 a.m.-5:00 p.m.</p> <p>See Indiana Code (IC 12-7-2-38) and 440 IAC 4-3-1 for more information about the state criteria for community mental health centers and community support programs</p>
Addictions	<p>Integrated Dual Diagnosis Treatment Traditionally, treatment for mental illness and treatment for substance abuse developed in parallel with little interaction between the two. IDDT is treatment program that addresses both disorders in an individual.</p> <p>Purpose: Integrated Dual Diagnosis Treatment (IDDT) is designed specifically for the individual consumer who has both serious mental illness and substance abuse disorders. People with both mental illness and substance use disorders are at risk of higher rates of psychiatric relapse and hospitalization, poor physical health, homelessness, legal problems and victimization.</p>		<p>Some (not all) mental health centers offer addictions services. See page 77 for more information about addiction provider requirements and which centers and contractors provide these services.</p> <p>Jennifer Fillmore, DMHA, Jennifer.Fillmore@fssa.in.gov</p> <p>Craig Andler, Choices Program Manager, 317-472-8402</p> <p>ACT Center of Indiana, http://www.psych.iupui.edu/ACT/EBPs/IDDT/IDDT%20index.html</p>

	Description	Who is eligible	For more information
ACT	<p>Assertive Community Treatment (ACT) Assertive Community Treatment is an intensive, multidisciplinary team-building community treatment using home and community visits as the primary mode of intervention and integrating different aspects of treatment. ACT is a treatment model for persons with serious mental illness who have had multiple hospitalizations and difficulty maintaining stability in the community. In Indiana, ACT is operated by Community Mental Health Centers that have received specific certification by the Division of Mental Health and Addiction (DMHA) for ACT.</p> <p>Purpose: ACT has been shown to be effective in reducing re-hospitalization, emergency room contact, and arrests. ACT is most effective for those that have a history of hospitalization or homelessness. The ACT team is made up of a psychiatrist, a team leader, a nurse, substance abuse specialists, supported employment specialists, and other mental health professionals. The team works together to provide intensive services to help consumers with all aspects of living in the community, medication management, housing, independent living skills, counseling, employment, addiction treatment, and budgeting.</p>	<p>ACT is designed for consumers characterized as those in the greatest need, estimated to be 20-40% of persons with severe and persistent mental illness. Criteria for selection include psychiatric disorders which severely impair functioning in the community. Impairment is likely in multiple areas:</p> <ul style="list-style-type: none"> ⇒ inability to perform practical tasks required for basic functioning in the community; ⇒ inability to be consistently employed or carryout home-maker roles; or ⇒ inability to maintain a safe living situation. <p>They are also likely to have a history of high service needs (e.g., repeated hospitalizations, a history of substance abuse or criminal justice system involvement, substandard housing or homeless). Some programs will focus exclusively, for example, on a criminal justice or homeless population.</p>	<p>Mental health centers with ACT Teams</p> <p>Contact information: Charles Boyle, Bureau Chief, DMHA, Charles.Boyle@fssa.in.gov</p> <p>Assertive Community Treatment (ACT) in Indiana is defined under 440 IAC 5.2-1-4, Sec. 4.</p> <p>ACT Center of Indiana, http://www.psych.iupui.edu/ACT/EBPs/ACT/ACT%20Index.html</p>
Housing	<p>Community Mental Health Centers may become certified as Residential Care Providers (RCPs) (See 440 IAC 6). RCPs may operate Transitional Living facilities, Supervised Group Living (SGL) facilities or Sub Acute Living facilities as long as they meet the requirements of 440 IAC 7.5. The SGL and Sub Acute programs must have a separate license from DMHA to operate.</p>	<p>Depends on the agency and the setting. There are different criteria depending on the level of residential support needed.</p> <p>Residential services usually range from a group home to cluster apartments to, finally, living with minimal support in the community.</p>	<p>Some (not all) mental health centers offer residential services.</p>
Supported employment	<p>Supported Employment Supported employment is a community support program that works with area employers to develop work opportunities for individuals who have traditionally been excluded from employment, have been out of the workforce for an extended period, need additional training, need assistance in learning and/or maintaining their jobs, and/or need additional support outside the job in order to maintain employment. Employment Specialists provide information and employment services to employers and potential employees. At no cost to the employer, prospective applicants are screened and referred to the employer. Once an individual is hired, the Employment Specialist provides both the employer and the employee with the on-going assistance needed to support that employment.</p>	<p>Depends on the agency. Most MHCs depend on funding from Vocational Rehabilitation or the Ticket to Work, so most people seeking employment must have funding tied to one of those two agencies. Others, however, will provide services, regardless of ability to pay, but it may depend upon a diagnosis of serious mental illness or other disabling condition.</p>	<p>All but one mental health center offer supported employment services.</p> <p>Contact information: Charles Boyle, Bureau Chief, DMHA, Charles.Boyle@fssa.in.gov</p> <p>Dennis Born, SECT Center Director, bornd@aspireindiana.org</p>

Mental Health Center Contact Information

Agency	Address	Contact information	Adults	Children	Addictions	Employment	Counties Served/ Satellite Offices
Adult & Child Mental Health Center, Inc.	8320 Madison Ave. Indianapolis, IN 46227	Phone: (317) 882-5122 http://www.adultchild.org/	✓	✓	✓	✓	Marion and Johnson counties
Amethyst House	645 N. Walnut Bloomington, IN 47402	Phone: (812)336-3570 http://www.amethysthouse.org			✓		Bloomington and Evansville
Aspire Indiana Behavioral Health System	697 Pro-Med Lane Carmel, IN 46032	Phone: (317) 587-0500	✓	✓	✓	✓	Boone, Hamilton, Madison, and Marion counties
	1100 Broadway Anderson, IN 46012	Phone: (765) 649-8161 http://www.aspireindiana.org/	✓	✓	✓	✓	
Cummins Behavioral Health Services	6655 East US 36 Avon, IN 46123	Phone: (317) 272-3330 http://www.cumminsbhs.com/	✓	✓	✓	✓	Hendricks, Boone, Tippecanoe, Vigo Marion, Putnam, and Montgomery counties
Centerstone of Indiana	645 S. Rogers St. Bloomington, IN 47403	Phone: (812) 339-1691	✓	✓	✓	✓	Bartholomew, Brown, Clark, Decatur, Jackson, Jefferson, Jennings, Lawrence, Monroe, Morgan, Owen, Fayette, Henry, Randolph, Rush, and Wayne counties
	720 N. Marr Rd. Columbus, IN 47201	Phone: (812) 379-2341	✓	✓	✓	✓	
	809 Dillon Dr. Richmond, IN 47374	Phone: (765) 983-8000 http://www.centerstone.org/indiana-facilities	✓	✓	✓	✓	
Community Mental Health Center, Inc.	285 Bielby Rd. Lawrenceburg, IN 47025	Phone: (812) 537-1302 http://www.cmhcinc.org/	✓	✓	✓	✓	Dearborn, Franklin, Ohio, Ripley, and Switzerland counties
Edgewater Systems for Balanced Living, Inc.	1100 W. 6th Ave. Gary, IN 46402	Phone: (219) 885-4264 http://www.edgewaterstystems.org	✓		✓	✓	Lake county
Four County Counseling Center	1015 Michigan Ave. Logansport, IN 46947	Phone: (574) 722-5151 http://www.fourcounty.org/	✓	✓	✓	✓	Cass, Fulton, Miami, and Pulaski counties
Gallahue Behavioral Health Services	6950 Hillsdale Court Indianapolis, IN 46250	Phone: (317) 588-7600 http://www.ecommunity.com/behavioralcare/	✓	✓	✓	✓	Marion, Madison, Shelby, and Hancock counties
Grant-Blackford Mental Health, Inc.	505 Wabash Ave. Marion, IN 46952	Phone: (765) 662-3971 http://www.cornerstone.org/	✓	✓	✓	✓	Grant and Blackford counties

Agency	Address	Contact information	Adults	Children	Addictions	Employment	Counties Served/ Satellite Offices
Hamilton Center, Inc.	620 8th Ave. Terre Haute, IN 47804	Phone: (812) 231-8323 http://hamiltoncenter.org/	✓	✓	✓	✓	Clay, Greene, Hendricks, Marion, Owen, Parke, Putnam, Sullivan, and Vermillion counties
Howard Regional Health System/ Behavioral Health Systems	322 N. Main St. Kokomo, IN 46901	Phone: (765) 453-8555 http://www.howardcommunity.org	✓		✓	✓	Howard and Clinton counties
Lifespring, Inc.	460 Spring St. Jeffersonville, IN 47130	Phone: (812) 280-2080 http://www.lifespr.com/	✓	✓	✓	✓	Floyd, Clark, Harrison, Jefferson, Scott, and Washington counties
Madison Center, Inc.	403 E. Madison St. P.O. Box 80 South Bend, IN 46617	Phone: (574) 234-0061 http://www.madison.org/	✓	✓	✓	✓	St. Joseph, Elkhart, LaPorte, Marshall, and Porter counties
Meridian Services	240 N. Tillotson Ave. Muncie, IN 47304	Phone: (765) 288-1928 http://www.meridiansc.org	✓	✓	✓	✓	Delaware, Henry, Randolph, Jay, and Wayne coun-
Midtown Community Mental Health Center	1001 W. 10th St. Indianapolis, IN 46202	Phone: (317) 630-8800 http://www.wishard.edu/midtown.html	✓	✓	✓	✓	Marion county
Northeastern Center	220 S. Main St. PO Box 817 Kendallville, IN 46755	Phone: (260) 347-2453 http://www.northeasterncenter.org	✓	✓	✓	✓	Noble, DeKalb, Steuben, LaGrange, and Kosciusko counties
Oaklawn Psychiatric Center, Inc.	330 Lakeview Dr. Goshen, IN 46257	Phone: (574) 533-1234 http://www.oaklawn.org/	✓	✓	✓	✓	Elkhart county
Otis R. Bowen Center for Human Services, Inc.	850 N. Harrison St. PO Box 497 Warsaw, IN 46581	Phone: (574) 267-7169 http://www.bowencenter.org/	✓	✓	✓	✓	Kosciusko, Noble, Wabash, Marshall, Huntington, Allen, and Whitley counties
Park Center, Inc.	909 E. State Blvd. Fort Wayne, IN 46805	Phone: (260) 481-2721 http://www.parkcenter.org/	✓	✓	✓	✓	Allen, Adams, and Wells counties
Porter-Starke Services, Inc.	601 Wall St. Valparaiso, IN 46383	Phone: (219) 531-3500 http://www.porterstarke.org/	✓		✓	✓	Porter and Starke counties

Agency	Address	Contact information	Adults	Children	Addictions	Employment	Counties Served/ Satellite Offices
Recovery Associates, Inc.	605 Ohio, Suite 204 Terre Haute, IN 47807	Phone: (812) 478-5454 X-101 http://www.recoveryassociates.org			✓		Terre Haute
Regional Mental Health Center – Stark Campus	3903 Indianapolis Blvd. East Chicago, IN 46312	Phone: (219) 398-7050	✓	✓	✓	✓	Lake county
Regional Mental Health Center – Strawhun Campus	8555 Taft St. Merrillville, IN 46410	Phone: (219) 769-4005 http://www.regionalmentalhealth.org	✓	✓	✓	✓	
Salvation Army/ Harbor Light Center	2400 North Tibbs Ave. Indianapolis, IN 46222	Phone: (317) 972-1450 http://www.salvationarmyusa.org			✓		
Samaritan Center	515 Bayou St. Vincennes, IN 47591	Phone: (812) 886-6800 http://www.gshvin.org/	✓	✓	✓	✓	Knox, Daviess, Pike, and Martin counties
Southern Hills Counseling Center	480 Eversman Dr. PO Box 769 Jasper, IN 47547-0769	Phone: (812) 482-3020 http://www.southernhills.org/	✓	✓	✓		Dubois, Orange, Perry, Crawford, and Spencer counties
Southwestern Behavioral Healthcare, Inc.	415 Mulberry St. Evansville, IN 47713	Phone: (812) 423-7791 http://www.southwestern.org/	✓	✓	✓	✓	Vanderburgh, and Gibson counties
St. Joseph Hospital and Health Center of Kokomo	1907 W. Sycamore Kokomo, IN 46904	Phone: (765) 456-5900 http://www.stjoseph.stvincent.org			✓		Kokomo
Swanson Center	450 St. John Rd. Suite 501 Michigan City, IN 46360	Phone: (219) 879-4621 http://www.swansoncenter.org/	✓	✓	✓	✓	LaPorte county
Tara Treatment Center	6231 U.S. 31 Franklin, IN 46131	Phone: (812) 526-2611 http://www.taracenter.com			✓		Franklin
Wabash Valley Hospital, Inc.	2900 N. River Rd. West Lafayette, IN 47906	Phone: (317) 463-2555 http://www.wvhmhc.org/	✓			✓	Tiptecanoe, White, Carroll, Benton, Jasper, and Newton counties

Addiction Service Providers

In Indiana, all providers of addiction treatment services must be certified by the Division of Mental Health and Addiction (DMHA). (See 440 IAC 4.4). There are two certifications:

- Addiction Services Regular certification, for an agency of eleven or more direct service staff or any new opioid treatment program.
- Addiction Services Outpatient certification for agencies of one to ten direct service staff.

Some mental health centers offer Integrated Dual Disorders Treatment (IDDT). People with dual disorders have a better chance of recovery from both disorders when their mental health practitioners provide combined mental health and substance abuse treatments. Providing effective integrated dual disorders treatment involves the following:

- **Knowledge about alcohol and drug use, as well as mental illnesses.** Clinicians know the effects of alcohol and drugs and their interactions with mental illness.
- **Integrated services.** Clinicians provide services for both mental illness and substance use at the same time.
- **Stage-wise treatment.** People go through a process over time to recover and different services are helpful at different stages of recovery.
- **Assessment.** Consumers collaborate with clinicians to develop an individualized treatment plan for both substance use disorder and mental illness.
- **Motivational treatment.** Clinicians use specific listening and counseling skills to help consumers develop awareness, hopefulness, and motivation for recovery. This is important for consumers who are demoralized and not ready for substance abuse treatment.
- **Substance abuse counseling.** Substance abuse counseling helps people with dual disorders to develop the skills and find the supports needed to pursue recovery from substance use disorder.

24 hour Gambling Hotline: 1-800-994-8448

24 hour Addiction Hotline: 1-800-662-4357

Contact information for Addiction Service Providers certified by DMHA is listed on pages 74-76.

Opioid Treatment: For more information about opioid treatment options, visit http://www.in.gov/fssa/dmha/files/Opioid_Addiction_Treatment_Overview_8.09.pdf.

For a list of Opioid Treatment Centers, visit http://www.in.gov/fssa/dmha/files/OTP_List_10-19-09.pdf.

Twelve Step Programs

Alcoholics Anonymous (AA)

www.aa.org

- Alcoholics Anonymous® is a fellowship of men and women who share their experience, strength and hope with each other that they may solve their common problem and help others to recover from alcoholism.
- The only requirement for membership is a desire to stop drinking.
- There are no dues or fees for AA membership; AA is self-supporting through member contributions.
- AA is not allied with any sect, denomination, politics, organization or institution; does not wish to engage in any controversy, neither endorses nor opposes any causes.
- Our primary purpose is to stay sober and help other alcoholics to achieve sobriety.

Narcotics Anonymous (NA)

www.na.org

- Narcotics Anonymous does not focus on any particular drug;
- NA's approach makes no distinction between drugs, including alcohol.
- Membership is free, and there is no affiliation with any organizations outside of NA including governments, religions, law enforcement groups, or medical and psychiatric associations.
- Through service efforts and cooperation with others seeking to help addicts, NA strives to reach a day when every addict in the world has an opportunity to experience NA's message of recovery in his or her own language and culture.

Gamblers Anonymous

www.gamblersanonymous.org

- Fellowship of men and women who share their experience, strength and hope with each other that they may solve their common problem and help others to recover from a gambling problem.
- The only requirement for membership is a desire to stop gambling.
- There are no dues or fees for Gamblers Anonymous membership; Gamblers Anonymous is self-supporting through member contributions.
- Gamblers Anonymous is not allied with any sect, denomination, politics, organization or institution;
- Their primary purpose is to stop gambling and to help other compulsive gamblers do the same.

Vocational Rehabilitation Services

Vocational Rehabilitation Services (VRS) is a State-Federal partnership established in 1920 under the Smith-Fess Act to provide return-to-work opportunities for civilians with disabilities much like the Soldiers Rehabilitation Act did for disabled World War I veterans. VRS works in collaboration with a variety of public and private agencies to enhance employment opportunities for Hoosiers with disabilities. VRS is also an economic development program in that it returns income and tax dollars to Indiana's economy and reduces dependency on public assistance.

In Indiana, VRS currently resides within the Indiana Family and Social Services Administration (FSSA), Division of Disability and Rehabilitative Services (DDRS). VRS divides the state into five regions, with each region having a Region Manager who oversees five local Vocational Rehabilitation offices. Each local VRS office has an Area Supervisor who supervises the Vocational Rehabilitation Counselors (VRCs) that work out of the local offices. VRS provides services to individuals to prepare for, enter, engage in, or retain employment consistent with each individual's strengths, resources, priorities, concerns, abilities, capabilities and informed choice.

How to apply for services

There are two primary ways to apply for VRS services: agency referral and self-referral.

Agency referral: If an individual is receiving services through a mental health center, community rehabilitation program, or other service provider, the agency may submit a referral packet to VRS to initiate the referral process and facilitate/expedite the process. An ideal referral packet would include:

- Detailed social history
- Detailed work history
- List of work restrictions
- Diagnosis, verified by medical doctor
- Proof of Supplemental Security Income (SSI) and/or Social Security Disability Insurance (SSDI) (e.g., SSA award letter), if applicable

It may also be advantageous to have the referral packet physically delivered by the employment specialist to the VRS office or call first to notify the VRS office of its future arrival. This is to ensure that the packet is received and in a timely manner to expedite the referral process.

Self-referral: An individual who is interested in receiving services from VRS may begin the process by contacting the local VRS office to express his or her interest in applying for services.

Eligibility

Once a referral is made, VRS will complete an initial referral form (status 00) to obtain basic information from the individual and assign him or her to a VRC. The VRC will contact the individual to schedule an appointment to meet and complete the application for services. School personnel, agency personnel, family members, or others who may be supporting this individual, may assist individuals in the referral process.

Once an individual has met with his or her assigned VRC and completed an application for services, the VRC will obtain needed medical and other documentation to assist in determining eligibility if it has not yet been obtained or brought to the initial appointment. Existing records are used whenever possible. VRS may cover the costs associated with obtaining needed documentation or assessments to determine the individual's eligibility. Having a felony or misdemeanor does not exclude or make someone ineligible for VR Services. However, to qualify for VR Services, a person must have an impairment that impacts employment and they must meet the eligibility requirements.

Within 60 days of application, the VRC will obtain the necessary information and make a determination as to the individual's eligibility for services.

The eligibility guidelines for VRS are:

- The individual must have a physical or mental impairment;
- The impairment must constitute or result in a substantial impediment to employment;
- The individual must be able to benefit in terms of an employment outcome from the provision of vocational rehabilitation services; and
- The individual must require services to help him or her secure, retain, or regain gainful employment.

The VRC will meet with the individual and review the eligibility decision with him/her.

Services

If the individual is determined to be eligible for services, the VRC will work with the individual and begin a comprehensive assessment process which may include person-centered planning with a supported employment provider (status 12). Based on the results of the comprehensive planning process, an Individual Plan for Employment (IPE) is developed with the VRC that identifies the individual's employment goal and the services needed to obtain that goal. The VRC can then begin providing these services to the individual or purchase from vendors the services outlined in the plan. Some of the more commonly contracted placement services include supported employment and performance-based placement. In addition, VRS may provide services for secondary school students with disabilities to assist with the transition into employment or post-secondary school.

Provision of Services: Services are provided in accordance with the IPE. The specific services provided may include:

- vocational counseling and guidance;
- medical treatment to correct or modify the physical or mental impairment;
- training (including vocational school, college or university, on-the-job, and other training);
- rehabilitation technology (assistive devices and services);
- placement assistance and follow-up (including supported employment) and
- other planned goods and services determined to be necessary to address an identified substantial impediment to employment and to be required to enable the individual to prepare for, enter, engage in, or retain an employment outcome.

Job Placement: Placement of the consumer into employment that is consistent with the individual's abilities, capacities, career interests, and informed choice is the goal of the vocational rehabilitation services program. It is to this end that all prior services are directed.

OJT and Work Experience: In response to the economic recession of 2008-2009, Vocational Rehabilitation Services (VRS) initiated some powerful changes to their available services. Two such changes are On the Job Training and Work Experience.

- *On the Job Training* or *OJT* is a program where VRS is capable of assisting with the training costs of an employer to train a new employee. VRS and their consumers can market to potential employers OJT as a cost mitigation tool.
- *Work Experience* is a tool whereby a consumer is given three different internships to establish work history and experience. VRS pays employment providers to develop these internships and to manage them. In many situations, these providers will grant a stipend to consumers for participating.

For more information about these or other special VRS programs, please contact the local VRS office.

Transition Services: Vocational Rehabilitation Services (VRS) is dedicated to providing transition assistance to students exiting from high school into the adult services world. Over the past 3 years, VRS has continued to increase their efforts in providing assistance and guidance to students with disabilities who are interested in pursuing employment or higher education. Transition students are given the same considerations of service provision that all other consumers are given. Please see the section on VRS services for more information as to the types of programs available. To access this assistance, please contact the local VRS office.

Transportation: Vocational Rehabilitation Services (VRS) is able to supply transportation services in certain situations. VRS commonly supplies bus passes and reimbursement for gasoline for those looking for work or attending school. Taxi services can also be approved. To access transportation assistance through VRS, a consumer must 1) be eligible for VRS services; and 2) have an approved Individualized Plan for Employment documenting the transportation need. As transportation availability varies across Indiana, please ask your local VRS office for more information about common assistance they provide.

Self-Employment: Vocational Rehabilitation Services (VRS) offers two different methods to assist consumers looking to be self-employed. To access either of these methods, a consumer must 1) be eligible for VRS services; and 2) have an approved Individualized Plan for Employment.

- *Self-Employment:* For those who have specific training or experience in a field and are looking to start a small, part-time business, VRS is capable of providing assistance by purchasing equipment needed to run the business (i.e. barber shears, power tools, etc) as well as provide counseling and guidance to start the business.
- *Small Business Enterprise:* For those looking to start their own full-time, brick and mortar business, VRS has a program called Small Business Enterprise (SBE). In this program, the consumer creates a business plan stating what the business is, the rationale behind the business, local competition, and much more. Once the consumer and the VRS Counselor agree to the feasibility of the business, VRS is capable of supplying up to 75% of the business starting costs, with the maximum amount being \$35,000 in the first year. There are many rules governing this program, which VRS staff will review with you upon request. Please contact your local VRS office for more information.

Case Closure: A person is "rehabilitated," and the consumer's case is closed, when:

- (1) the vocational rehabilitation services provided under the IPE have contributed substantially to the achievement of the employment outcome;
- (2) the employment outcome is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;
- (3) the employment outcome is in the most integrated setting possible, consistent with the individual's informed choice;
- (4) the individual has maintained the job for a period of at least 90 days; and (5) the individual and the VRS counselor consider the employment outcome to be satisfactory and agree that the individual is performing well on the job.

Post Employment Services:- Limited services may be provided after case closure as "rehabilitated," if required to enable the individual maintain, regain, or advance in employment.

Sometimes the entire vocational rehabilitation services process can be completed in four to six months when just a few services are required to achieve the client's vocational goal. In other instances the process may take four to five years or more to complete when the client's vocational goal requires a college degree. The average time required to successfully complete vocational rehabilitation programs by all Federal Fiscal Year (FFY) 2007 rehabilitants was 20.6 months.

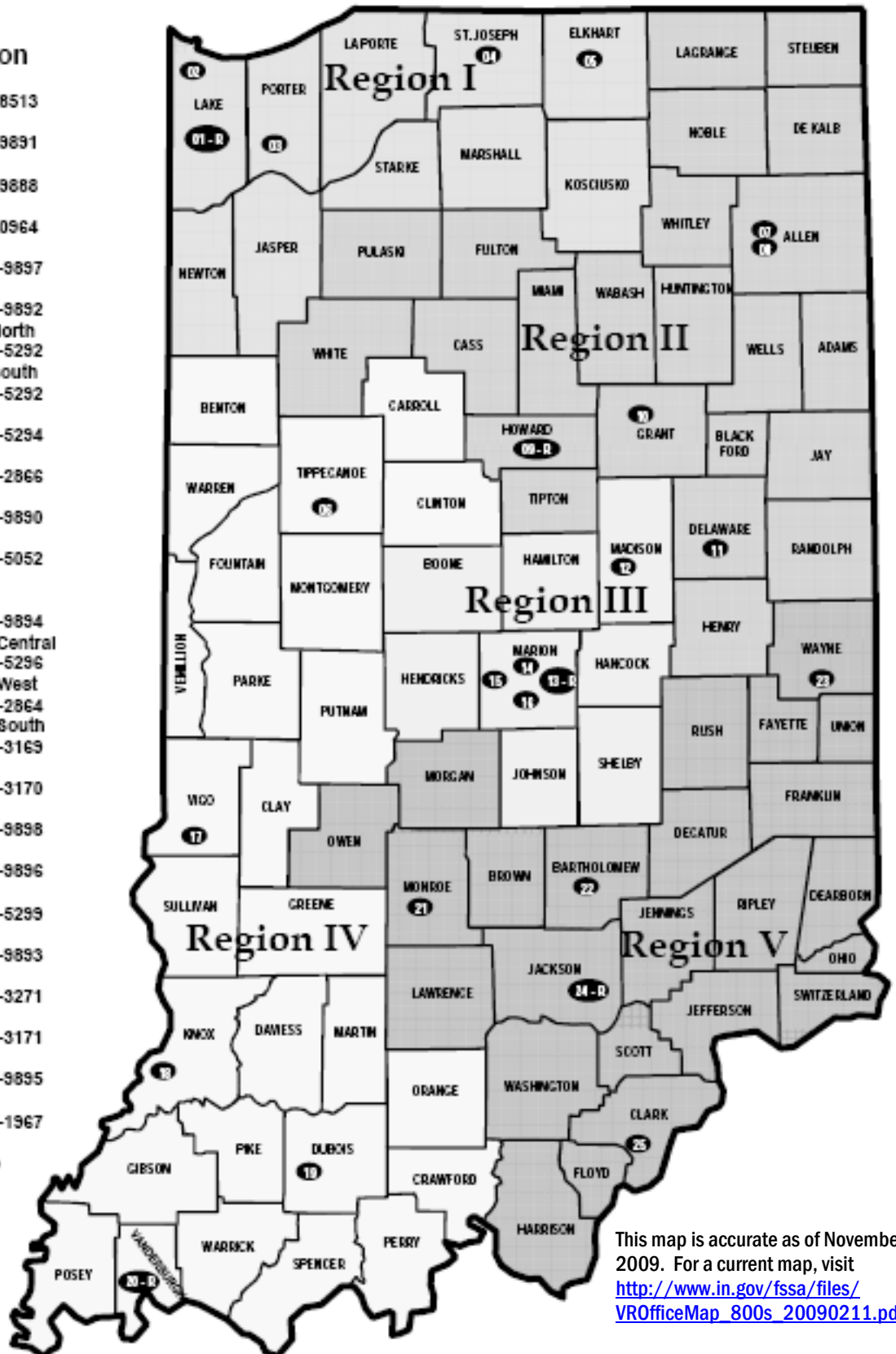
For more information:

Contact the nearest Vocational Rehabilitation Services office to discuss the application and eligibility process. To locate the nearest office, please refer to the map of VRS Region and Area Office Locations shown on the next page. The chart of VR contact information also indicates the counties and/or metropolitan zip code areas for each office.

VRS Region and Area Office Locations

- Area Location**
- 11-R Schererville
1-877-428-8513
 - 11 Gary
1-877-847-9891
 - 11 Valparaiso
1-877-847-9888
 - 11 South Bend
1-877-282-0964
 - 11 Elkhart
1-877-847-9897
 - 11 Lafayette
1-877-847-9892
 - 11 Fort Wayne North
1-877-715-5292
 - 11 Fort Wayne South
1-877-715-5292
 - 11-R Kokomo
1-877-715-5294
 - 11 Marion
1-877-876-2866
 - 11 Muncie
1-877-847-9890
 - 11 Anderson
1-877-284-5052
 - 11-R Indianapolis
Northeast
1-877-847-9894
 - 11 Indianapolis Central
1-877-715-5296
 - 11 Indianapolis West
1-877-876-2864
 - 11 Indianapolis South
1-877-715-3169
 - 11 Terre Haute
1-877-715-3170
 - 11 Vincennes
1-877-847-9898
 - 11 Huntingburg
1-877-847-9896
 - 11-R Evansville
1-877-715-5299
 - 11 Bloomington
1-877-847-9893
 - 11 Columbus
1-877-396-3271
 - 11 Richmond
1-877-715-3171
 - 11-R Seymour
1-877-847-9895
 - 11 Clarksville
1-877-228-1967

R = Region Office



This map is accurate as of November 2009. For a current map, visit http://www.in.gov/fssa/files/VROfficeMap_800s_20090211.pdf

Vocational Rehabilitation Offices by Area

VR Area	Address	Contact Information	Counties Served
Area 1	138 E. Lincoln Highway Schererville, IN 46375	(219) 864-8163 TDD: (219) 864-8374 Toll Free: 1-877-428-8513 FAX: (219) 864-8314	Lake, Newton, & Benton
Area 2	110 W. Ridge Road Gary, IN 46408	(219) 981-5326 TTY: (219) 981-5329 Toll Free: 1-877-847-9891 FAX: (219) 981-6516	Lake
Area 3	954 Eastporte Centre Dr. Suite C Valparaiso, IN 46383-5674	(219) 462-0521 TDD: (219) 464-7582 Toll Free: 1-877-847-9888 FAX: (219) 464-8824	Porter, LaPorte, Jasper, Starke, & Pulaski
Area 4	100 W South Street, Suite 100 South Bend, IN 46601-2435	(574) 232-4861 TDD: (574) 283-0058 Toll Free: 1-877-282-0964 FAX: (574) 232-1476	St. Joseph & Marshall
Area 5	1659 Mishawaka St., Ste. A Elkhart, IN 46514	(574) 262-2086 TTY: (574) 264-3723 Toll Free: 1-877-847-9897 FAX: (574) 264-6487 VRI: (574) 264-5693	Elkhart and Kosciusko
Area 6	615 N. 18th St., Ste. 202 Lafayette, IN 47904-3434	(765) 449-44278 TDD: (765) 449-4304 VRI: (765) 449-4326 Toll Free: 1-877-847-9892 FAX: (765) 449-4312	Carroll, Clinton, Montgomery, Fountain, Benton, Tippecanoe, & Warren
Area 7	219 West Wayne Street Fort Wayne, IN 46802-3678	(260) 424-1595 TDD: (260) 426-8905 Toll Free: 1-877-715-5292 FAX: (260) 426-3617	Adams, Wells, Whitley, LaGrange, Noble, Steuben, & DeKalb
Area 8	219 West Wayne Street Fort Wayne, IN 46802-3678	(260) 424-1595 TDD: (260) 426-4653 Toll Free: 1-877-715-5292 FAX: (260) 426-3617	Allen
Area 9	217 E Southway Blvd, Suite 100 Kokomo, Indiana 46902	Voice/TDD (765) 455-5020 Toll Free: 1-877-715-5294 FAX: (765) 455-5024	Fulton, White, Cass, Miami, Howard & Tipton
Area 10	415 South Branson Street Marion, IN 46953-2095	(765) 662-9961 TDD: (765) 664-8846 Toll Free: 1-877-876-2866 FAX: (765) 664-8847	Grant, Huntington & Wabash
Area 11	201 East Charles St., Suite 130 Muncie, IN 47305-2435	Voice/TDD (765) 282-9863 Toll Free: 1-877-847-9890 FAX: (765) 282-1714	Jay, Delaware, Blackford, Henry, & Randolph
Area 12	222 E. 10th St. Ste. A Anderson, IN 46016-1721	Voice/TDD (765) 643-7413 Toll Free: 1-877-284-5052 FAX: (765) 642-0691	Madison & Hamilton, and Marion Co. Zip Codes: 46290, 46280, 46240
Area 13	7155 Shadeland Station Way Ste 160 Indianapolis, IN 46205-1553	(317) 845-1637 Toll Free: 1-877-847-9894 TTY: (317) 845-1644 FAX: (317) 845-1643 VRI: (317) 845-1645	Marion Co. Zip Codes: 46205, 46216, 46219, 46220, 46226, 46229, 46235, 46236, 46256

VR Area	Address	Contact Information	Counties Served
Area 14	7155 Shadeland Station Way Ste 160 Indianapolis, IN 46205-1553	(317) 845-1637 Toll Free: 1-877-847-9894 TTY: (317) 845-1644 FAX: (317) 845-1643 VRI: (317) 845-1645	Hancock, and Marion County Zip Codes: 46201, 46202, 46208, 46218, 46228, 46260, 46268, 46278
Area 15	2346 South Lynhurst Drive, Building 100 Indianapolis, IN 46241-8621	(317) 232-1571 TDD: (317) 232-1572 Toll Free: 1-877-876-2864 FAX: (317) 232-1686	Hendricks, Boone, Marion Co. Zip Codes: 46204, 46214, 46221, 46222 (West of Lafayette Rd), 46224, 46231, 46234, 46241, 46254,
Area 16	2346 South Lynhurst Drive, Building 100 Indianapolis, IN 46241-8621	(317) 270-1005 TDD: (317) 270-1012 Toll Free: 1-877-715-3169 FAX: (317) 270-1010	Shelby, Johnson, Marion Co. Zip Codes: 46203, 46217, 46222 (East of Lafayette Rd), 46225, 46227, 46237, 46239, 46259, 46107 (Beech Grove)
Area 17	30 N. 8th St., P.O. Box 10217 Terre Haute, IN 47801	(812) 232-7864 TDD: (812) 232-8149 Toll Free: 1-877-715-3170 FAX: (812) 232-8321	Vermillion, Clay, Sullivan, Parke, Vigo & Putnam
Area 18	1600 Willow St. Suite B Vincennes, IN 47591-4212	(812) 882-7208 TDD (812) 882-5368 Toll Free: 1-877-847-9898 FAX: (812) 886-1490	Knox, Daviess, Gibson & Greene
Area 19	511 E. 4 th St., Suite 200. Huntingburg, IN 47542	Voice/TDD (812) 683-2183 Toll Free: 1-877-847-9896 FAX: (812) 683-2834	Martin, Orange, Crawford, Perry, Warrick, Spencer, Dubois & Pike
Area 20	700 E. Walnut Evansville, IN 47713-2561	(812) 425-1367 TDD: (812)-433-3013 Toll Free: 1-877-715-5299 FAX: (812) 425-4546	Posey & Vanderburgh-Warrick Zip Codes: 47629, 47630
Area 21	450 South Landmark Ave. Bloomington, IN 47403-5000	(812) 332-7331 TDD: (812) 332-9372 Toll Free: 1-877-847-9893 FAX: (812) 332-2979	Morgan, Monroe, Lawrence & Owen
Area 22	1248 Washington St. Columbus, IN 47201	Voice/TDD (812) 376-9935 Toll Free: 1-877-396-3271 FAX: (812) 348-6451	Bartholomew, Ohio, Dearborn, Ripley, Decatur, Brown & Franklin
Area 23	52 South 2nd St. Richmond, IN 47374-4212	(765) 966-0932 TDD: (765) 966-4394 Toll Free: 1-877-715-3171 FAX: (765) 966-0086	Fayette, Rush, Union & Wayne
Area 24	211 N. Chestnut Seymour, IN 47274-0930	(812) 522-4585 TDD: (812) 522-1331 Toll Free: 1-877-847-9895 FAX: (812) 522-6184	Jefferson, Jennings, Jackson, Washington & Switzerland
Area 25	1452 Vaxter Avenue P.O. Box 2517 Clarksville, IN 47131-2517	Voice/TDD (812) 288-8261 Toll Free: 1-877-228-1967 FAX: (812) 282-7048	Clark, Harrison, Scott & Floyd

This contact information is accurate as of December 2009. For a current listing, visit
<http://www.in.gov/fssa/ddrs/2759.htm>.

Department of Workforce Development

The Indiana Department of Workforce Development is charged with continually improving the Hoosier workforce by assisting companies to create new jobs and improving employee skills. The agency offers a variety of training and education grants, partners with Indiana's 27 WorkOne Centers and 65 WorkOne Express centers, lend guidance to claimants on the unemployment insurance system, provides labor market information, assists employers with preparing workers for layoffs and closures and offers statewide job placement guidance.

How to apply for services

To apply for unemployment benefits, go to Uplink CSS at www.in.gov/dwd/unemployment. If the individual doesn't have internet access, he or she can go to the nearest full service WorkOne Center as soon as he or she becomes unemployed. To find out where the local WorkOne is located, check the local telephone book in the county government pages, visit www.workoneworks.com, or review the list of full-service sites on pages 95-96 to find the nearest location. In the unemployment benefit application, the person will be required to report his/her last employer's name, mailing address, phone number and dates of employment as well as his/her own address, social security number, and phone number.

Eligibility

Anyone can apply for services or use the services available at a WorkOne Center, a WorkOne Express location, or the website, www.workoneworks.com. However, DWD has a variety of grants specific to certain populations and programs that have eligibility criteria. A few of the commonly utilized grants are services for:

- Persons with disabilities
- Veterans
- Dislocated workers

To find out if an individual is eligible for services under a grant, contact the local WorkOne.

Service descriptions

WorkOne Individualized Services

Please note that in order to access many of the WorkOne services, the individual will need to have a valid photo I.D. Individualized services include:

- Resume development
- Career planning
- Interview coaching
- Job search assistance
- Skills evaluation

WorkOne Re-Employment Services

WorkOne offers information sessions and activities to help prepare for new employment opportunities. These services include:

- **Workshops:** Get valuable tips on how to get noticed by employers and land the job the person really wants! Workshop topics include Winning Ways Job Search, Resume Development, Interview Techniques, and Internet Job Search.
- **Computer classes:** Strengthen computer knowledge or learn the basics in a WorkOne computer class.
- **MindLeaders:** Enroll in an on-line course and improve skills! Over 700 courses are available to job seekers at <http://www.mindleaders.com>.

WorkOne Job Search Tools: WorkOne tools and information will give the applicant the competitive edge needed to be successful in his or her job search. These include: a computer lab, Internet access, fax machine, copier, telephone, and information about high wage and high demand careers.

Career Training. Available through Indiana's WorkOne Centers, training includes such opportunities as on-the-job training, work experience, job counseling, remedial training, short-term vocational training and GED preparation.

Indiana Career Connect. In 2008 DWD launched a new computer job-matching system. The system is available at any of Indiana's WorkOne Centers or via the Internet: <http://www.indianacareerconnect.com>.

Unemployment Insurance. Indiana businesses contribute financially to the state's trust fund to help provide workers, laid off through no fault of their own, with income assistance via unemployment insurance benefits. Individuals who want to apply for unemployment insurance must use the online self-service, Claimant Self-Service (CSS) Uplink: www.in.gov/dwd/unemployment. All unemployment benefits are distributed via an Unemployment Insurance Benefit Debit Card.

Dislocated Worker Initiatives. Employment and training assistance is available to dislocated workers, those workers who have been laid off as the result of a plant closing, or a substantial layoff or who are unlikely to return to their previous industry or occupation. Services include access to Indiana Career Connect, assessment, career counseling, resume assistance, skills training and other supportive services.

Work Opportunity Tax Credit. The Work Opportunity Tax Credit (WOTC) is a federal tax credit program that offers incentive to employers who hire individuals who have consistently had difficulty in securing and retaining employment. The credit helps offset the federal tax liability of private, for-profit employers. Any employer who pays taxes and wages is eligible to take advantage of the WOTC program.

Eligible workers may include recent AFDC or TANF recipients, veterans, ex-offenders, youth, persons referred by Vocational Rehabilitation referrals, summer youth employees, food stamp recipients, and Supplemental Security Income (SSI) recipients. For more information about TANF see page 134; for more information about SSI, see page 125.

Workforce Literacy. DWD's workforce literacy project helps Hoosier workers to improve basic reading, writing, oral, computational and reasoning skills, enabling people to use information better and communicate more effectively.

WorkOne Programs

Career Advancement Accounts (CAA): Career Advancement Accounts are self-directed training accounts that help workers gain access to training in regionally specific in-demand occupations. For more information, visit <http://www.careeradvancementaccounts.com>.

Dream It– Do It: Dream It-Do It provides opportunities for young adults to learn about exciting careers in manufacturing. For more information, visit <http://www.dreamit-doit.com>.

Hoosiers By The Numbers: Hoosiers by the Numbers provides detailed information concerning employment in the different areas of economic growth in the state of Indiana. For more information, visit <http://www.hoosierdata.in.gov>.

Jobs for America's Graduates (JAG): JAG, is a school-to-career program implemented to keep young people in school through graduation and provide work-based learning experiences that will lead to career advancement. For more information, visit <http://www.jag.org>.

Major Opportunities: This program provides assistance to Indiana minorities who are seeking to enter the building and construction industry. This includes classroom and on-the-job training. For more information, visit <http://www.dosomethingmajor.com>.

Rapid Response: Rapid Response is a program that assists workers, the employer and the community by keeping Indiana working. The earlier workers start to manage the change, the better the outcome will be for everyone impacted by the job loss: the employer, the community, and Hoosier families. For more information, visit <http://www.doleta.gov/layoff>.

Ready Indiana: A program for Indiana employers to help identify, aid, and implement training in the workplace. For more information, visit <http://www.readyindiana.org>.

Strategic Skills Initiative (SSI): This initiative was developed to find problems and identify solutions to promote economic growth across Indiana. For more information, visit <http://www.in.gov/dwd/2500.htm>

Trade Adjustment Assistance (TAA): Trade Adjustment Assistance helps individuals who have become unemployed as a result of imports from, or shifts in production to, other countries. For more information, visit <http://www.in.gov/dwd/2461.htm>.

Work Keys - Job Seekers, Employers: The Work Keys program is for both employees and employers. The Employee side helps match an individual and their traits to the correct employment. The Employer side helps the employer define what skills are critical to the company's success. For more information:

- Job seekers, visit <http://www.in.gov/dwd/2385.htm>.
- Employers, visit <http://www.in.gov/dwd/2509.htm>.

Workforce Acceleration Grants Program: This program is designed to help Hoosiers pay for education and training to prepare for 21st Century jobs. Through this program, individuals may be eligible to receive a training grant up to \$3,000 per academic year to help cover tuition, fees, and book costs for an Associate Degree or a vocational certificate at more than 50 colleges or universities. All participants of the program must be 18 years of age or older and have a legal right to work in the U.S. Participants must also fall into one of two

groups: low income or dislocated worker. This program is funded by the American Recovery and Reinvestment Act and is scheduled to last for at least through 2010. A felony conviction does not preclude eligibility for this program.

Young Hoosiers Conservation Corps: This program is more than a summer job: it is an opportunity to improve the community while enjoying Indiana's beautiful outdoors. Participants will work with the Department of Natural Resources to beautify Indiana's state parks, forests, reservoirs, nature preserves, wildlife and recreation areas, and historic sites. Program projects are planned at about 100 DNR sites around the state and will include rebuilding 52 structures that have been closed for years due to safety concerns. There are also plans to create 113 miles of new trails, rehabilitate over 1,100 miles of existing trails and restore 2,600 acres of natural habitat.

Veteran services

Indiana is committed to providing quality employment services and Veteran preference through its WorkOne Centers' knowledgeable staff. These services provide Veterans with the necessary information they need to find and secure suitable employment and make the transition from the military to the civilian workforce. DWD's Veteran Service program provides specific job placement services. To qualify for placement services, an individual must meet the following definition and be registered with the local WorkOne Center:

- Any individual who served more than 180 days on active duty (not for Reserve or National Guard training).
- Any individual who served on active duty and was released because of a service-connected illness or injury. (Does not have to meet the 180-day rule)
- Any individual who was in the National Guard or Reserves and was called to active duty during a war or in a campaign or expedition for which a campaign badge is authorized. (Examples are Panama, Grenada, Haiti, Beirut, Persian Gulf, Desert Shield or Desert Storm. An individual does not have to have served in that area.)

Services that are provided to qualified Veterans:

- Face-to-face review of IndianaCAREERConnect.com, the state of Indiana's largest source of jobs.
- Face-to-face orientation of the WorkOne Center and services provided and procedures.
- Information on jobs to include local, state, national and federal.
- Direct referral to jobs. (Both established jobs and job development.)
- Job search information, assistance in preparing resumes, cover letters, and preparation for interviews.
- Job search material such as booklets, videos and pamphlets.
- Referral to other agencies from local to federal.
- Information on the Veteran's rights and preferences and employment benefits.
- Case management to overcome barriers to employment.
- Implementation of Veteran's preference on all matching for jobs.
- Assessment of WorkKeys for profiled jobs.
- Certification incentives such as, Work Opportunity Tax Credit (WOTC).
- Notification of developments and news that concern Veterans through a newsletter.
- Vocational guidance for Veterans.
- Up-to-date Labor Market Information (LMI).
- Follow-up to employment and the opportunity to stay active in the system after going to work.
- Administration of various interest tests that will assist the Veteran in deciding which occupational area to direct his or her efforts.

In addition to the knowledgeable staff at the local WorkOne Center, local offices have on-site Veteran Representatives that can assist in veteran matters. The Local Veteran Employment Representative or LVER works with all qualified Veterans and assists them with their employment needs. The Disabled Veteran Outreach Program Representative or DVOP works closely with disabled Veterans and assists them with case management and other services to help them overcome barriers to employment.

Federal Bonding Program (FBP)

One of the services provided by The Indiana Department of Workforce Development to assist employers in recruiting and retaining the most qualified workforce is the Federal Bonding Program.

The Federal Bonding Program benefits the employer by offering bond coverage provided at no cost. The bond coverage is in effect the day the new employee begins working and lasts for six months. The employer profits from the worker's skills and abilities without taking the risk of potential theft or dishonesty. There are no documents to sign or paperwork to complete. The bond has no deductible and reimburses the employer for any loss due to employee theft within the specified six-month period.

The Federal Bonding Program benefits the job seeker by providing job opportunities for those who have been or may be denied commercial bonding coverage due to their previous personal or employment history. The bond promotes confidence in a job seeker who needs a break to participate in employment and needs chance to show that he or she can be a productive worker. It provides fidelity bond insurance for up to six months for any job seeker with risk factors and applies to any job except self-employment. Bonding coverage is provided at no cost to the job seeker.

Who Qualifies for Bonding?

Individuals who are not commercially bondable due to past questionable behavior which casts doubt upon their credibility or honesty, or who have committed fraudulent or dishonest acts are eligible. This includes:

- Ex-offenders, including anyone with a record of arrest, conviction or imprisonment.
- Those with a poor financial credit history or who have declared bankruptcy.
- Ex-addicts with history of alcohol or drug abuse.
- Those who have been dishonorably discharged from the Armed Forces.
- Persons lacking a work history from low-income families.

Job Requirements

- The employer must have a specific date set for the applicant to begin work.
- The applicant must be of legal working age.
- Federal taxes must be automatically deducted from the check.
- Ensure that the job is suitable for the applicant. Example: An individual convicted of drug abuse, should not be placed where drugs are readily accessible like a pharmacy or hospital.
- Self-employed and/or franchised individuals are not eligible.

Coverage Amounts

- Bonds are issued in increments of \$5,000 for a period of six months. The maximum amount is \$25,000.
- \$5,000 is generally sufficient to cover most circumstances.
- Coverage is based on the potential or estimated risk to the employer for financial loss, which could result from dishonest acts by the individual while on the job (excluding vehicles).
- Bonds in excess of \$5,000 should be limited to positions where the employer may lose more than \$5,000 in money or property at one time. The requester should base a bond request in excess of \$5,000 upon reasonable justification.

Bond Information

- Bonds can be issued to any employer regardless of whether the company has or has not commercially purchased a Fidelity Bond.
- Specific coverage includes theft, forgery, larceny or embezzlement. Bonds do not provide coverage for situations due to poor workmanship, job injuries or work accidents.
- It is not a bail bond, court bond, contract bond, performance bond, name bond, blanket bond or license bond.
- Bonds are not transferable from one employer to another.

The Fidelity Bond Certification Form is available at

http://www.in.gov/dwd/files/Fidelity_Bonding_Certification_Form_and_Instructions.pdf.

The application process is simple and quick. A letter will be sent to the employer confirming the bond. The letter includes the name of the job seeker for whom the bond is being issued, bond effective date, amount and period of coverage, etc. This letter confirms the bond in advance of receipt of the actual Fidelity Bond, which is mailed to the employer.

For additional questions, please contact:

Karen S. Swain, Program Director
Indiana State Federal Bonding Coordinator
Indiana Department of Workforce Development
10 North Senate Ave.
Indianapolis, IN 46204
Office 317-232-3623
Fax 317-233-6081
kswain@dwd.in.gov

Work Opportunities Tax Credit (WOTC)

Work Opportunity Tax Credit (WOTC) is a federal tax credit program that offers incentives to employers who hire individuals who have consistently had difficulty in securing and retaining employment. The credit helps offset the federal tax liability of private, for-profit employers. The program covers only new hires that have not worked for the employer in the past.

The Small Business and Work Opportunity Tax Act of 2007 (P.L. 110-38) signed by President Bush on May 25, 2007 includes an extension of the Work Opportunity Tax Credit program effective May 26, 2007 through August 31, 2011.

Target Groups

- **IV-A Recipient** : A member of a family that has received Temporary Assistance for Needy Families (AFDC/TANF) for any nine (9) months within the last 18 months ending on the hire dates.
- **Veterans**: Active duty veterans who have received food stamp assistance for at least three (3) months of the last fifteen (15) months ending on the hire date.
- **Ex-Felons**: A felon that has been convicted or released from prison within one year of the hire date.
- **Designated Community Resident** : Individuals between 18 but not yet 40 years old who live in Federal Empowerment Zone or Enterprise Community (EZEC). (To see if the person lives in one of the EZEC areas go to the RC/EZ/EC Address Locator map at: http://egis.hud.gov/egis/cpd/rcezec/ezec_open.htm. In addition, residents of rural renewal counties have been added to this group.
- **Vocational Rehabilitation**: A person with a disability who has completed or is completing rehabilitative services from an approved state or veteran's agency.
- **Ticket-to-Work Participants**: A person who is enrolled in the ticket-to-work program through the Social Security Administration's employment network.
- **Summer Youth Employees**: Youth between 16 and 17 years old, employed between May 1 and September 15, who live in an Empowerment Zone or Enterprise Community (EZECs). To see if the person lives in one of the EZEC areas go to the RC/EZ/EC Address Locator map at: http://egis.hud.gov/egis/cpd/rcezec/ezec_open.htm.
- **Food Stamp Recipient** : A person between the ages of 18 but not yet 40 years old and a member of a family that has received food stamps for the last consecutive six (6) months, or received Food Stamps for at least three (3) of the last five (5), but are no longer eligible to receive.
- **SSI Recipient**: A person who has received Supplemental Security Income (SSI under Title XVI of the Social Security Act) benefits for any month ending within the last 60 days.
- **Long-term Family Assistance Recipient**: A person that is a member of a family that:
 1. Receive AFDC/TANF benefits for at least 18 consecutive months ending on the hiring date; or
 2. Received AFDC/TANF benefits for any 18 months beginning after August 5, 1997 ending within the last two years of the hiring date; or
 3. Stopped being eligible for assistance because of federal or state law limits.

Amount of the Credit

Qualified wages for the WOTC Target Groups is based on the first \$6,000 in wages:

- A 25% credit for workers who work at least 120 hours but less than 400 hours, and
- A 40% credit for workers who work at least 400 hours for a maximum credit of \$2,400
- Disabled Veteran, Summer Youth and Long Term employees have specific maximum credits calculated differently than the other WOTC target groups. Please see below for the specific calculation.

Qualified wages for Disabled Veterans or Unemployed Veterans target group is based on the first \$12,000 in wages:

- A 25% credit for workers who work at least 120 hours but less than 400 hours, and
- A 40% credit for workers who work at least 400 hours for a maximum credit of \$4,800

Qualified wages for Summer Youth is based on the first \$3,000 in wages:

- A 25% credit for workers who work at least 120 hours but less than 400 hours, and
- A 40% credit for workers who work at least 400 hours for a maximum credit of \$1,200

Qualified wages for Long Term Family Assistance can be earned for the first two years of employment based on the first \$10,000 in wages each year:

- A 25% credit of qualified wages is paid in the first year of employment for employees completing 120 hours but less than 400 hours
- A 40% credit of qualified wages is paid in the first year of employment for employees completing 400 hours or more for a maximum first year credit of \$4,000
- A 50% credit of the qualified wages is paid for the second year of employment for a maximum second year credit of \$5,000

How to Apply

Employers must have applicants complete Form 8850 (Pre-Screening Notice & Certification Request) on or before the day he or she is offered a job. The form and its instructions are available for download at http://www.in.gov/dwd/files/Form_8850.pdf and http://www.in.gov/dwd/files/Instructions_8850.pdf, respectively. Each applicant who is potentially qualified for WOTC based on the Form 8850, must then complete an ETA-9061 (Individual Characteristic Form), available for download at <http://www.in.gov/dwd/files/TEGL03-09b.pdf>. Forms 8850 & ETA 9061 must be postmarked within 28 days of the date the applicant begins work to be considered. Any forms not meeting this requirement will be denied. Any late requests will be denied. The forms cannot be accepted by fax or email.

Mail completed forms to the following address:

WOTC Program Coordinator
Indiana Department of Workforce Development
WOTC SE311
10 N Senate Avenue
Indianapolis, IN 46204
(P) 317-232-7746
(F) 317-233-2679

Guide to Indiana's WorkOne Offices

WorkOne



Color-Coded For Easy Reference:

- ▲ WorkOne Centers
WorkOne Full Services:
WP, UI, WIA, Partner Access
- WorkOne Express Offices
Express Site:
ICC, WIA, Partner Access

October 2009



WorkOne Full Service Centers

Site Name	County	Phone Number	Fax	Physical Location	Services	Hours of Operation
Anderson	Madison	(765) 642-4981	(765) 641-6557	222 E. 10 St., Suite B Anderson, IN 46016	All	Mon - Fri 8:00am - 4:30pm
Auburn/ DeKalb Co.	DeKalb	(260) 925-0124	(260) 925-5118	936 W. 15th St. , Ste. 100 Auburn, IN 46706	All	Mon, Tues, Wed & Fri 8:00am - 4:30pm; Thurs 10:00am - 4:30pm
Bedford	Lawrence	(812) 279-4400	(812) 278-9207	918 16th St., Suite 200 Bedford, IN 47421	All	Mon - Fri 8:00am - 4:30pm
Bloomington	Monroe	(812) 331-6000	(812) 331-6010	450 Landmark Ave. Bloomington, IN 47402	All	Mon - Fri 8:00am - 4:30pm
Columbus	Barthlomew	(812) 376-3351	(812) 372-7626	4555 Central Avenue, Suite 1300 Columbus, IN 47202	All	Mon-Fri. 8:00 am - 4:30 pm
Elkhart	Elkhart	(574) 295-0105	(574) 293-0976	430 Waterfall Drive Elkhart, IN 46516		Mon-Fri. 8:00 am - 4:30 pm
Evansville	Vanderburg	(812) 424-4473	(812) 421-3189	700 E. Walnut Evansville, IN 47713	All	Mon - Fri 7:00am - 4:30pm
Fort Wayne/ Allen Co.	Allen	(260) 745-3555	(260) 745-7757	201 E. Rudisill Blvd. Fort Wayne, IN 46806	All	Mon, Tues, Wed & Fri 8:00am - 4:30pm; Thurs 10:00am - 4:30pm
Gary	Lake	(219) 981-1520	(219) 884-5148	3522 Village Circle (Village Shopping Center) Gary, IN 46408	All	Mon & Wed 8:00am - 7:00pm; Tues & Fri 8:00am - 4:30pm; Thurs 10:00am - 4:30pm
Grant Co./ Marion	Grant	(765) 668-8911	(765) 662-7499	850 N. Miller Ave. Marion, IN 46852	All	Mon, Tues, Wed & Fri 8:00am - 4:30pm; Thurs 10:00am - 4:30pm
Hammond	Lake	(219) 933-8332	(219) 933-8370	5243 Hohman Avenue Hammond, IN 46320	All	Mon. & Fri. 8am - 5pm; Tues. & Thurs. 8am - 7pm, Wed. 10am - 5pm
Indianapolis- East	Marion	(317) 358-4500	(317) 358-4559	2525 N. Shadeland Ave., Suite C-3 Indianapolis, IN 46219	All	Mon, Tues, Wed & Fri 8:00am - 4:30pm; Thurs 10:00am - 4:30pm

Site Name	County	Phone Number	Fax	Physical Location	Services	Hours of Operation
Indianapolis-West	Marion	(317) 246-5400	(317) 246-5479	805 Beachway Dr., Suite 110 Indianapolis, IN 46224	All	Mon, Tues, Wed & Fri 8:00am - 4:30pm; Thurs 10:00am - 4:30pm
Kokomo	Howard	(765) 459-0571	(765) 457-3144	709 S. Reed Rd. Kokomo, IN 46903	All (WIA- Howard & Tipton Co)	Mon - Fri 8:00am - 4:30pm
Lafayette	Tippecanoe	(765) 474-5411	(765) 474-7036	820 Park East Blvd. Lafayette, IN 46905		Mon-Fri. 8:00 am- 4:30 pm
LaPorte	LaPorte	(219) 362-2175	(219) 362-1198	300 Legacy Plaza W. LaPorte, IN 46350	All	Mon, Tues, Wed & Fri 8:00am - 4:30pm; Thurs 10:00am - 4:30pm
Lawrenceburg	Dearborn	(812) 537-1117	(812) 537-4046	230 Mary Ave., Suite 100 Lawrenceburg, IN 47025	All	Mon-Fri. 8:00 am- 4:30 pm
Linton	Greene	(812) 847-4479	(812) 847-2025	1600 N.E. "A" Street Linton, IN 47441	All	Mon-Fri. 8:00 am- 4:30 pm
Madison	Jefferson	(812) 265-3734	(812) 265-1805	620 Green Road Madison, IN 47250	All	Mon-Fri. 8:00 am- 4:30 pm
Muncie	Delaware	(765) 289-1861	(765) 741-5856	201 E. Charles St. Muncie, IN 47308	All	Mon - Fri 8:00am - 4:30pm
New Albany	Floyd	(812) 948-6102	(812) 948-6118	3310 Grant Line Rd. New Albany, IN 47151	All	Mon - Fri 8:00am - 4:30pm
Portage	Porter	(219) 762-6592	(219) 762-1052	1575 Adler Circle, Suite A Portage, IN 46368	Employment, WIA, Unem- ployment Insurance	Mon, Tues, Wed & Fri 8:00am - 4:30pm; Thurs 10:00am - 4:30pm
Richmond	Wayne	(765) 962-8591	(765) 966-3431	3771 South 'A' Richmond, IN 47374	All	Mon - Fri 8:00am - 4:30pm
Shelbyville	Shelby	(317) 392-3251	(317) 392-3419	2325 Intelliplex Dr., Suite 204 Shelbyville, IN 46176	All	Mon - Fri 8:00am - 4:30pm
South Bend	St. Joseph	(574) 237-9675	(574) 239-2672	851 S. Marietta St. South Bend, IN 46601		Mon-Fri. 8:00 am- 4:30 pm
Terre Haute	Vigo	(812) 234-6602	(812) 232-7644	30 N. 8th St. Terre Haute, IN 47808	All	Mon - Fri 8:00am - 4:30pm
Vincennes	Knox	(812) 882-8770	(812) 882-4535	1500 N Chestnut Vincennes, IN 47591	All	Mon - Fri 8:00am - 4:30pm

For a list of WorkOne Express sites, please visit <http://www.in.gov/dwd/WorkOne/regions.html>.

Department of Education

Services for Adult Learners

Adult Basic Education (ABE)

ABE addresses basic skill needs. Instruction concentrates on academic and life skills. For a directory of all the adult education providers in Indiana, visit <http://www.doe.in.gov/adulted/adultlearner.html>.

Adult Secondary Credit (ASC)

This program provides the opportunity for students who did not finish high school to return as adults and complete credits toward a regular high school diploma. For a directory of all the adult education providers in Indiana, visit <http://www.doe.in.gov/adulted/adultlearner.html>.

General Education Development (GED) Tests

The GED Tests have become a significant means for adults to acquire a GED diploma. GED Tests cover language arts reading and writing skills, social studies, science, and mathematics. Testing sites are located throughout the state.

Warning: The General Educational Development Testing Service™ (GEDTS), a program of the American Council on Education® (ACE) and architect of the Tests of General Educational Development (GED Tests), is aware of various entities claiming to offer GED exams online. Please be advised that the GED credential cannot be earned via the Internet nor through correspondence programs. The GED Tests, developed by GEDTS, require extensive preparation and the demonstration of a high level of high school knowledge and academic skills.

The GED Tests are administered in each U.S. state and insular area, Canadian provinces and territories, the U.S. military, and federal correctional institutions via **Official GED Testing Centers ONLY**. To identify an Official GED Testing Center, please visit <http://www.acenet.edu/programs/GEDTS> and link to “Locate a GED Testing Center.” Any services that purport to offer a GED credential through any other means are **NOT** affiliated with GEDTS or ACE, may be of dubious value, and may deliver a product that is not accepted by employers, colleges and universities, or the military. For a directory of all the adult education providers in Indiana, visit <http://www.doe.in.gov/adulted/adultlearner.html>.

English as a Second Language (ESL) Classes

ESL classes are designed to provide English language instruction to non-English speaking adults and to provide them with the information needed to understand and function in an English-speaking culture. For a directory of all the ESL providers in Indiana, visit <http://www.doe.in.gov/adulted/adultlearner.html>.

USA Learns, <http://www.usalearns.org>, offers free, online English as a Second Language (ESL) courses to individuals wanting to increase their ability to learn and comprehend the English language. The self-paced, instructional lessons are designed to build skills for employment.

How to get a copy of an Indiana GED transcript

Option 1: Contact the site where the individual was tested with the following information:

- Name (at time of testing)
- Date of birth
- Year of testing
- Signature of individual
- Include a statement requesting release of the transcript to another party, if needed.
- Include where and to whom the transcript should be mailed or faxed.

Note: Some sites will charge a nominal fee for this service.

Option 2: Contact the Office of Adult Education:

- Include the address where the individual would like GED tests records/diploma to be mailed. (Diplomas cannot be faxed.)
- If the individual would like a transcript sent to a college, include the mailing address.
- An individual may use the release form available at http://www.doe.in.gov/adulted/docs/GED_release.pdf
- These requests may be faxed or mailed to the Office of Adult Education:

Indiana Department of Education
Office of Adult Education
Indianapolis, IN 46204-2798
Fax: 317-232-0855

Note: There is no charge at the state office for this service.

How to get a copy of a high school diploma or college transcript

Contact the Registrar's Office at the school that was attended and request a copy of the diploma or transcript. There may be a fee, depending upon the school's policy.

Department of Correction

“From an offender’s first day, the Indiana Department of Correction starts driving the offender down the road to re-entry by providing solution-based re-entry programs. By focusing on the vital areas of character, education, employment, family, health, and housing programs provided by the DOC focus on breaking down any barriers to re-entry, while still promoting public safety.”

- excerpted from Edwin G. Buss’ *Letter from the Commissioner*

The mission of the Indiana Department of Correction is to empower the agency's staff of correctional professionals to increase public safety and reduce recidivism through successful re-entry programs that allow offenders the opportunity to positively contribute to Indiana communities.

Prison industry program

More than 2,000 inmates are employed in various enterprises within Prison Enterprises Network (PEN Products). Industries include: remanufacture automotive parts; food processing including frozen meat /poultry products and dairy products; metal furniture and shelving; institutional clothing; janitorial and laundry products; computer aided drafting (CAD); data conversion-GIS; printing; engraving; signage; park furniture; office and wood furniture; commercial laundry services; data entry; coil assembly; and electronic component assembly. Indiana also participates in the Prison Industries Enterprises (PIE) federal program. Offenders in this program are paid the prevailing wage for the job, but are also responsible for paying room and board to the state, federal and state taxes, victim’s restitution, and family/child support.

Contact:

PEN Products

Indiana Department of Correction

6075 Lakeside Boulevard

Indianapolis, IN 46278

317-388-8580

Web Site: www.in.gov/indcorrection

Work release program

Inmates incarcerated through the Indiana Department of Correction (IDOC) are eligible for work release when they have less than two years remaining on their sentence. Individuals convicted of violent or sex offenses are restricted from participation in the work release program. There are two male and one female work release facilities in Indiana.

Pre-release program

Participation in a pre-release program is mandatory for all Indiana prisoners. In addition to obtaining documents such as birth certificates and social security cards, prisoners engage in 80 hours of curriculum that includes anger management, cognitive thinking, budget and financial management. Housing, educational and vocational training needs are considered as well.

Contact:

Indiana Department of Correction
302 West Washington Street IGCS
Room E334
Indianapolis, IN 46204
317-232-5780
Web Site: www.in.gov/indcorrection

Post-release program

The post-release program in Indiana is known as the Community Transition Program (CTP). Most offenders are eligible for CTP with few exceptions. Programs available may include work release, home detention, electronic monitoring, day reporting, substance abuse treatment and regular reporting to a probation officer. Offenders are transferred to their home county for CTP participation anywhere from 60 to 180 days prior to the earliest projected release date. The purpose of this program is to allow an offender time to re-enter the community while still being subject to criminal justice supervision.

Contact:

Indiana Department of Correction
Community Transition Program
302 West Washington Street
Room W341
Indianapolis, IN 46204
317-234-0194
Web Site: www.in.gov/indcorrection

Community Corrections

The purpose of the Community Corrections Section is to assist the Indiana Department of Correction in fulfilling its mission by establishing and operating community corrections programs that prevent crime or delinquency, divert offenders from the Indiana Department of Correction, and provide programs for committed offenders and/or persons ordered to participate in community corrections as a condition of probation in accordance with IC 11-12.

Local programs are operated as independent county agencies, by an advisory board under IC 11-12-2-2.

Most Common Components

- Work release
- Home detention/electronic monitoring
- Day reporting
- Forensic diversion
- Juvenile alternatives
- Community Transition Program
- Re-entry programs

County Community Corrections Programs

The State of Indiana provides funding for counties to operate local Community Corrections programs in order to provide supervision and treatment to offenders in their community as an alternative to incarceration or as they transition back into the community. Each County Community Corrections program is governed by a Community Corrections Advisory Board as established by statute to formulate, observe and coordinate its local program. Local programs are operated as independent county agencies, by not-for-profit agencies under contract to the county or as a division of the local probation or sheriff's departments.

County Community Corrections programs often include:

- Residential or work release programs
- House arrest, home detention, and electronic monitoring
- Day reporting
- Community transition program
- Forensic diversion
- Juvenile detention alternatives
- Community restitution or work crews
- Victim/Offender reconciliation
- Community re-entry

Community Corrections programs target offenders in the community who:

- Are serving sentences in a community-based program versus the Department of Correction,
- Have been released from the Department through the Community Transition Program (CTP)
- Are serving a split sentence with a condition of Community Corrections following his/her period of incarceration.

Information regarding specific offenders participating in a Community Corrections programs is available through the local Community Corrections Office.

Community Corrections programs are responsible for offenders in the community who:

- Have been diverted from the Department of Correction,
- have been released from the Department through the Community Transition Program (CTP), and
- Are serving a split sentence with a condition of Community Corrections following his/her period of incarceration.

Information regarding specific offenders participating in a Community Corrections program is best available through the local Community Corrections Office.

Juvenile programs

The Division of Youth Services (DYS) within the Indiana Department of Correction provides services for all 92 counties in the state of Indiana, providing secure care in the (6) juvenile facilities and providing re-entry services, parole, and community placement oversight.

The Indiana Department of Correction, partnering with the Indiana Department of Education (IDOE), has worked to establish a Transition to School procedure which supports a juvenile's re-enrollment into school upon completion of his period of incarceration.

Federally funded through Title I, the Transition to School initiative focuses on assessing a student's present level of academic performance and establishing an Individual Learning Plan based on age, current number of high school credits, and performance on state mandated standardized testing. The Transition Coordinator in each IDOC school facilitates the transfer of all school records back to the student's public school of record upon re-enrollment into school.

The IDOC juvenile schools are accredited by the North Central Association/AdvancEd as Comprehensive Special Purpose Schools. Communication from IDOE to all public school corporations in the state of Indiana validates the need for public schools to accept and transfer the high school credits that students earn in IDOC schools.

If a student experiences any barrier to re-enrolling in a public or alternative school setting and needs assistance, he or she may contact:

Director of Education or
Juvenile Education Coordinator
Indiana Department of Correction
IGC-S E334
302 West Washington Street
Indianapolis, IN 46204
(317) 233-4458

Parole

Parole supervision is under the direction of the Indiana Department of Correction. The parole board only determines the release date of those offenders still in custody who were sentenced prior to 1977. Under current sentencing structures, offenders may reduce their sentence by one day for each day served by earning “credit time” via participation in educational programs or obtaining vocational training and substance abuse treatment. Time spent on parole supervision depends on the date of sentencing.

The goal in all cases is the successful completion of the term of supervision, during which the offender commits no new crimes, is held accountable for victim, family, community, and other court-imposed responsibilities, and is prepared for continued success.

Indiana has nine Parole Districts. Each district office is responsible for the monitoring of offenders transferred from prison to parole supervision:

Parole District	Address	Phone	Assigned Counties
Parole District - #1	2596 [REDACTED] Girls School Road Indianapolis, IN 46214	(317) 244-3144	(Adult and Juvenile): Boone, Hamilton, Hancock, Hendricks, Johnson, Marion (West), Morgan, and Shelby (Juvenile only): Marion
Fort Wayne - #2	4802 E. U.S. 30 Ft. Wayne, IN 46803	(260) 424-3536	Adams, Allen, Dekalb, Huntington, Kosciusko, LaGrange, Noble, Steuben, Wells and Whitley
Indianapolis - #3	512 E. Minnesota St Indianapolis, IN 46203 (317) 232-1443	(317) 232-1443	Marion
Evansville - #4A	5603 North Highway 41 Evansville, IN 47711	(812) 424-9821	Daviess, Dubois, Gibson, Knox, Martin, Pike, Posey, Spencer, Vanderburgh and Warrick
Terre Haute - #4B	116 South 1st Street Terre Haute, IN 47807	(812) 235-0606	Warren, Carroll, [REDACTED] Decaone, Clinton, Montgomery, Fountain, Parke, Vermillion, Vigo, Putnam, Clay, Owen, Sullivan and Greene
Bloomington - #5	1500 N. Packing House Road, Suite 100 Bloomington, IN 47404	(812) 334-3716	Monroe, Brown, Bartholomew, Decatur, Franklin, Lawrence, Jackson, Jennings, Ripley, Dearborn, Orange, Washington, Scott, Jefferson, Switzerland, Clark, Floyd, Harrison, Crawford, Ohio, and Perry
Gary - #6	11 West 78th Place Merrillville, IN 46410	(219) 685-8627	Lake, Porter, LaPorte, Newton, Jasper and Benton
New Castle - #7	1001 Van Nuys Road New Castle, IN 47362	(765) 529-2359	Grant, Blackford, Jay, Madison, Delaware, Randolph, Henry, Wayne, Rush, Fayette and Union
South Bend - #8	2421 S. Michigan St. South Bend, IN 46614	(574) 234-4600	St. Joseph, Elkhart, Stark, Marshall, Pulaski, Fulton, White, Cass, Miami, Howard, Tipton, Wabash
CENTRAL OFFICE	Department of Correction Parole Services Division E334 I.G.C.S. 302 W. Washington St. Indianapolis, IN 46204	(317) 233-6984	

Probation

The mission of probation is to provide necessary services to the offender toward reducing criminal/delinquent behavior while balancing the needs and ensuring the safety of the community. Probation requires a fundamental knowledge of the law, sentencing alternatives, human services, and community protection. The purpose and implementation of probation is to:

- Ensure the court is provided information vital to making appropriate pretrial release decisions and imposing just and fair sentences.
- Develop, coordinate, and implement a statewide plan to educate the public regarding probation services.
- Develop, coordinate, and implement or broker a range of community resources for offenders.
- Establish a range of procedures to hold offenders accountable for their behavior.
- Develop a system or procedure to collect and disburse restitution to victims.
- Notify and educate victims of their rights.

The court will provide the individual conditions of probation, which may include reporting procedures, employment, medical treatment, financial obligations, and other requirements such as refraining from use of intoxicants and narcotics, home detention or electronic monitoring. If the person is a registered sex offender, there are special conditions he or she must also meet. To view conditions of probation including sex offenders, go to <http://www.in.gov/judiciary/probation/docs.html>.

The probation officer may conduct unscheduled home visits/field contacts to the probationer's home or place of employment for the purpose of general information gathering and compliance monitoring or for the purpose of specific information gathering and evidence collection, through search and seizure of the probationer's property. The probationer will need to provide the probation officer his or her address of employment and work hours.

At sentencing or anytime thereafter, the court that placed the offender on probation may transfer supervision of the offender to a court of another jurisdiction in Indiana (intrastate transfer) when one of the following has been verified:

1. Offender resides in the receiving county;
2. Offender works in the receiving county;
3. Offender is taking educational courses in the receiving county; or
4. Offender has other significant contacts in the receiving county.

For information about intrastate transfers, visit <http://www.in.gov/judiciary/probation/intrastate.html>.

For a complete listing of probation offices, visit <http://www.in.gov/judiciary/probation/docs/countylisting.pdf>.

Source: <http://www.in.gov/judiciary/probation>

Housing and Urban Development

HUD's Public Housing Program

What is public housing?

Public housing was established to provide decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities. Public housing comes in all sizes and types, from scattered single family houses to highrise apartments for elderly. There are approximately 1.2 million households living in public housing units, managed by some 3,300 housing agencies (or authorities) (HAs). The U.S. Department of Housing and Urban Development (HUD) administers Federal aid to local HAs that manage the housing for low-income residents at rents they can afford.

Who is eligible?

Public housing is limited to low-income families and individuals. An HA determines eligibility based on: 1) annual gross income; 2) whether the applicant qualifies as elderly, a person with a disability, or as a family; and 3) U.S. citizenship or eligible immigration status. If eligible, the HA will check the person's references to make sure the person and his or her family will be good tenants. HAs will deny admission to any applicant whose habits and practices may be expected to have a detrimental effect on other tenants or on the project's environment.

HAs use income limits developed by HUD. HUD sets the **lower income** limits at 80% and **very low income** limits at 50% of the median income for the county or metropolitan area in which the person chooses to live. Income limits vary from area to area so the person may be eligible at one HA but not at another. The HA serving the community can provide the income levels for the area and family size, or the individual can also find the income limits on the internet.

How to apply

If interested in applying for public housing, contact the local HA. If the person has trouble contacting the HA, contact the local HUD Field Office. The application must be written. Either the applicant or the HA representative will fill it out. An HA usually needs to collect the following information to determine eligibility:

- Names of all persons who would be living in the unit, their sex, date of birth, and relationship to the family head;
- The applicant's present address and telephone number;
- Family characteristics (e.g., veteran) or circumstances (e.g., living in substandard housing) that might qualify the family for tenant selection preferences;
- Names and addresses of the person's current and previous landlords for information about the family's suitability as a tenant;
- An estimate of the family's anticipated income for the next twelve months and the sources of that income;

- The names and addresses of employers, banks, and any other information the HA would need to verify the applicant's income and deductions, and to verify the family composition; and
- The Public Housing Agency or Authority (PHA) also may visit the applicant in his or her home to interview him or her and the family members to see how they manage the upkeep of their current home.

The HA representative will request whatever documentation is needed (e.g., birth certificates, tax returns) to verify the information given on the application. The PHA will also rely on direct verification from the applicant's employer, etc. The applicant will be asked to sign a form to authorize release of pertinent information to the PHA.

An HA has to provide written notification of eligibility. If the HA determines that the applicant is eligible, his or her name will be put on a waiting list, unless the HA is able to assist the applicant immediately. Once the applicant's name is reached on the waiting list, the HA will contact him or her. If it is determined that the applicant is ineligible, the HA must say why and, if the applicant wishes, he or she can request an informal hearing.

If the applicant is offered a house or apartment and accepts it, he or she will have to sign a lease with the HA and may have to give the HA a security deposit. It's a good idea to go over the lease with the HA representative. This provides a better understanding of the responsibilities as a tenant and the HA's responsibilities as a landlord.

Sometimes there are selection preferences given to specific groups of families to enable an HA to direct their limited housing resources to the families with the greatest housing needs. Since the demand for housing assistance often exceeds the limited resources available to HUD and the local HAs, long waiting periods are common. In fact, an HA may close its waiting list when there are more families on the list than can be assisted in the near future.

Each HA has the discretion to establish preferences to reflect needs in its own community. These preferences will be included in the HAs written policy manual. Applicants should ask what preferences they honor so he or she will know whether they might qualify for a preference.

How is rent determined?

Rent, which is referred to as the Total Tenant Payment (TTP) in this program, would be based on the family's anticipated gross annual income less deductions, if any. HUD regulations allow HAs to exclude from annual income the following allowances: \$480 for each dependent; \$400 for any elderly family member, or a person with a disability; and some medical deductions for families headed by an elderly person or a person with disabilities. Based on the application, the HA representative will determine if any of the allowable deductions should be subtracted from the person's annual income. Annual income is the anticipated total income from all sources received from the family head and spouse, and each additional member of the family 18 years of age or older.

The formula used in determining the TTP is the highest of the following, rounded to the nearest dollar:

- 30 percent of the monthly adjusted income. (Monthly Adjusted Income is annual income less deductions allowed by the regulations);
- 10 percent of monthly income;
- welfare rent, if applicable; or
- a \$25 minimum rent or higher amount (up to \$50) set by an HA.

Housing Choice Voucher Program

What are housing choice vouchers?

The housing choice voucher program is the federal government's major program for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market. Since housing assistance is provided on behalf of the family or individual, participants are able to find their own housing, including single-family homes, townhouses and apartments. The participant is free to choose any housing that meets the requirements of the program and is not limited to units located in subsidized housing projects.

Housing choice vouchers are administered locally by public housing agencies (PHAs). The PHAs receive federal funds from the U.S. Department of Housing and Urban Development (HUD) to administer the voucher program.

A family that is issued a housing voucher is responsible for finding a suitable housing unit of the family's choice where the owner agrees to rent under the program. This unit may include the family's present residence. Rental units must meet minimum standards of health and safety, as determined by the PHA.

A housing subsidy is paid to the landlord directly by the PHA on behalf of the participating family. The family then pays the difference between the actual rent charged by the landlord and the amount subsidized by the program. Under certain circumstances, if authorized by the PHA, a family may use its voucher to purchase a modest home.

Who is eligible?

Eligibility for a housing voucher is determined by the PHA based on the total annual gross income and family size and is limited to U.S. citizens and specified categories of non-citizens who have eligible immigration status. In general, the family's income may not exceed 50% of the median income for the county or metropolitan area in which the family chooses to live. By law, a PHA must provide 75% of its vouchers to applicants whose incomes do not exceed 30% of the area median income. Median income levels are published by HUD and vary by location. The PHA serving the community can provide the income limits for the person's area and family size.

During the application process, the PHA will collect information on family income, assets, and family composition. The PHA will verify this information with other local agencies, the individual's employer and bank, and will use the information to determine program eligibility and the amount of the housing assistance payment.

If the PHA determines that the family is eligible, the PHA will put the person's name on a waiting list, unless it is able to assist the person immediately. Once the person's name is reached on the waiting list, the PHA will contact him or her and issue a housing voucher.

How to apply

To apply for a voucher, contact the local PHA. For further assistance, please contact the nearest HUD Office. A list of Indiana Housing Authority offices begins on page 112 (or visit <http://www.hud.gov/offices/pih/pha/contacts/states/in.cfm>).

Local preferences and waiting list

Since the demand for housing assistance often exceeds the limited resources available to HUD and the local housing agencies, long waiting periods are common. In fact, a PHA may close its waiting list when it has more families on the list than can be assisted in the near future.

PHAs may establish local preferences for selecting applicants from its waiting list. For example, PHAs may give a preference to a family who is (1) homeless or living in substandard housing, (2) paying more than 50% of its income for rent, or (3) involuntarily displaced. Families who qualify for any such local preferences move ahead of other families on the list who do not qualify for any preference. Each PHA has the discretion to establish local preferences to reflect the housing needs and priorities of its particular community.

How do housing vouchers function?

The housing choice voucher program places the choice of housing in the hands of the individual family. A very low-income family is selected by the PHA to participate is encouraged to consider several housing choices to secure the best housing for the family needs. A housing voucher holder is advised of the unit size for which it is eligible based on family size and composition.

The housing unit selected by the family must meet an acceptable level of health and safety before the PHA can approve the unit. When the voucher holder finds a unit that it wishes to occupy and reaches an agreement with the landlord over the lease terms, the PHA must inspect the dwelling and determine that the rent requested is reasonable.

The PHA determines a payment standard that is the amount generally needed to rent a moderately-priced dwelling unit in the local housing market and that is used to calculate the amount of housing assistance a family will receive. However the payment standard does not limit and does not affect the amount of rent a landlord may charge or the family may pay. A family which receives a housing voucher can select a unit with a rent that is below or above the payment standard. The housing voucher family must pay 30% of its monthly adjusted gross income for rent and utilities, and if the unit rent is greater than (4) a \$25 minimum rent or higher amount (up to \$50) set by an HA.

Privately-owned subsidized housing

HUD helps apartment owners offer reduced rents to low-income tenants. To apply directly at the management office or find an apartment, visit. <http://www.hud.gov/apps/section8/step2.cfm?state=IN%2CIndiana>.

For more information:

Indianapolis Office

151 North Delaware Street, Suite 1200

Indianapolis, IN 46204-2526

Phone: (317) 226-6303

Fax: (317) 226-6317

TTY: (800) 743-3333

Effect of incarceration on HUD eligibility

Applicants who have a history of criminal activity may be denied public housing based on the nature of the crime and the number of years since conviction. Any applicant who has been convicted of, or arrested in connection with any of the following may be denied residency:

- Drug-related criminal activity, drug manufacturing or drug distribution;
- Assault and battery;
- Illegal sexual conduct;
- Arson;
- Murder;
- Theft, vandalism, robbery, breaking and entering;
- Unlawful use of a firearm;
- viii. Fraud;
- Disturbance of the peace and quiet enjoyment;
- Willful destruction of property; or
- Lifetime sex offenders or persons convicted of producing or manufacturing methamphetamines.

Misdemeanor within the last five (5) years and any felony within last ten (10) years are subject to review by Agent.

In accordance with the regulations at 24 CFR 5.856 and 5.905, Owners or Management Agents (O/As) and PHAs must perform necessary criminal history background checks to determine if an applicant, or a member of an applicant's household, is subject to a lifetime registration requirement under a state sex offender registration program. This check must be carried out with respect to the state in which the housing is located and with respect to states where the applicant and members of the applicant's household are known to have resided. O/As and PHAs will make the determination, in accordance with their screening standards, whether the applicant and the applicant's household members meet the screening criteria. If these processes reveal that an applicant is a lifetime registered sex offender, or if the applicant withholds or falsifies information on the application, the O/A or PHA must deny admission to the program. Before admission can be denied, the applicant must be notified of the right to dispute the accuracy and relevance of the background check information (24 CFR 5.905 (d) and 24 CFR 960.204 (c) for PHAs; Paragraph 8-14.C of Handbook 4350.3 REV-1, *Occupancy Requirements of Subsidized Multifamily Housing Programs*, for O/As).

Screening for drug abuse and other criminal activity

1. Tenant selection plans must contain screening criteria that include standards for prohibiting admission of those who have engaged in drug-related or criminal activity. The plan may, under certain circumstances, include additional provisions that deny admission to applicants for other drug and criminal activity.
2. Owners must establish standards that prohibit admission of:
 - a. Any household containing a member(s) who was evicted in the last three years from federally assisted housing for drug-related criminal activity. The owner may, but is not required to, consider two exceptions to this provision:
 - (1) The evicted household member has successfully completed an approved, supervised drug rehabilitation program; or
 - (2) The circumstances leading to the eviction no longer exist (e.g., the household member no longer resides with the applicant household).

- b. A household in which any member is currently engaged in illegal use of drugs or for which the owner has reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents;
- c. Any household member who is subject to a state sex offender lifetime registration requirement; and
- d. Any household member if there is reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety, and right to peaceful enjoyment by other residents. The screening standards must be based on behavior, not the condition of alcoholism or alcohol abuse.

3. Owners may establish additional standards that prohibit admission if the owner determines that any household member is currently engaging in, or has engaged in, the following activities during a reasonable time before the admission decision:

- a. Drug-related criminal activity. The owner may include additional standards beyond the required standards that prohibit admission in the case of eviction from federally assisted housing for drug-related criminal activity and current drug use.
- b. Violent criminal activity.
- c. Other criminal activity that threatens the health, safety, and right to peaceful enjoyment of the property by other residents or the health and safety of the owner, employees, contractors, subcontractors, or agents of the owner.

NOTE: If an owner's admission policy includes any of the activities above or similar restrictions that uses a standard regarding a household member's current or recent actions, the owner may define the length of time prior to the admission decision during which the applicant must not have engaged in the criminal activity. The owner shall ensure that the relevant "reasonable" time period is uniformly applied to all applicants in a non-discriminatory manner and in accordance with applicable fair housing and civil rights laws.

4. An owner's screening criteria also may include the following provisions:

- a. Exclusion of culpable household members. An owner may require an applicant to exclude a household member when that member's past or current actions would prevent the household from being eligible.
- b. Drug or alcohol rehabilitation. When screening applications, an owner may consider whether the appropriate household member has completed a supervised drug or alcohol rehabilitation program. The owner may require appropriate documentation of the successful completion of a rehabilitation program.
- c. Length of mandatory prohibition. The owner may set a period longer than required by the regulation (as described in subparagraph C.2 above) that prohibits admission to a property for disqualifying behavior. For those behaviors that would result in denial for a "reasonable time," the owner must define a reasonable period in the tenant selection plan.
- d. Reconsideration of previously denied applicants. An owner may reconsider the application of a previously denied applicant if the owner has sufficient evidence that the members of the household are not and have not engaged in criminal activity for a reasonable period of time. The owner must define a reasonable period of time in the tenant selection plan. When the owner chooses to adopt this admission provision, the owner must require the household member to submit documentation to support the reconsideration of the decision which includes:
 - (1) A certification that states that she or he is not currently engaged in such criminal activity and has not engaged in such criminal activity during the specified period.
 - (2) Supporting information from such sources as a probation officer, a landlord, neighbors, social service agency worker or criminal record(s) that were verified by the owner.
- e. Consideration of the circumstances relevant to a particular case. In developing optional screening crite-

ria for a property, and applying the criteria to specific cases, owners may consider all the circumstances relevant to a particular household's case. Such considerations may not be applied to the required screening criteria described in subparagraph C.2 above. These types of circumstances include:

- (1) The seriousness of the offense;
- (2) The effect denying tenancy would have on the community or on the failure of the responsible entity to take action;
- (3) The degree of participation in the offending activity by the household member;
- (4) The effect denying tenancy would have on nonoffending household members;
- (5) The demand for assisted housing by persons who will adhere to lease responsibilities;
- (6) The extent to which the applicant household has taken responsibility and takes all reasonable steps to prevent or mitigate the offending action; and
- (7) The effect of the offending action on the program's integrity.

Sources: HUD Occupancy Handbook Chapter 4: Waiting List and Tenant Selection rev 6/07;
<http://www.lac.org/roadblocks-to-reentry/main.php?view=profile&subaction1=IN>;
personal communication with John Hall from Indiana HUD.

What is the role of the Housing Authority (or Agency)?

An HA is responsible for the management and operation of its local public housing program. They may also operate other types of housing programs.

- (1) On-going functions: (a) Assure compliance with leases. The lease must be signed by both parties; (b) Set other charges (e.g., security deposit, excess utility consumption, and damages to unit); (c) Perform periodic reexaminations of the family's income at least once every 12 months; (d) Transfer families from one unit to another, in order to correct over/under crowding, repair or renovate a dwelling, or because of a resident's request to be transferred; (e) Terminate leases when necessary; and (f) maintain the development in a decent, safe, and sanitary condition.
- (2) Sometimes HAs provide other services, that might include such things as: homeownership opportunities for qualified families; employment training opportunities, and other special training and employment programs for residents; and support programs for the elderly.

Housing Counseling Agencies

Want advice on buying a home, renting, default, foreclosure avoidance, credit issues or reverse mortgages? HUD sponsors housing counseling agencies throughout the country to provide free or low cost advice. A list of Housing Counseling Agencies begins on page 116, or visit http://www.hud.gov/offices/hsg/sfh/hcc/hcs_print.cfm?webListAction=search&searchstate=IN. HUD's interactive voice system can be reached at (800) 569-4287.

Housing Authorities (Agencies) in Indiana

PHA Name	Address	Type
Anderson Housing Authority Phone: (765) 641-2620	528 W 11th Street Anderson IN 46016	Both
Angola Housing Authority Phone: (260) 665-9741	617 N. Williams Street Angola IN 46703	Low-Rent
Bedford Housing Authority Phone: (812) 279-2356	1305 K Street Bedford IN 47421	Both
Knox County Housing Authority Phone: (812) 882-0220	11 Powell Street Tilly Estates Office Bicknell IN 47512	Both
Bloomfield Housing Authority Phone: (812) 384-8866	100 W Main St., Ofc. 801 Bloomfield , IN 47424	Both
Bloomington Housing Authority Phone: (812) 339-3491	1007 N Summitt Street Bloomington IN 47404	Both
Brazil Housing Authority Phone: (812) 446-2517	122 W Jackson Street Brazil IN 47834	Both
Franklin County Housing Authority Phone: (765) 647-4400	309 Main Street PO Box 43 Brookville IN 47012	Section 8
Charlestown Housing Authority Phone: (812) 256-6311	200 Jennings Street Charlestown IN 47111	Both
Columbus Housing Authority Phone: (812) 378-0005	799 McClure Road Columbus IN 47201	Both
Fayette County Housing Authority Phone: (765) 825-4668	326 Central Ave Connersville IN 47331	Section 8
Crawfordsville Housing Authority Phone: (765) 362-2407	220 East Main Street PO Box 421 Crawfordsville IN 47933	Section 8
Decatur Housing Authority Phone: (219)724-7999	214 East Monroe Street Decatur IN 46733	Section 8
East Chicago Housing Authority Phone: (219) 397-9974	4920 Larkspur Dr East Chicago IN 46312	Both
Elkhart Housing Authority Phone: (574) 295-8392	181 N Elkhart Ave. Elkhart , IN 46516	Both
Elwood Housing Authority Phone: (765) 552-2148	1602 South "A" Street Elwood IN 46036	Section 8
Evansville Housing Authority Phone: (812) 428-8500	500 Court Street Evansville IN 47708	Both
Fort Wayne Housing Authority Phone: (260) 449-7800	7315 South Hanna Street Fort Wayne IN 46816	Both

PHA Name	Address	Type
Fremont Housing Authority Phone: (219) 495-2422	3160 Spring Street Fremont IN 46737	Low-Rent
Gary Housing Authority Phone: (219) 881-6422	578 Broadway Gary IN 46402	Both
Goshen Housing Authority Phone: (574) 533-9925	1101 West Lincoln Avenue, Suite 100 Goshen IN 46526	Section 8
Greencastle Housing Authority Phone: (765) 653-8228	309 East Franklin Street Greencastle IN 46135	Section 8
Greendale Housing Authority Phone: (812) 537-0164	489 Ludlow Street Greendale IN 47025	Low-Rent
Greensburg Housing Authority Phone: (812) 663-5169	232 N Broadway St Ste 104 Greensburg, IN 47240	Section 8
Hammond Housing Authority Phone: (219) 989-3265	1402 173rd Street Hammond IN 46324	Both
Huntingburg Housing Authority Phone: (812) 683-2513	1102 Friendship Village Huntingburg IN 47542	Low-Rent
IHCDA Phone: (317)232-7777	30 S. Meridian St. , Suite 1000 Indianapolis IN 46204	Section 8
Indianapolis Housing Agency Phone: (317) 261-7200	1919 North Meridian Street Indianapolis IN 46202	Both
Jasonville Housing Authority Phone: (812) 665-3692	100 North Meridian Street Jasonville IN 47438	Section 8
Jeffersonville Housing Authority Phone: (812) 283-3553	206 Eastern Boulevard Jeffersonville IN 47130	Both
Kendallville Housing Authority Phone: (260) 347-1091	240 Angling Road Kendallville IN 46755	Both
Kokomo Housing Authority Phone: (765) 459-3162	210 E Taylor Street Kokomo IN 46901	Both
Lafayette Housing Authority Phone: (765)771-1300	100 Executive Dr., Suite J PO Box 6687 Lafayette IN 47903	Section 8
Linton Housing Authority Phone: (812) 847-8254	Rural Route 2, Box 680 Linton IN 47441	Both
Logansport Housing Authority Phone: (574)753-4666	719 Spencer Street Suite 100 Logansport IN 46947	Section 8
Marion Housing Authority Phone: (765) 664-5194	601 S Adams Street Marion IN 46953	Both
Michigan City Housing Authority Phone: (219) 872-7287	621 E Michigan Boulevard Michigan City IN 46360	Both

PHA Name	Address	Type
Mishawaka Housing Authority Phone: (574) 258-1658	120 E Battell St. Mishawaka , IN 46545	Both
Mount Vernon Housing Authority Phone: (812) 838-6356	1500 Jefferson Street Mt Vernon IN 47620	Both
Muncie Housing Authority Phone: (765) 288-9242	409 E 1st Street Muncie IN 47302	Both
Delaware County Housing Authority Phone: (765) 284-3801	2401 S Haddix Avenue Muncie IN 47302	Both
New Albany Housing Authority Phone: (812) 948-2319	300 Erni Avenue New Albany IN 47151	Both
New Castle Housing Authority Phone: (765) 529-1517	274 S 14th Street New Castle IN 47362	Both
Noblesville Housing Authority Phone: (317)773-5110	320 Kings Lane Noblesville IN 46060	Section 8
Jennings County Housing Authority Phone: (812) 346-4070	c/o Jennings County Economic Dev. Comm. 201 Hoosier Street North Vernon IN 47265	Section 8
Peru Housing Authority Phone: (765) 473-6601	701 E Main Street Peru IN 46970	Both
Marshall County Housing Authority Phone: (219) 936-1835	310 North Michigan Street, Suite 104 Plymouth IN 46563	Section 8
Portland Housing Authority Phone: (260)726-9395	321 North Meridian Street Portland IN 47371	Section 8
Richmond Housing Authority Phone: (765) 966-2687	58 S 15th Street Richmond IN 47374	Both
Fulton County Housing Authority Phone: (574) 223-2733	824 Main Street PO Box 564 Rochester IN 46975	Section 8
Rockport Housing Authority Phone: (812) 649-4533	Washington Rockport IN 47635	Low-Rent
Rockville Housing Authority Phone: (765) 569-3639	107 West High Street PO Box 88 Rockville IN 47872	Section 8
Rome City Housing Authority Phone: (260) 854-4122	500 Front Street PO Box 415 Rome City IN 46784	Both
Sellersburg Housing Authority Phone: (812) 246-5677	316 East Utica Sellersburg IN 47172	Section 8
Seymour Housing Authority Phone: (812) 524-2152	309 N. Chestnut St. PO Box 822 Seymour IN 47274	Section 8

PHA Name	Address	Type
Housing Authority of South Bend Phone: (574) 235-9346	501 Alonzo Watson Drive South Bend IN 46601	Both
St. Joseph County Housing Authority Phone: (574) 233-9305	c/o Housing Assistance Office 1138 Lincolnway E., PO Box 1558 South Bend IN 46634	Section 8
Sullivan Housing Authority Phone: (812) 268-4600	200 N Court Street Sullivan IN 47882	Both
Tell City Housing Authority Phone: (812) 547-8581	1648 10th Street Tell City IN 47586	Both
Cannelton Housing Authority Phone: (812) 547-3435	c/o Lincoln Hills Development Corp. 302 Main Street, PO Box 336 Tell City IN 47586	Section 8
Terre Haute Housing Authority Phone: (812) 232-1381	1 Dreiser Square Terre Haute IN 47807	Both
Union City Housing Authority Phone: (765) 964-4544	303 Fletcher Avenue Union City IN 47390	Section 8
Vincennes Housing Authority Phone: (812) 882-5494	501 Hart Street Vincennes IN 47591	Both
Warsaw Housing Authority Phone: (574) 269-7641	827 South Union Street, Suite 230 Warsaw IN 46580	Section 8
Washington Housing Authority Phone: (812) 254-1596	520 S.E.. Second Street Washington IN 47501	Low-Rent

Housing Counseling Agencies

Agency Name	Phone Toll-Free Fax Number Email	Address	Counseling Services	Languages	Affiliation
MOMENTIVE CCCS - ANDERSON BRANCH	P: (866) 722-9248 T: (866) 722-9248 F: (317) 266-1315 E: mortgagehelp@momentive.org W: www.momentive.org	931 Meridian Plaza, Suite 704 Anderson, 46016	<ul style="list-style-type: none"> - Fair Housing Assistance - Home Improvement and Rehabilitation Counseling - Homebuyer Education Programs - Loss Mitigation - Marketing and Outreach Initiatives - Mobility and Relocation Counseling - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Predatory Lending - Prepurchase Counseling - Renters Assistance - Services for Homeless 	- English Only	MOMENTIVE CONSUMER CREDIT COUNSELING SERVICE
CITY OF BLOOMINGTON	P: (812) 349-3401 T: F: (812) 349-3582 E: simsd@bloomington.in.gov W: www.bloomington.in.gov/hand	401 N Morton St P.O. Box 100, Bloomington, 47402	<ul style="list-style-type: none"> - Homebuyer Education Programs - Loss Mitigation - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Prepurchase Counseling - Renters Assistance - Services for Homeless 	- English Only	
MOMENTIVE CCCS - BLOOMINGTON BRANCH	P: (866) 722-9248 T: (866) 722-9248 F: (317) 266-1315 E: mortgagehelp@momentive.org W: www.momentive.org	205 N. College, Suite 014 Bloomington, 47404	<ul style="list-style-type: none"> - Fair Housing Assistance - Home Improvement and Rehabilitation Counseling - Homebuyer Education Programs - Loss Mitigation - Marketing and Outreach Initiatives - Mobility and Relocation Counseling - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Predatory Lending - Prepurchase Counseling - Renters Assistance - Services for Homeless 	- English Only	MOMENTIVE CONSUMER CREDIT COUNSELING SERVICE
MOMENTIVE CCCS - COLUMBUS BRANCH	P: (866) 722-9248 T: (866) 722-9248 F: (317) 266-1315 E: mortgagehelp@momentive.org W: www.momentive.org	1531 13th St., Suite 1360 Columbus, 47201	<ul style="list-style-type: none"> - Fair Housing Assistance - Home Improvement and Rehabilitation Counseling - Homebuyer Education Programs - Loss Mitigation - Marketing and Outreach Initiatives - Mobility and Relocation Counseling - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Predatory Lending - Prepurchase Counseling - Renters Assistance - Services for Homeless 	- English Only	MOMENTIVE CONSUMER CREDIT COUNSELING SERVICE
HARRISON COUNTY COMMUNITY SERVICES, INC.	P: (812) 738-8143 T: F: (812) 738-8146 E: pdunn@portative.net W: www.hccsi.net	101 Highway 62 W PO Box 308 Corydon, 47112	<ul style="list-style-type: none"> - Homebuyer Education Programs - Loss Mitigation - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Prepurchase Counseling - Services for Homeless 	- English - Spanish	

Agency Name	Phone Toll-Free Fax Number Email Website	Address	Counseling Services	Languages	Affiliation
CATHOLIC CHARITIES, ARCHDIOCESE OF GARY	P: (219) 879-9312 T: F: (219) 879-9073 E: mmcpherson@catholic-charities.org W: www.catholic-charities.org	176 S. West Street Crown Point, 46307	- Fair Housing Assistance - Homebuyer Education Programs - Loss Mitigation - Marketing and Outreach Initiatives - Mobility and Relocation Counseling - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Predatory Lending - Renters Assistance - Services for Homeless	- English - Spanish	CATHOLIC CHARITIES USA
LAKE COUNTY COMMUNITY ECONOMIC DEVELOPMENT DEPT.	P: (219) 755-3231 T: F: (219) 736-5925 E: hooks@lakecountyin.com W: n/a	2293 N Main Street Crown Point, 46307-1885	- Home Improvement and Rehabilitation Counseling - Homebuyer Education Programs - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Prepurchase Counseling - Renters Assistance - Services for Homeless	- English - Polish - Spanish - Others	
GREENPATH, INC.	P: (800) 550-1961 T: (888) 860-4167 F: (574) 293-0365 E: SBriggs@greenpath.com W: www.greenpath.com	500 N. Nappanee St. 7A Elkhart, 46514	- Fair Housing Assistance - Homebuyer Education Programs - Loss Mitigation - Marketing and Outreach Initiatives - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Prepurchase Counseling - Renters Assistance - Services for Homeless	- English - Spanish	GREENPATH , INC
HOUSING AUTHORITY, CITY OF ELKHART	P: (574) 295-8392-225 T: F: (574) 293-0580 E: kenyak@ehai.org W: ehai.org	1396 Benham Ave Elkhart, 46516-3341	- Mortgage Delinquency and Default Resolution Counseling - Prepurchase Counseling - Renters Assistance	- English	
COMMUNITY ACTION PROGRAM OF EVANSVILLE & VANDERBURGH COUNTY, INC	P: (812) 425-4241-3952 T: (800) 862-2586 F: (812) 425-4255 E: weathers@capeevansville.org W: www.capeevansville.org	27 Pasco Avenue Evansville, 47713	- Fair Housing Assistance - Home Improvement and Rehabilitation Counseling - Homebuyer Education Programs - Marketing and Outreach Initiatives - Mobility and Relocation Counseling - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Predatory Lending - Prepurchase Counseling - Renters Assistance - Services for Homeless	- English - Spanish	
HOPE OF EVANSVILLE, INC	P: (812) 423-3169 T: (888) 525-4673 F: (812) 424-2848 E: office@hopein.com W: www.hopein.com	608 Cherry St Evansville, 47713-1808	- Homebuyer Education Programs - Loss Mitigation - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Prepurchase Counseling	- English Only	

Agency Name	Phone Toll-Free Fax Number Email Website	Address	Counseling Services	Languages	Affiliation
MOMENTIVE CCCS - EVANSVILLE BRANCH	P: (866) 722-9248 T: (866) 722-9248 F: (812) 424-9050 E: mortgagehelp@momentive.org W: www.momentive.org	715 N. First Avenue Evansville, 47710	- Fair Housing Assistance - Home Improvement and Rehabilitation Counseling - Homebuyer Education Programs - Loss Mitigation - Marketing and Outreach Initiatives - Mobility and Relocation Counseling - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Predatory Lending - Prepurchase Counseling - Renters Assistance - Services for Homeless	- English Only	MOMENTIVE CONSUMER CREDIT COUNSELING SERVICE
CCCS OF NORTH- EASTERN INDIANA (MAIN OFFICE)	P: (260) 432-8200-3307 T: (800) 432-0420 F: (260) 432-7415 E: hashcraft@financialhope.org W: www.financialhope.org	4105 W. Jefferson Blvd PO Box 11403 Fort Wayne, 46858	- Homebuyer Education Programs - Loss Mitigation - Marketing and Outreach Initiatives - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Prepurchase Counseling - Renters Assistance - Services for Homeless	- English - Spanish	NATIONAL FOUNDATION FOR CREDIT COUNSELING, INC.
FORT WAYNE URBAN LEAGUE, INC.	P: (260) 745-3100-33 T: F: (260) 745-0405 E: pmcgee@fwurbanleague.org W: www.FWUrbanLeague.org	2135 S. Hanna St. Fort Wayne, 46803	- Mortgage Delinquency and Default Resolution Counseling - Prepurchase Counseling - Renters Assistance	- English Only	NATIONAL URBAN LEAGUE
HOUSING AUTHORITY OF THE CITY OF FORT WAYNE, INDIANA	P: (260) 449-7725-275 T: F: (260) 449-7657 E: mmorris@fwaha.org W: www.fwaha.org	7315 Hanna Street P. O. Box 13489 Fort Wayne, 46869	- Fair Housing Assistance - Homebuyer Education Programs - Loss Mitigation - Marketing and Outreach Initiatives - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Predatory Lending - Prepurchase Counseling - Renters Assistance - Services for Homeless	- English Only	
LACASA OF GOSHEN, INC.	P: (574) 533-4450-41 T: F: (574) 533-4399 E: Amyjo.kennedy@lacasagoshen.org W: www.lacasagoshen.org	202 North Cottage Avenue Goshen, 46528-4399	- Fair Housing Assistance - Home Improvement and Rehabilitation Counseling - Homebuyer Education Programs - Loss Mitigation - Marketing and Outreach Initiatives - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Predatory Lending - Prepurchase Counseling	- English - Spanish	NEIGHBORHOOD REINVESTMENT CORPORATION

Agency Name	Phone Toll-Free Fax Number Email Website	Address	Counseling Services	Lan- guages	Affiliation
HOUSING AUTHORITY OF THE CITY OF HAMMOND	P: (219) 989-3265-310 T: F: (219) 989-3275 E: housingcounselor@sbcglobal.net W: www.hammondhousing.org	1402 173rd Street Hammond, 46324-2831	<ul style="list-style-type: none"> - Home Improvement and Rehabilitation Counseling - Homebuyer Education Programs - Loss Mitigation - Marketing and Outreach Initiatives - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Prepurchase Counseling - Renters Assistance - Services for Homeless 	- English - Spanish	
NORTHWEST INDIANA REINVEST- MENT ALLIANCE	P: (219) 931-9300 T: F: (219) 933-0499 E: jeanish@aol.com W: www.NWIRA.org	5948 Hohman Ave. Hammond, 46320	<ul style="list-style-type: none"> - Fair Housing Assistance - Loss Mitigation - Mortgage Delinquency and Default Resolution Counseling 	- English - Spanish	THE NATIONAL COMMUNITY REINVESTMENT COALITION, INC.
PATHFINDER SERVICES INC.	P: (800) 310-9510 T: (800) 310-9510 F: (260) 356-1568 E: jbaumgar@pathfinderservices.org W:		<ul style="list-style-type: none"> - Home Improvement and Rehabilitation Counseling - Homebuyer Education Programs - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Prepurchase Counseling 	- English Only	
B & D TRAINING SERVICES	P:(317) 423-9979 T: (866) 394-2874 F: 517-694-7479 E: ljbcho@aol.com W: IndianaHousingCounseling.Com	2002 East 62nd Street Indianapolis, 46220	<ul style="list-style-type: none"> - Fair Housing Assistance - Homebuyer Education Programs - Loss Mitigation - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Prepurchase Counseling 	- English - Spanish	
COMMUNITY ACTION OF GREATER INDIANAPOLIS, INC	P:(317) 396-1786 T: F:(317) 396-1529 E: cshelton@cagi-in.org W: www.cagi-in.org	2445 N Meridian St Indianapolis, 46208- 5731	<ul style="list-style-type: none"> - Mortgage Delinquency and Default Resolution Counseling - Prepurchase Counseling 	- English - Spanish	
INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY	P: (317) 232-7777 T: (800) 872-0371 F: (317) 232-7778 E: sseiwert@ihcda.in.gov W: www.indianahousing.org	30 South Meridian Street, Ste 1000 Indianapolis, 46204	<ul style="list-style-type: none"> - Postpurchase Counseling - Predatory Lending 	- English Only	
INDIANA LEGAL SERVICES	P: (317) 631-9410 T: (800) 869-0212 F: (317) 631-9775 E: W: indianajustice.org	151 North Delaware Street Suite 1800 Indianapolis, 46204	<ul style="list-style-type: none"> - Fair Housing Assistance - Home Improvement and Rehabilitation Counseling - Loss Mitigation - Marketing and Outreach Initiatives - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Predatory Lending - Renters Assistance - Services for Homeless 	- English - Spanish	INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY

Agency Name	Phone Toll-Free Fax Number Email Website	Address	Counseling Services	Languages	Affiliation
INDIANA LEGAL SERVICES	P: (812) 339-7668 T: (800) 822-4774 F: (812) 339-2081 E: marcy.wenzler@ilsj.net W: www.indianajustice.org	Market Square Ctr. 151 N. Delaware, Suite 1800 Indianapolis, 46204	- Fair Housing Assistance - Loss Mitigation - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling	- Arabic - Cambodian - Cantonese - Chinese Mandarin - Creole - Czech - English - Farsi - French - Hindi - Hmong - Indonesian - Korean - Polish - Portuguese - Russian - Spanish - Swahili - Turkish - Ukrainian - Vietnamese - Others	
INDIANAPOLIS NEIGHBORHOOD HOUSING PARTNERSHIP	P: (317) 610-4663 T: F: (317) 610-4600 E: erober@inhp.org W: www.inhp.org	3550 N. Washington Blvd. Indianapolis, IN 46205-3719	- Homebuyer Education Programs - Marketing and Outreach Programs - Mortgage Delinquency and Default Resolution Counseling - Prepurchase Counseling	- English - Spanish	HOUSING PARTNERSHIP NETWORK
INDIANAPOLIS URBAN LEAGUE	P: (317) 693-7603 T: F: (317) 693-7613 E: mrussell@indplsul.org W: www.indplsul.org/	777 Indiana Ave. Indianapolis, 46202-3135	- Fair Housing Assistance - Homebuyer Education Programs - Loss Mitigation - Mortgage Delinquency and Default Resolution Counseling - Prepurchase Counseling - Renters Assistance - Services for Homeless	- English - Spanish	
MOMENTIVE CONSUMER CREDIT COUNSELING SERVICE	P: (317) 266-1300-3018 T: (888) 711-7227 F: (317) 317-3018 E: cpratt@mentive.org W: www.momentive.org	615 N. Alabama St. Suite 134 Indianapolis, 46204-1477	- Fair Housing Assistance - Home Improvement and Rehabilitation Counseling - Homebuyer Education Programs - Loss Mitigation - Marketing and Outreach Initiatives - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Predatory Lending - Prepurchase Counseling - Renters Assistance - Services for Homeless	- English - Spanish	NATIONAL FOUNDATION FOR CREDIT COUNSELING, INC.
NEIGHBORHOOD CHRISTIAN LEGAL CLINIC	P: (317) 429-4131 T: F: (317) 429-4130 E: cdeford@nclegalclinic.org W: www.nclegalclinic.org	3333 N. Meridian St., Suite 201 Indianapolis, 46208	- Homebuyer Education Programs - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Predatory Lending - Prepurchase Counseling - Renters Assistance - Services for Homeless	- English - French - Russian - Spanish	NATIONAL COUNCIL OF LA RAZA

Agency Name	Phone Toll-Free Fax Number Email Website	Address	Counseling Services	Languages	Affiliation
LAFAYETTE NEIGHBORHOOD HOUSING SERVICES, INC	P: (765) 423-1284 T: (877) 910-1284 F: (765) 807-1099 E: mmorse@nhslaf.org W: www.nhslaf.org	20 N. 6th Street Lafayette, 47902	- Fair Housing Assistance - Home Improvement and Rehabilitation Counseling - Homebuyer Education Programs - Loss Mitigation - Marketing and Outreach Initiatives - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Predatory Lending - Prepurchase Counseling - Renters Assistance	- English	NEIGHBORHOOD REINVESTMENT CORPORATION
THE AFFORD- ABLE HOUSING CORPORATION OF MARION, INDIANA	P: (765) 662-1574-104 T: (866) 770-3406 F: (765) 662-1578 E: Jacquie@ahcgrantcounty.com W: www.ahcgrantcounty.com	812 S. Washington St. Marion, 46953	- Home Improvement and Rehabilitation Counseling - Homebuyer Education Programs - Loss Mitigation - Mobility and Relocation Counseling - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Predatory Lending - Prepurchase Counseling - Renters Assistance	- English - Spanish	
CONSUMER CREDIT COUNSELING SERVICE OF NORTHWEST INDIANA	P: (219) 980-4800 T: (800) 982-4801 F: (219) 769-0454 E: dsharp@cccsnwi.org W: www.cccsnwi.org	800 East 86th St., Suite B Merrillville, IN 46410	- Homebuyer Education Programs - Loss Mitigation - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Prepurchase Counseling - Renters Assistance - Services for Homeless	- English - Spanish	
GREENPATH, INC.	P: (888) 860-4167 T: (888) 860-4167 F: E: W: www.greenpath.com	245 W Edison Rd Suite 230 Mishawaka, 46545	- Loss Mitigation - Marketing and Outreach Initiatives - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Prepurchase Counseling - Renters Assistance	- English Only	GREENPATH , INC
HOOSIER UPLANDS ECONOMIC DEVELOPMENT CORPORATION	P: (812) 849-4447 T: (800) 827-2219 F: (812) 849-0627 E: ahopper@hoosieruplands.org W: www.huedc66@hoosieruplands.org	500 W Main St Mitchell, 47446-1410	- Fair Housing Assistance - Loss Mitigation - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Renters Assistance	- English Only	
MUNCIE HOME OWNERSHIP AND DEVELOP- MENT CENTER	P:(765) 282-6656 T: F: (765) 282-8391 E: munciehomecenter@aol.com W: .munciehomecenter.com	300 S. Walnut St. Muncie, 47305	- Homebuyer Education Programs - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Prepurchase Counseling	- ASL - English	

Agency Name	Phone Toll-Free Fax Number Email Website	Address	Counseling Services	Languages	Affiliation
MOMENTIVE CCCS - MUNCIE BRANCH	P: (866) 722-9248 T: (866) 722-9248 F: (317) 266-1315 E: mortgahelp@momentive.org W: www.momentive.org	2803 N. Oakwood Muncie, 47304	- Fair Housing Assistance - Home Improvement and Rehabilitation Counseling - Homebuyer Education Programs - Loss Mitigation - Marketing and Outreach Initiatives - Mobility and Relocation Counseling - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Predatory Lending - Prepurchase Counseling - Renters Assistance - Services for Homeless	- Spanish	MOMENTIVE CONSUMER
CCCS OF THE MIDWEST	P: (800) 355-2227 T: (800) 355-2227 F: 614-552-4800 E: info@cccservices.com W: www.cccservices.com	3602 Northgate Ct, Ste 37a New Albany, 47150	- Marketing and Outreach Initiatives - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling	- English Only	CCCS OF THE MIDWEST
NEW ALBANY-FLOYD COMMUNITY HOUSING DEVELOPMENT ORGANIZATION	P: (812) 945-1866 T: F: (812) 945-1868 E: chdo1@att.net W: NACommunityhousing.blogspot.com	802 Linden Meadows Ct. PO Box 1492 New Albany, 47150	- Fair Housing Assistance - Homebuyer Education Programs - Money Debt Management - Postpurchase Counseling - Prepurchase Counseling	- English	
GRACEWORKS LUTHERAN SERVICES / CCCS OF THE MIAMI VALLEY	P: (800) 377-2432 T: (800) 377-2432 F: (937) 643-9970 E: msheils@graceworks.org W: www.cccsmv.org	2727 E Main St Richmond, 47374	- Homebuyer Education Programs - Loss Mitigation - Marketing and Outreach Initiatives - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Prepurchase Counseling - Renters Assistance - Services for Homeless	- English Only	GRACEWORKS LUTHERAN SERVICES/ CCCS OF THE MIAMI VALLEY
CITY OF SOUTH BEND	P: (574) 235-9475 T: F: (574) 235-9469 E: pmeyer@southbendin.gov W: www.southbendin.gov	224 W. Jefferson Blvd., Ste. 100 South Bend, 46601	- Homebuyer Education Programs - Loss Mitigation - Mobility and Relocation Counseling - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Prepurchase Counseling	- English - Spanish	
LINCOLN HILLS DEVELOPMENT CORPORATION	P: (812) 547-3435 T: (800) 467-1435 F: (812) 547-3466 E: larry@lhdc.org W: www.LHDC.Dubois.net	302 Main St P.O. Box 336 Tell City, 47586-0336	- Mortgage Delinquency and Default Resolution Counseling - Prepurchase Counseling - Renters Assistance	- English Only	

Agency Name	Phone Toll-Free Fax Number Email Website	Address	Counseling Services	Languages	Affiliation
MOMENTIVE CCCS - TERRE HAUTE BRANCH	P: (866) 722-9248 T: (866) 722-9248 F: (317) 266-1315 E: mortgagehelp@momentive.org W: www.momentive.org	#30 Kenbel Plaza 1400 E. Pugh Drive, Suite 105 Terre Haute, 47803-	- Fair Housing Assistance - Home Improvement and Rehabilitation Counseling - Homebuyer Education Programs - Loss Mitigation - Marketing and Outreach Initiatives - Mobility and Relocation Counseling - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Predatory Lending - Prepurchase Counseling - Renters Assistance - Services for Homeless	- English Only	MOMENTIVE CONSUMER CREDIT COUNSELING SERVICE
HOUSING OPPORTUNITIES, INC	P: (219) 548-2800 T: F: (219) 548-2807 E: cshook@housing-opportunities.com W: www.Housing-opportunities.com	954 Eastport Centre Drive, Suite A Valparaiso, 46383	- Homebuyer Education Programs - Loss Mitigation - Marketing and Outreach Initiatives - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Prepurchase Counseling - Renters Assistance - Services for Homeless	- English	
SOUTHEASTERN INDIANA COMMUNITY PRESERVATION & DEVELOPMENT CORPORATION	P: (812) 689-5505 T: F: (812) 689-3526 E: susan.craig@sirpc.org W:	405 W. US 50 Versailles, 47042	- Homebuyer Education Programs - Loss Mitigation - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Prepurchase Counseling	- English - Spanish	
SOUTHERN INDIANA HOME- OWNERSHIP INC	P: (812) 895-4875 T: F: (812) 895-4876 E: kmtodd@cinergymetro.net W: www.sihome.org	622 S. 11th Street Vincennes, 47591	- Fair Housing Assistance - Home Improvement and Rehabilitation Counseling - Homebuyer Education Programs - Loss Mitigation - Marketing and Outreach Initiatives - Mobility and Relocation Counseling - Money Debt Management - Postpurchase Counseling - Predatory Lending - Prepurchase Counseling - Renters Assistance	- English Only	
CCCS OF NORTHEASTERN INDIANA (WARSAW BRANCH)	P: (800) 432-0420 T: (800) 432-0420 F: (574) 269-3995 E: W:	850 N. Harrison Warsaw, 46580	- Homebuyer Education Programs - Loss Mitigation - Marketing and Outreach Initiatives - Money Debt Management - Mortgage Delinquency and Default Resolution Counseling - Postpurchase Counseling - Prepurchase Counseling - Renters Assistance - Services for Homeless	- English Only	CCCS OF NORTHEASTERN INDIANA (MAIN OFFICE)

Additional housing resources

Center for the Homeless

The Center for the Homeless is a non-profit corporation that houses over 140 guests each night. It provides 80 beds for single men, 25 beds for single women, and 15 apartments for families. The Center also offers comprehensive services, including classes on personal development and work placement.

813 S. Michigan
South Bend, IN 46601
Phone: 219-282-8700
Fax: 219-287-5023
Email: cfh@skyenet.net

Coalition for Homelessness Intervention & Prevention of Greater Indianapolis (CHIP)

The goal of CHIP is to develop a sustainable, integrated homeless service system that addresses both prevention and intervention needs and is coordinated with other programs and providers such as community centers and employment programs. CHIP is not a direct service provider. It acts as a community planner, convener, broker, advocate, trainer and resource developer to help build a stronger, more coordinated system of homeless services in Indianapolis, Marion County, Indiana.

960 East Washington Street, Suite 200B
Indianapolis, IN 46202
Phone: 317-630-0853
Fax: 317-630-0856
E-mail: C.H.I.P.@trader.com
Dan Shepley, Executive Director

Haven House Services, Inc.

Haven House Services is a service provider for emergency, transitional, and outreach services as well as a strong advocacy organization.

Barbara Anderson
P.O. Box 1544
Jeffersonville, IN 47130
Ph. 812-284-3373 x105
Email: barbanderson_1@yahoo.com

Partners in Housing Development Corporation

Partners in Housing works to develop affordable supportive housing.

630 North College Avenue, Suite 302
Indianapolis, IN 46204
Phone: 317-633-1861
Fax: 317-633-1862
Frank Hagaman, President
Email: partners@inetdirect.net

Social Security Administration

SSA manages two programs that provide benefits based on disability or blindness, the Social Security Disability Insurance (SSDI) program and the Supplemental Security Income (SSI) program.

Social Security Disability Insurance Program (SSDI)

SSDI is an earned entitlement that enables former workers, who due to a disability are unable to work, to receive monthly cash benefits and Medicare insurance. SSDI benefits are paid after the first day of the month and are for the previous month. Another name for this same benefit is Disability Insurance Benefit (DIB).

Effect of incarceration on SSDI and Medicare

Upon incarceration, SSDI payments may continue for a period of time, though the SSDI rules are different from the SSI rules. A person usually can receive SSDI benefits until he or she has been convicted of a criminal offense and spent 30 consecutive days in jail or prison. This means that SSDI eligibility will stop after 30 days of incarceration after a conviction, no matter what day of the month the person was arrested. For example, if a person was arrested on January 31 and went to jail, but was convicted on March 3 and remained in jail or prison, SSDI eligibility would stop on April 2. He or she would be eligible for the SSDI payment that comes in April because it is for March. However, the person would not be eligible for additional SSDI payments until he or she has been released from prison for an entire calendar month.

A person's Medicare generally does not cover medical expenses while he or she is in jail or prison. Since Medicare Part B premiums are withheld from SSDI payments, often an incarcerated person will lose Medicare Part B coverage unless he or she continues to pay premiums directly to Medicare after SSDI payments stop.

Supplemental Security Income Program (SSI)

SSI is a federal program that provides monthly payments to aged, blind, and disabled individuals (including children) who have limited income and resources. SSI payments are made on the first day of the month and are for the current month.

Effect of incarceration on SSI

Upon incarceration, SSI disability payments may continue for a period of time: how long depends on the date a person was incarcerated. A person usually is eligible for SSI payments until he or she has been in jail or prison for a full calendar month - from the first moment through the last moment of a month. For example, if a person went to jail or prison on March 2 and remained incarcerated on May 1, SSI eligibility would continue during March. April would be the first full calendar month the person is incarcerated, so SSI eligibility would end March 31. On the other hand, if the person went to jail or prison on February 29 and remained incarcerated on April 1, SSI eligibility would end March 1 because he or she was incarcerated the full month of March.

Concurrent entitlements

Social Security uses the term “concurrent” to describe individuals who are eligible for disability benefits under both the SSDI and SSI programs.

Effect of incarceration on concurrent entitlements

If a person receives both monthly SSI and SSDI payments, SSDI payments will stop after 30 days of incarceration following conviction, but SSI will continue until he or she has been in jail or prison for a full calendar month (see the SSI and SSDI explanations above). So, if a person was incarcerated on March 3 and remained in prison or jail on May 1, for example, his or her SSDI eligibility would stop April 2, but SSI eligibility would stop March 31 since the person was incarcerated the entire month of April.

Reinstatement of entitlements following incarceration

A person’s SSI or SSDI benefits generally can be restored after he or she is released from jail or prison. A person will receive payments for any month that he or she is eligible. However, payments may be delayed, depending on when a person contacts the Social Security Administration for reinstatement of benefits and how long it takes to process the benefits.

Upon release from prison or jail, a person should visit a Social Security office to request reinstatement of benefits. If he or she previously received SSDI benefits, generally benefits will be reinstated effective for the first full calendar month the person is out of prison or jail. He or she may qualify for SSI payments until the SSDI payments start if all SSI eligibility requirements are met. An application for SSI would be required. If a person previously received SSI payments generally they will be reinstated, without reapplying, if they were stopped less than 12 months in a row. If they were stopped 12 or more months in a row, a person usually will need to reapply for SSI. Often the SSI application process can begin within 90 – 120 days prior to release from prison if the prison or jail has a Pre-Release Agreement with the Social Security Administration. Soon-to-be released prisoners should contact the prison’s re-entry coordinator for more information about this.

For Medicare, once a person is released from jail/prison, he or she should notify the Social Security Administration as well as Medicare’s Coordination of Benefits contractor at 1-800-999-1118 and provide his or her release date, address, and the name of any other medical insurance coverage since Medicare may be secondary payer to the other insurance. This is needed regardless of whether or not the person is receiving SSDI cash benefits. If a person lost Medicare Part B while incarcerated, he or she may re-enroll during the next Medicare general enrollment period.

In order to calculate a person’s SSI benefit, Social Security will need to know the individual’s income, any resources he or she has, and living arrangements. Social Security will also need to know the date of release. Upon release, the person will need to go to a Social Security office with identification, his or her address, and documentation from the jail or prison stating his or her release date.

If a person receives SSDI, he or she usually remains on the rolls during his or her jail or prison term, no matter how long it is, even though the checks stop. However, the person will need to request reinstatement of cash benefits upon release.

Upon release, a person will need to go to a Social Security office with identification, his or her address, and documentation from the jail or prison stating his or her release date.

Work incentives

One of the Social Security Administration's (SSA) highest priorities is to support the efforts of disabled beneficiaries who want to work by developing policies and services to help them reach their employment goal. To that end, the Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) programs include a number of employment support provisions commonly referred to as work incentives.

For more information on Social Security's work incentive programs, visit <http://www.ssa.gov/work>.

Work Incentive, Planning and Assistance (WIPA)

The Ticket to Work and Work Incentives Improvement Act of 1999 directed Social Security to establish a community-based work incentives planning and assistance program for the purpose of disseminating accurate information related to work incentives. Social Security has established a program of grants, cooperative agreements or contracts to provide work incentives planning and assistance, including the availability of protection and advocacy services, and outreach.

ASPIRE Indiana Behavioral Health System (formerly known as The Center for Mental Health) was awarded a grant from the Social Security Administration to provide a staff of Community Work Incentive Coordinators (CWICs) to provide work incentive planning, assistance, and outreach services to individuals currently receiving Social Security benefits in the northern and central portions of the state. Southern Indiana Resource Solutions (SIRS) was awarded a grant from the Social Security Administration to provide the same services in the southern portion of the state.

The program, called "Indiana Works" can help reduce or eliminate the fear of losing cash benefits associated with the attempt to work by helping beneficiaries to make informed decisions about employment. Work incentive counseling appointments may be scheduled at a public location near the individual's home, or held by phone, at a convenient time for both the individual and the CWIC. There is no charge to the individual for work incentive counseling. For more information or to set up an appointment, call the toll free number for your area on the map. An Intake Specialist will then contact the individual to answer questions and/or set an appointment.

For more information about WIPA services visit <http://www.sectcenter.org/documents/Indiana%20Works%20Brochure.pdf>.

Benefits Information Network (BIN)

The Benefits Information Network is a network of professionals who know and understand work incentives and can gather information about beneficiaries' employment, benefits, and available work incentives, ensure work incentives are supported over time with beneficiaries who are VRS customers, and increase the identification and implementation of work incentives for beneficiaries. They can provide assistance to vocational rehabilitation customers served through their agencies and meet the needs of incorporating work incentives into their vocational planning. This project is supported and funded by Vocational Rehabilitation Services.

For more information about BIN services visit <http://www.iidc.indiana.edu/index.php?pageId=70>.

Comparison of the SSDI and SSI disability programs

The SSDI and SSI programs share many concepts and terms, however, there are also many, very important differences in the rules affecting eligibility and benefit payments. The following table summarizes differences between the SSDI and SSI programs. These differences are important as many individuals may apply or be eligible for benefits under both programs.

	Social Security Disability Insurance (SSDI)	Supplemental Security Insurance (SSI)
Source of payments	Disability trust fund	General tax revenues
Minimum Initial Qualification Requirements	<ul style="list-style-type: none"> • Must meet SSA's disability criteria • Must be "insured" due to contributions made to FICA based on your own payroll earnings, or those of the spouse or parents. 	<ul style="list-style-type: none"> • Must meet SSA's disability criteria • Must have limited income and resources
Health Insurance Coverage Provided	Medicare. Consists of hospital insurance (Part A), supplementary medical insurance (Part B), and Medicare Advantage (Part C). Voluntary prescription drug benefits (Part D) are also included. Title XVIII of the Social Security Act authorizes Medicare.	May be eligible for Medicaid. Medicaid is a jointly funded, Federal-State health insurance program for low-income and needy individuals. It covers certain children, some or all of the aged, blind, and/or disabled in a State who are eligible to receive Federally assisted income maintenance payments. Title XIX of the Social Security Act authorizes Medicaid.
How does SSA figure the monthly payment amount?	<p>SSA bases the SSDI monthly payment amount on the worker's lifetime average earnings covered by Social Security. SSA may reduce the amount if you receive Workers' Compensation payments (including Black Lung payments) and/or public disability benefits, for example, certain State and civil service disability benefits. Other income or resources do not affect the payment amount.</p> <p>The monthly payment amount is adjusted each year to account for cost-of-living changes.</p>	<p>To figure the payment amount, SSA starts with the Federal Benefit Rate (FBR) and subtracts countable income. SSA does not count all the income that an individual has. The income amount left after SSA makes all the allowable deductions is "countable income." Certain SSI employment supports exclude certain types of income from countable income.</p> <p>The FBR is adjusted each year to account for cost-of-living changes.</p>
Is a State Supplemental Payment provided?	There is no State Supplemental payment with the SSDI program.	There is no State Supplemental payment in Indiana.

Social Security Administration Contact Information for Indiana by District

District	Phone	Address
Anderson	Local Number (765) 644-8885 Toll-Free 1-800-772-1213 TTY(765) 644-7658	117 S. Scatterfield Rd. Anderson, 46012
Auburn	Local Number (260) 925-1655 Toll-Free 1-800-772-1213 TTY (260) 927-7250	1240 S. Grandstaff Auburn, 46706
Bloomington	Local Number (812) 334-4222 Toll-Free 1-800-772-1213 TTY (812) 334-4220	555 W. Patterson Dr. Bloomington, 47401
Columbus	Toll-Free 1-800-772-1213 TTY 1-800-325-0778	2535 Arnold St. Columbus, 47203
Crawfordsville	Local Number (765) 361-8901 Toll-Free 1-800-772-1213 TTY (765) 361-8950	1515 S. Grant Ave. Crawfordsville, 47933
Elkhart	Local Number (574) 294-5667 Toll-Free 1-800-772-1213 TTY (574) 296-7524	231 Waterfall Dr. Elkhart, 46516-2799
Evansville	Local Number (812) 421-1303 Toll-Free 1-800-772-1213 TTY (812) 424-7894	1708 N. Spring St. Evansville, 47711
Ft. Wayne	Local Number (260) 747-6072 Toll-Free 1-800-772-1213 TTY (800) 325-0778	2122 Lincolnway Ct. Ft. Wayne, 46807
Gary	Local Number (866) 593-2911 Toll-Free 1-800-772-1213 TTY (800) 325-0778	808 S. Lake St. Gary, 46403
Hammond	Local Number (219) 937-5248 Toll-Free 1-800-772-1213 TTY (219) 931-7416	418 E. Douglas St. Hammond, 46320
Indianapolis (Downtown)	Toll-Free 1-800-772-1213 TTY 1-800-325-0778	Federal Building 575 N. Pennsylvania St., Rm. 685 Indianapolis, 46204
Indianapolis (East)	Toll-Free 1-800-772-1213 TTY 1-800-325-0778	5515 N. Post Rd. Indianapolis, 46216
Indianapolis (West)	Toll-Free 1-800-772-1213 TTY 1-800-325-0778	4271 Lafayette Road Indianapolis, 46254
Kokomo	Local Number (765) 455-0181 Toll-Free 1-800-772-1213 TTY (765) 453-6531	353 W. Alto Rd. Kokomo, 46902
Lafayette	Local Number (765) 742-0033 Toll-Free 1-800-772-1213 TTY (765) 742-7494	10 South 2 nd Street Lafayette, 47901

District	Phone	Address
Madison	Local Number (812) 265-6424 Toll-Free 1-800-772-1213 TTY (812) 265-3794	150 Demaree Dr. Madison, 47250
Marion	(Local Number (765) 664-7367 Toll-Free 1-800-772-1213 TTY (765) 668-8631	844 N. Miller Ave. Marion, 46952
Merrillville	Local Number (219) 769-2671 Toll-Free 1-800-772-1213 TTY (219) 769-7976	1838 E. 85 th Ave. Merrillville, 46410
Michigan City	Local Number (219) 879-3351 Toll-Free 1-800-772-1213 TTY (800) 325-0778	636 Pine Street Michigan City, 46360
Muncie	Local Number (765) 747-5548 Toll-Free 1-800-772-1213 TTY (765) 747-5513	600 N. Walnut Muncie, 47305
New Albany	Toll-Free 1-800-772-1213 TTY 1-800-325-0778	3700 Blackiston Blvd. New Albany, 47150
Richmond	Toll-Free 1-800-772-1213 TTY 1-800-325-0778	500 N. A Street Richmond, 47374
South Bend	Local Number (574) 251-3446 Toll-Free 1-800-772-1213 TTY (574) 251-3465	602 S. Michigan St. South Bend, 46601
Terre Haute	Local Number (812) 232-6690 Toll-Free 1-800-772-1213 TTY (812) 234-4916	222 Cherry St. Terre Haute, 47803
Valparaiso	Local Number (219) 464-1015 Toll-Free 1-800-772-1213 TTY (219) 477-1853	3810 Calumet Ave. Valparaiso, 46383
Vincennes	Local Number (812) 886-6881 Toll-Free 1-800-772-1213 TTY (800) 325-0778	606 Veterans Drive Vincennes, 47591

Division of Family Resources

The Division of Family Resources (DFR) provides various tools to strengthen families through services that focus on prevention, early intervention, self-sufficiency, family support and preservation. The division administers cash assistance, child care assistance, food stamps, employment and training services for low-income clients as well as Medicaid eligibility throughout the state.

Hoosier Healthwise

Hoosier Healthwise is a health insurance program for Indiana children, pregnant women, and low-income families. Health care is provided at little or no cost to Indiana families enrolled in the program. The enrolled member chooses a doctor to get regular checkups and health care for illnesses. Other health needs such as prescriptions, dental care, vision care, family planning services, and mental health services are also available as part of the Hoosier Healthwise program. Call 1-800-889-9949 to get information about the Hoosier Healthwise program.

Eligibility

- Based on family income, children up to age 19 may be eligible for premium-free coverage, or low-cost coverage under the Children's Health Plan - Benefit Package C (www.in.gov/fssa/ompp/2545.htm). For package C, monthly premiums range from \$22 to \$53 for one child, and \$33 to \$70 for two or more children.
- Pregnant women can be eligible for full coverage under Package A, or for pregnancy-related coverage under Package B, depending on family income and assets.
- Low-income families can be eligible for Hoosier Healthwise Package A, if there are children under the age of 18 living with their parent(s) or other caretaker relative. Young adults 18, 19, and 20 who live with a caretaker relative who meets the financial requirements can be covered; however their caretaker relative is not eligible.

How to apply

If the person's family may be eligible for Hoosier Healthwise, the best way to find out is to apply. The person can apply in person or by mail. Below is information on how to apply for Hoosier Healthwise for Low Income Families:

- Contact the local Department of Family Resources office in the county where the person lives (visit <http://www.in.gov/fssa/dfrr/2999.htm> for a list of DFR office locations).
- The Application for Food Stamps, Cash Assistance, and Health Coverage can be downloaded and printed from the DFR forms page at <http://www.in.gov/fssa/ompp/3000.htm>.
- For more information on how to apply, visit <http://www.in.gov/fssa/ompp/2998.htm>.

Healthy Indiana Plan (HIP)

Covered services include: physician services, prescriptions, diagnostic exams, home health services, outpatient hospital, inpatient hospital, hospice, preventive services, family planning, and case and disease management. Mental health coverage is also included and is similar to coverage for physical health, and includes substance abuse treatment, inpatient, outpatient, and prescription drugs.

Eligibility

The Healthy Indiana Plan (HIP) will provide health insurance for uninsured adult Hoosiers between 19 - 64 whose household income is between 22 - 200% of the federal poverty level (FPL), who are not eligible for Medicaid. Eligible participants must be uninsured for at least 6 months and cannot be eligible for employer-sponsored health insurance.

How to apply

In addition to printing applications from the internet, applications may also be picked up at various community organizations participating in the V-CAN network, Hoosier Healthwise Enrollment Centers, and the local Division of Family Resources (DFR) office. To find the nearest location or to have an application mailed, call toll-free at 1-877-GET-HIP-9 (1-877-438-4479). Applicants can download and print applications from the internet at <http://www.in.gov/fssa/hip/2332.htm>. Completed applications can be submitted to the following address: FSSA Document Center, PO Box 1630, Marion, IN 46952.

For more information, please contact FSSA by filling out the FSSA Contact Form available at <http://www.in.gov/fssa/2404.htm> (please specify "HIP Inquiries" for how the inquiry should be directed) or call toll free: 877-GET-HIP-9.

HIP or other Health Coverage Program - which one am I eligible for?

Indiana residents under the age of 65 who are blind or disabled may be eligible to receive health coverage under Indiana's Medicaid program. A person who is determined by the State Medicaid Medical Review Team to be disabled for at least the next 12 months can be eligible for Medicaid if income and asset guidelines are met.

Families with children and pregnant women who meet financial guidelines are eligible for health coverage under Hoosier Healthwise. For example, if the person earns below \$288 a month for a family of three, are a parent or caretaker of a child who lives with the person, and have assets below \$1,000, the applicant may be eligible for our health coverage program without paying a premium or other required monthly payment. Additional benefits are available such as dental and vision services.

The HIP plan covers individuals who do not live with a dependent child, and parents who earn up to approximately \$44,000 annually for a family of four, have been uninsured for six months and do not have access to insurance through their employer. There is no asset test. HIP may require a small monthly fee based on the amount of the person's income. HIP does not cover vision, dental or maternity services.

If the person thinks he or she may be eligible for any of DFR's other health coverage programs for low-income families, pregnant women, persons with disabilities, and persons who are blind, he or she must submit the health coverage application. Find out how to apply at: <http://www.in.gov/fssa/2954.htm>.

Medicaid

Medicaid is a federal/state-funded medical assistance program administered by the Indiana Family and Social Services Administration (FSSA). To be eligible, an individual must have a physical or mental impairment, disease, or loss that appears reasonably certain to last 12 months or more, and that substantially impairs the person's ability to perform labor or services or to engage in a useful occupation. Eligibility is based on:

- age
- work experience
- education
- functional limitations

In addition, an individual must be within certain income and resource limits. For more information or to apply, visit <http://www.in.gov/fssa/2954.htm>.

Medicaid for Employees with Disabilities (MED Works)

MED Works is a program to provide Medicaid coverage to working individuals with disabilities who would otherwise lose or be ineligible for Medicaid coverage. Although MED Works established separate eligibility requirements and a recipient premium structure for those individuals with disabilities who work, it continues to provide the same services and benefits as traditional Medicaid status.

To be eligible for MED Works, an individual must:

- meet the definition of disability,
- be between the ages of 16 and 65,
- be engaged in a substantial and reasonable work effort, and
- have monthly countable income that exceeds the spend-down income standard.

The monthly income standard for MED Works is 350% of the monthly Federal Poverty Guideline (FPG). SSI is not considered income for the purposes of calculating initial or ongoing eligibility.

Premiums are based on the gross monthly income of the recipient and the recipient's spouse as a percentage of the FPG for the applicable marital status (single or married). For the purposes of premium calculation, gross monthly income includes all sources of income (e.g., wages, unearned income, SSI, etc.). Monthly gross income amounts and premium amounts will vary with the FPG. For more information, visit <http://www.in.gov/fssa/ompp/2548.htm>.

Effect of incarceration on Medicaid

Medicaid does not pay for any services while in jail or prison. In Indiana, Medicaid can be suspended during incarceration; however, it is often terminated.

Reinstatement of entitlements following incarceration

To reinstate Medicaid, contact the Division of Family Resources to determine eligibility. Visit <http://www.in.gov/fssa/2954.htm> to find the nearest DFR office.

If a person is convicted of Medicaid Fraud (IC 35-43-5-7.1) he or she is ineligible to receive Medicaid assistance for ten (10) years after the conviction (IC 12-15-2-20).

Temporary Assistance for Needy Families (TANF)

Temporary Assistance for Needy Families (TANF) replaces AFDC (Aid to Families with Dependent Children), formerly known as "welfare". Welfare Reform efforts in Indiana have placed an emphasis on "work first" and "personal responsibility," replacing cash assistance with transitional services that help people gain employment and depend less on public aid.

TANF is a program that provides cash assistance and supportive services to assist the family, helping them achieve economic self-sufficiency.

Eligibility

Families with children under the age of 18 may be eligible for TANF. Financial eligibility is initially determined by the number of eligible family members and their total income. The income is compared to a set standard based upon family size. However, a family may not possess assets valued in excess of \$1,000 at the time application for assistance is made. The house, which is the usual residence, is exempt from asset consideration.

To see if a person or family might qualify for Cash Assistance (TANF), visit <http://www.in.gov/fssa/2954.htm>.

How to apply

To apply for Temporary Assistance for Needy Families, contact the local Division of Family Resources Office in the person's county of residence. The local Office of Family Resources in each of the ninety-two Indiana counties has the responsibility of processing applications, certifying eligible applicants for participation, and issuing benefits. Applications may be taken to the local DFR office, mailed or faxed. A decision will be made to grant or deny assistance within 30 days of the date of application, unless there is a valid reason that prevents the local office from making a decision.

The applicant or recipient must provide the Division of Family Resources (DFR) with accurate and complete information regarding the child(ren), parent(s) and all other household members whose income and needs are to be assessed in order to determine eligibility. In addition, individual members must provide their Social Security numbers, meet state residency, citizenship/alien requirements, employment and child support assignment requirements. Changes in circumstances are to be reported by the recipient to the local DFR office within 10 days of the date the change(s) occurred.

Effect of incarceration on TANF

States have different policies about when they consider someone who is in jail or prison no longer the child's caretaker. Many states continue benefits until a conviction-sometimes longer if the sentence is short. In Indiana, the assistance paid to a dependent child may not be affected by the conviction of a parent or an essential person of the dependent child. If the person was a TANF recipient when arrested, a member of the family should apply to the local office of family resources to have the TANF funds sent to the person who will now be the child's caretaker for a longer sentence.

Supplemental Nutrition Assistance Program (SNAP)

Also known as “food stamps”, the Supplemental Nutrition Assistance Program is a resource offered under the Bureau of Family Resources of FSSA, that supplements the available purchasing dollars of low-income households. The program enables low-income families to buy nutritious food with Electronic Benefits Transfer (EBT) cards. In Indiana, the Family Social Service Agency (FSSA) is responsible for ensuring the federal regulations are initially implemented and consistently applied in each county.

Eligibility

To qualify, applicants and/or households must meet both non-financial and financial requirements:

Non-financial requirements

- state residency,
- citizenship/alien status,
- work registration and cooperation with the IMPACT program.

Financial requirements

- income limits
- asset/resource limits

Special rules for people who are elderly or disabled

A person is defined as **elderly** for food stamp purposes if s/he is age 60 or older.

A person is considered to be **disabled** for food stamp purposes if s/he:

- Receives SSI or SSDI disability or blindness payments; or
- Receives a disability retirement benefit from a governmental agency because of a disability considered permanent under the Social Security Act; or
- Receives a Railroad Retirement annuity and is eligible for Medicare or is considered to be disabled based on the SSI rules; or
- Is a veteran who is totally disabled, permanently housebound, or in need of regular aid and attendance; or
- Is a surviving spouse or child of a veteran who is receiving VA benefits and is considered to be permanently disabled.

People receiving disability benefits are not subject to the work requirements of the basic food stamp rules.

Effect of incarceration on SNAP

A person cannot receive Food Stamps while he or she is in jail or prison.

For additional information on SNAP:

U.S. Dept. of Agriculture (USDA), Food & Nutrition Services
<http://www.fns.usda.gov/fsp>

Reinstatement of TANF and/or SNAP following incarceration

Once a person is released from jail/prison, a person may apply/reapply for Temporary Assistance to Needy Families Program (TANF) and Food Stamps so long as the person has resumed his or her role as caretaker for an eligible child and meets the eligibility requirements. A person may be required to report certain felonies to the Department of Family Resources, which can impact one's entitlements. For reporting requirements, see ICES 3210.25.25.

Under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), TANF and Food Stamps recipients convicted of a drug related felony are ineligible for these programs unless limited by state statute. Generally speaking, Indiana has chosen to modify the TANF penalty to a ten year penalty period from the conviction date, but added no such time limit for Food Stamps. Individuals convicted of a federal or state felony which has as an element of the offense of possession, use, or distribution of a controlled substance and the date of the criminal act has been since 8/22/96 will be ineligible to receive TANF for ten (10) years from the date of the conviction. The convicted individual is not the recipient and is not included in the TANF assistance group size. However, Indiana has recently added two laws that would allow some TANF and Food Stamp recipients up to 12 months of benefits post incarceration.

The first law (IC 12-14-28-3.3) allows individuals with certain drug felonies the opportunity to receive up to 12 months of TANF. Once they've used the 12 months, they will lose TANF for the remainder of the 10 year penalty. This law does not apply to Food Stamps.

The second law (IC 12-14-29) applies to both TANF and Food Stamps. Under this law individuals who have gone through a 'Re-entry Court Program' may receive TANF and or Food Stamps for up to 12 months. There are only two such programs in Indiana. There are no provisions in either law that would allow for an extension of the 12 month limit.

Trustees

Each township in Indiana has a township trustee as administrator of township assistance, responsible for the oversight and care of all poor individuals in the township as long as the individuals remain in the trustee's charge. The township trustee sees that the individuals are properly taken care of in the manner required by law. (IC 12-20-5-2)

Assistance available

Assistance is evaluated and provided on an as-needs basis. Assistance may be available for the following resources:

- Temporary relief to sick persons (IC 12-20-17-3)
- Medical assistance to those in the township who are not provided for in public institutions
 - ⇒ Prescription drugs, not to exceed a thirty (30) day supply at a time, as prescribed by an attending practitioner (as defined in IC 16-42-19-5) other than a veterinarian.
 - ⇒ Office calls to a physician licensed under IC 25-22.5 or another medical provider.
 - ⇒ Dental care needed to relieve pain or infection or to repair cavities.
 - ⇒ Repair or replacement of dentures.
 - ⇒ Emergency room treatment that is of an emergency nature.
 - ⇒ Preoperation testing prescribed by an attending physician licensed under IC 25-22.5
 - ⇒ Over-the-counter drugs prescribed by a practitioner (as defined in IC 16-42-19-5) other than a veterinarian.
 - ⇒ X-rays and laboratory testing as prescribed by an attending physician licensed under IC 25-22.5.
 - ⇒ Visits to a medical specialist when referred by an attending physician licensed under IC 25-22.5.
 - ⇒ Physical therapy prescribed by an attending physician licensed under IC 25-22.5.
 - ⇒ Eyeglasses.
 - ⇒ Repair or replacement of a prosthesis not provided for by other tax supported state or federal programs.
 - ⇒ Insulin and items needed to administer the biological, not to exceed a thirty (30) day supply at a time, in accordance with section 14 of this chapter. However, if the biologicals are available only in a container that contains more than a thirty (30) day supply, the township trustee may pay for the available size.
- Food relief (IC 12-20-16-5, IC12-20-16-9)
- Shelter
- Essential utility services, including the following:
 - ⇒ Water services.
 - ⇒ Gas services.
 - ⇒ Electric services.
 - ⇒ Fuel oil services for fuel oil used for heating or cooking.
 - ⇒ Coal, wood, or liquid propane used for heating or cooking
 - ⇒ The township trustee may authorize the payment of delinquent bills for the services listed above when necessary to prevent the termination of the services or to restore terminated service if the delinquency has lasted not longer than twenty-four (24) months.

Eligibility for assistance

A township trustee, as administrator of township assistance, 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. A township trustee may not provide to an individual medical assistance under the township assistance program if the individual could qualify for medical assistance for the same service under:

- (1) IC 12-16;
- (2) Medicaid;
- (3) other governmental medical programs; or
- (4) private health insurance that would cover the individual at the time the assistance was provided. However, if the individual's insurance does not pay for the medical assistance due to a policy deductible or other policy limitation, the township trustee shall pay for medical assistance that the trustee would provide if the individual did not have insurance.

However, a township trustee may provide interim medical services during the period that the individual has an application pending for medical assistance under Medicaid (IC 12-15) or another governmental medical program if the individual is reasonably complying with all requirements of the application process.

Per IC 12-20-5.5-6, a township trustee shall set income standards for the township that provide for financial eligibility in an amount consistent with reasonable costs of basic necessities in the trustee's particular township.

Per IC 12-20-6-3, 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:

- 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;
- 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
- the applicant or a member of the applicant's household has an emergency need that the trustee determines must be met immediately.

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.

Previous denial of assistance or conviction

Per IC 12-20-6-0.5:

- 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 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.
- 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:
 - ⇒ 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.
 - ⇒ 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.

Note: As used in this section, "member of the applicant's household" includes any person who lives in the same residence as the applicant.

Requirements for assistance

- **Able-bodied assistance applicants to seek employment:** If a township assistance applicant is in good health or if any members of the applicant's household are in good health, the township trustee, as administrator of township assistance, shall require the individuals who are able to work to seek employment. The township trustee shall refuse to furnish any township assistance until the township trustee is satisfied that the township assistance applicant or members of the applicant's household are endeavoring to find work. (IC 12-20-10-1)
- **Required participation in training program:** As a condition of continuing eligibility, a township trustee may require a recipient of township assistance or any member of a recipient's household to participate in an appropriate work training program that is offered to the recipient or a member of the recipient's household within the county or an adjoining township in another county by a:
 - ⇒ federal, state, or local governmental entity; or
 - ⇒ nonprofit agency.(IC 12-20-12-1)

Veterans' Agencies

Veterans' disability benefits

The U.S. Department of Defense (DoD) awards and administers some disability benefits provided to veterans, while the U.S. Department of Veterans Affairs (VA) governs others. A successful return-to-work or community reintegration initiative focused on veterans with disabilities must include an analysis of the impact of paid employment or self-employment on DoD and VA disability benefits, as well as any other public benefits veterans may receive based upon disability. To the extent that earnings from employment may jeopardize a veteran's program eligibility or cash benefit amount, it will make it far less likely that an individual will choose to pursue employment. If veterans with disabilities perceive employment as risky, in terms of its adverse impact on essential cash benefits, rental assistance, health insurance, or other special programs, they may elect to protect their benefits instead of pursuing employment.

Cash benefits are available for veterans who have a disability. However, benefits and benefit rules vary depending on whether the veteran's disability is linked to his or her service in the military.

“Compensation” is paid on a monthly basis to a veteran with a disability that is at least 10% service-related or to a spouse, child and/or dependent parent where a veteran's disability is evaluated as 30% or more disabling. Benefits are also available to a surviving spouse, child or parent because of service-connected death.

Veterans with low incomes and few assets who are permanently and totally disabled with a permanent and total non-service-connected disability, or are age 65 and older, may be eligible for a Disability Pension. A basic disability entitlement exists only if a veteran is found permanently and totally disabled. Unlike the VA Disability Compensation program, the Pension program is means-tested – eligibility is based upon meeting certain income and asset tests. In addition, Disability Pension payments are reduced by the amount of countable income of the veteran, spouse or dependent children.

Source: <http://www.nchv.org/docs/VADoDFactSheet11.pdf>

Effect of incarceration on Veterans' disability benefits

Veterans cash benefits will not change unless the individual has been convicted of a crime. Even then, full benefits continue for 60 more days. VA can pay certain benefits to veterans who are incarcerated in a federal, state or local penal institution. However, the amount paid depends on the type of benefit and reason for incarceration.

If a veteran was convicted of a felony and his or her benefits are VA Disability Compensation (i.e. resulting from a service-connected disability), they will be reduced beginning with the 61st day of being incarcerated. For example, if a person's payment was \$201 or more, the new payment amount will be \$104. If a person was receiving \$104 before they were imprisoned, the new payment will be \$52. If a person is released from incarceration and is participated in a work release or half-way house program, paroled, and/or completed sentence, the compensation payments will not be reduced.

If a veteran was convicted of a misdemeanor, his or her benefits will continue without any reduction. The VA can take all or part of the amount that the person can no longer receive and provide it to the person's spouse, children and dependent parents, based on their need. The family members should contact the nearest VA regional office for information on how to apply.

If a veteran is judged incompetent (either in a criminal or a civil situation), then the benefit continues. However, in these circumstances, payment is made to a fiduciary and can be paid when the individual is in a hospital, but the amount is reduced and may not be more than \$90 a month.

A veteran may not receive non-service connected VA pension benefits, or any portion of these benefits, while incarcerated for a felony or misdemeanor, such pension payment will be suspended entirely beginning with the 61st day of imprisonment following conviction. However, his or her family may receive an apportionment of such benefits (38 C.F.R. Sec.3.666).

Reinstatement of Veterans' disability benefits following incarceration

Veteran's benefits can be reinstated upon release. Cash benefits and healthcare can be payable and available immediately on release, if appropriate steps have been taken. To reinstate benefits the Veterans Administration requires written confirmation that the individual has been released from jail. Veterans can contact one of 58 VA Regional Offices around the country to reinstate their benefits.

The VA Regional Offices in Indiana all have toll-free numbers and will assist individuals in understanding the rules that apply and what they must do to file a new application or seek reinstatement of previous benefits. However, the VA takes considerable time to make decisions; it may take several months to process a new application for benefits. To locate the nearest VA Regional Office, visit <http://www2.va.gov/directory/guide/home.asp?isflash=1>.

There are state specific resource guides for veterans that explain what is available to veterans who are incarcerated. "A Guidebook for Incarcerated Veterans in Indiana" can be accessed at <http://www1.va.gov/homeless/page.cfm?pg=39>.

U.S. Department of Veterans Affairs

The Department of Veterans Affairs (VA) was established on March 15, 1989, succeeding the Veterans Administration. It is responsible for providing federal benefits to veterans and their families. Headed by the Secretary of Veterans Affairs, the VA is the second-largest of the 15 Cabinet departments and operates nationwide programs for health care, financial assistance and burial benefits. Some of the benefits include:

- Burial
- Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA)
- Death pension
- Dependency indemnity compensation
- Direct deposit
- Directions to VA Benefits Regional Offices
- Disability compensation

- Disability pension
- Education
- Home loan guaranty
- Life insurance
- Medical care
- Vocational rehabilitation and employment

For more information on VA Benefits call 1-800-827-1000.

Effect of incarceration on Veterans' Health Care

While incarcerated veterans do not forfeit their eligibility for medical care; current regulations restrict VA from providing hospital and outpatient care to an incarcerated veteran who is an inmate in an institution of another government agency when that agency has a duty to give the care or services.

Reinstatement of Veterans' Health Care following incarceration

Veteran's Administration may provide care once the veteran has been unconditionally released from the penal institution. Veterans interested in applying for enrollment into the VA health care system should contact the nearest VA health care facility upon their release.

Chapter 31 Vocational Rehabilitation and Employment Service

The Department of Veterans Affairs Veterans Benefits Administration's Vocational Rehabilitation and Employment (VR&E) service is vested with delivering timely, effective vocational rehabilitation services to veterans with service-connected disabilities. This program's primary function is to help veterans who have service-connected disabilities become suitably employed, maintain employment, or achieve independence in daily living.

VR&E's primary benefit program is vocational rehabilitation services for veterans who have a service-connected disability. To receive services a veteran must be found both eligible and entitled. The outcome of these services lead to suitable employment that is consistent with their aptitudes and interests, or achieving independence in their daily living.

VR&E also provides the following benefit services:

- Educational and vocational counseling is provided for eligible service members, veterans, and veterans' dependents. The outcome of this counseling is assistance in the selection of an educational or vocational goal and/or assistance in the selection of training institutions where this goal may be pursued.
- Additionally the VR&E program provides educational and vocational counseling benefits for eligible dependent children of Vietnam veterans born with certain birth defects or children of Vietnam or Korean veterans born with Spina Bifida. In order to be considered for this benefit program, the person must be the biological child of a veteran who served in Vietnam or on the Korean demilitarized zone during certain periods in the 1960s or 1970s. The person must have been conceived after the veteran served some time in one of those two places.

Eligibility

To receive an evaluation for vocational rehabilitation services, a veteran must:

- Have received, or eventually receive, an honorable or other than dishonorable discharge
- Have a VA service-connected disability rating of 10% or more
- Apply for vocational rehabilitation services

The law generally provides for a 12-year basic period of eligibility in which services may be used. The 12-year period begins on the latter of these dates:

- Date of separation from active military duty or
- Date the veteran was first notified of a service-connected disability rating

A Comprehensive Evaluation is completed with a Vocational Rehabilitation Counselor that includes:

- A full assessment of the veteran's interests, aptitudes, and abilities to determine whether the veteran is "entitled" to VR&E services
- An assessment of whether service-connected disabilities impair the veteran's ability to find and/or hold a job using the occupational skills already attained

To apply online, visit <http://vabenefits.vba.va.gov/vonapp/main.asp>.

Entitlement

A VA Counselor decides if a veteran has an employment handicap based upon the results of the comprehensive evaluation. Entitlement to services is established if the veteran has a 20% service-connected disability **and** an employment handicap. If the disability is 10% service-connected, then a serious employment handicap must be found to establish entitlement to vocational rehabilitation services.

- **Employment Handicap:** An impairment of the individual veteran's ability to prepare for, obtain, or retain employment consistent with his or her abilities, aptitudes, and interests. The impairment results in substantial part from a service-connected disability. For veterans rated at 20% or more, a finding of employment handicap results in a finding of "entitled."
- **Serious Employment Handicap (SEH):** A significant impairment of a veteran's ability to prepare for, obtain, or retain employment consistent with his or her abilities, aptitudes, and interests. The SEH results in substantial part from a service-connected disability. For veterans rated at 10% and for veterans whose 12-year period of basic eligibility has passed, the finding of an SEH is necessary to establish "entitlement."

After an entitlement decision is made, the veteran and the counselor will work together to develop a rehabilitation plan.

The Rehabilitation Plan

A Rehabilitation Plan is a written detailed outline of services provided under the Vocational Rehabilitation and Employment program. The following service delivery options may be provided under a Rehabilitation Plan:

- Reemployment with previous employer
- Rapid employment services for new employment
- Self-employment
- Employment through long term services
- Independent living services

Source: <http://www.vba.va.gov/bln/vre>

The VetSuccess.gov Website

VetSuccess.gov is a comprehensive integrated Intra/Internet-based data network that will improve the effectiveness and efficiency of a virtual one stop employment center. It was developed to enhance program management capabilities through state of the art tracking and reporting capabilities. It is capable of managing and simplifying employment services activities used by veterans, VR&E staff, and other Service Providers.

VetSuccess.gov provides users with:

- Nationwide accessibility
- Self-service capability
- Reporting capability
- Online program orientation and resource capabilities
- Online case management
- Online job readiness resources
- Integrated service delivery and training

Source: <http://www.vetsuccess.gov>

Additional Veterans resources

America's Heroes at Work:

Supporting the Employment Success of Returning Service Members with TBI & PTSD

America's Heroes at Work is a U.S. Department of Labor (DOL) project that addresses the employment challenges of returning service members living with Traumatic Brain Injury (TBI) and/or Post-Traumatic Stress Disorder (PTSD). Designed for employers and the workforce development system, this website links veterans to information and tools to help returning service members affected by TBI and/or PTSD succeed in the workplace - particularly service members returning from Iraq and Afghanistan. For more information, visit

<http://www.americasheroesatwork.gov>.

National Coalition of Homeless Veterans

The National Coalition for Homeless Veterans (NCHV) - a 501(c)(3) nonprofit organization governed by a 13-member board of directors - is the resource and technical assistance center for a national network of community-based service providers and local, state and federal agencies that provide emergency and supportive housing, food, health services, job training and placement assistance, legal aid and case management support for hundreds of thousands of homeless veterans each year.

NCHV also serves as the primary liaison between the nation's care providers, Congress and the Executive Branch agencies charged with helping them succeed in their work. NCHV's advocacy has strengthened and increased funding for virtually every federal homeless veteran assistance program in existence today.

For more information:

National Coalition for Homeless Veterans

333½ Pennsylvania Avenue, SE

Washington, DC 20003-1148

E-mail: nchv@nchv.org

Toll Free: 800.VET.HELP

Voice: 202.546.1969

Fax: 202.546.2063

<http://www.nchv.org>

Indiana Department of Workforce Development (DWD)

Employment services and Veteran preference are available through WorkOne Centers. The services provide Veterans with the necessary information they need to find and secure suitable employment and make the transition from the military to the civilian workforce.

IDWD's Veteran Service program provides specific job placement services. To qualify for placement services the individual must meet the following definition and be registered with the local WorkOne Center:

- Any individual who served more than 180 days on active duty (not for Reserve or National Guard training).
- Any individual who served on active duty and was released because of a service connected illness or injury. (Does not have to meet the 180-day rule)
- Any individual who was in the National Guard or Reserves and was called to active duty during a war or in a campaign or expedition for which a campaign badge is authorized. (Examples are Panama, Grenada, Haiti, Beruit, Persian Gulf, Desert Shield or Desert Storm. You do not have to have served in that area.)

For information on services provided, visit <http://www.in.gov/dwd/2413.htm>

Selected Resources

Legislation

The U.S. Equal Employment Opportunity Commission (EEOC) oversees and enforces six primary laws that prohibit job discrimination for people with mental illness and other disabilities on the basis of their disability and/or other factors. The EEOC also provides oversight and coordination of all federal EEO regulations, practices, and policies. These six laws are:

- ***Equal Pay Act of 1963 (EPA)***: protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination;
- ***Civil Rights Act of 1964 - Title VII, (Title VII)***: prohibits employment discrimination based on race, color, religion, sex, or national origin;
- ***Age Discrimination in Employment Act of 1967 (ADEA)***: protects individuals aged 40 years or older from employment discrimination;
- ***Rehabilitation Act of 1973, Sections 501 and 505***: prohibits discrimination against qualified individuals with disabilities who work in the federal government;
- ***Americans with Disabilities Act of 1990 (ADA) - Title I and Title V***: prohibits employment discrimination against qualified individuals with disabilities in the private sector, and in state and local governments;
- ***Civil Rights Act of 1991***: provides monetary damages in cases of intentional employment discrimination.

Among these legislative provisions, the ADA deserves special mention and further explanation.

Americans with Disabilities Act - Titles I and V

These two titles apply to employment within the Americans with Disabilities Act. Title I applies the employment provisions to employers with 15 or more employees, and Title V contains miscellaneous provisions which apply to the EEOC's enforcement of Title I.

The Americans with Disabilities Act (ADA) requires an employer with 15 or more employees to provide reasonable accommodation for individuals with disabilities, unless it would cause undue hardship. The ADA prohibits discrimination on the basis of disability in all employment practices.

In the course of these provisions, it is necessary to understand several important ADA definitions to know who is protected by the law and what constitutes illegal discrimination:

- ***Individual with a disability***: An individual with a disability under the ADA is a person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. Major life activities are activities that an average person can perform with little or no difficulty such as walking, breathing, seeing, hearing, speaking, learning, and working.

- **Reasonable accommodation:** A reasonable accommodation is any change in the work environment or in the way a job is performed that enables a person with a disability to enjoy equal employment opportunities. There are three categories of “reasonable accommodations”:
 - ⇒ changes to a job application process;
 - ⇒ changes to the work environment, or to the way a job is usually done;
 - ⇒ changes that enable an employee with a disability to enjoy equal benefits and privileges of employment (such as access to training).
- **Undue hardship:** An employer is required to make a reasonable accommodation to a qualified individual with a disability unless doing so would impose an undue hardship on the operation of the employer's business. Undue hardship means an action that requires significant difficulty or expense when considered in relation to factors such as a business' size, financial resources, and the nature and structure of its operation.
- **Prohibited inquiries and examinations:** Before making an offer of employment, an employer may not ask job applicants about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform job functions. A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in the same job category. Medical examinations of employees must be job-related and consistent with business necessity.
- **Drug and alcohol use:** Employees and applicants currently engaging in the illegal use of drugs are not protected by the ADA when an employer acts on the basis of such use. Tests for illegal use of drugs are not considered medical examinations and, therefore, are not subject to the ADA's restrictions on medical examinations. Employers may hold individuals who are illegally using drugs and individuals with alcoholism to the same standards of performance as other employees.

Employers are required to post notices to all employees advising them of their rights under the laws EEOC enforces and their right to be free from retaliation. Such notices must be accessible, as needed, to persons with visual or other disabilities that affect reading.

Criminal records

Types of records

Indiana has maintained criminal records since the mid-1930's. The criminal history is stored in the secure Indiana State Police database. A person's criminal history is stored in the database until they die or until they reach the age of 99 years and have not had another criminal act for previous 15 years (they have been crime-free from the age of 84).

Limited Criminal History (240 IAC 6-1.1-2) includes information with respect to any arrest, indictment, information, or other formal criminal charge, which must include a disposition. However, information about any arrest, indictment, information, or other formal criminal charge which occurred less than one (1) year before the date of a request shall be considered a limited criminal history even if no disposition has been entered.

Full or Expanded Criminal History Record a.k.a. "RAP" Sheet (240 IAC 6-1.1-4) includes personal identifying facts based on fingerprints and of the results of an arrested individuals movement through the various formal stages of the criminal justice process, from arrest through trial, if any, disposition and release.

The following rules apply to criminal history record information:

- (A) Individual record information entered in a persons file shall be relevant to the purpose for which the file was created.
- (B) Misdemeanors, other than selected Class A's, drunk, and traffic records where the case did not result in imprisonment or probation supervision shall not be entered in criminal history record files, though may be kept in a noncriminal history file, unless a second or subsequent conviction would result in a felony violation.

Juvenile History Data (IC 10-13-4-4) means information collected by criminal or juvenile justice agencies or individuals about a child who is alleged to have committed a reportable act and consists of the following:

- (1) Descriptions and notations of events leading to the taking of the child into custody by a juvenile justice agency for a reportable act allegedly committed by the child.
- (2) A petition alleging that the child is a delinquent child.
- (3) Dispositional decrees concerning the child that are entered under IC 31-37-19 (or IC 31-6-4-15.9 before its repeal).
- (4) The findings of a court determined after a hearing is held under IC 31-37-20-2 or IC 31-37-20-3 (or IC 31-6-4-19(h) or IC 31-6-4-19(i) before their repeal) concerning the child.
- (5) Information:
 - (A) regarding a child who has been adjudicated a delinquent child for committing an act that would be an offense described in IC 11-8-8-5 if committed by an adult; and
 - (B) that is obtained through sex or violent offender registration under IC 11-8-8.

As added by P.L.2-2003, SEC.4. Amended by P.L.140-2006, SEC.7 and P.L.173-2006, SEC.7; P.L.216-2007, SEC.7.

Release of records

Criminal history reports may be obtained from the Indiana State Police Criminal Record Repository or on the *accessIndiana* page at <http://www.in.gov/ai/sub>. There is typically a fee associated with obtaining the record.

IC 10-13-3-27 Release of data to noncriminal justice organization or to individuals; national crime information center data restricted; penalties

Sec. 27. (a) Except as provided in subsection (b), on request, a law enforcement agency shall release a limited criminal history to or allow inspection of a limited criminal history by noncriminal justice organizations or individuals only if the subject of the request:

- (1) has applied for employment with a noncriminal justice organization or individual;
- (2) has applied for a license and has provided criminal history data as required by law to be provided in connection with the license;
- (3) is a candidate for public office or a public official;
- (4) is in the process of being apprehended by a law enforcement agency;
- (5) is placed under arrest for the alleged commission of a crime;
- (6) has charged that the subject's rights have been abused repeatedly by criminal justice agencies;
- (7) is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;
- (8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;
- (9) is currently residing in a location designated by the department of child services (established by IC 31-25-1-1) or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location;
- (10) has volunteered services at a public school (as defined in IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12) that involve contact with, care of, or supervision over a student enrolled in the school;
- (11) is being investigated for welfare fraud by an investigator of the division of family resources or a county office of the division of family resources;
- (12) is being sought by the parent locator service of the child support bureau of the department of child services;
- (13) is or was required to register as a sex or violent offender under IC 11-8-8; or
- (14) has been convicted of any of the following:
 - (A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
 - (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.
 - (C) Child molesting (IC 35-42-4-3).
 - (D) Child exploitation (IC 35-42-4-4(b)).
 - (E) Possession of child pornography (IC 35-42-4-4(c)).
 - (F) Vicarious sexual gratification (IC 35-42-4-5).
 - (G) Child solicitation (IC 35-42-4-6).
 - (H) Child seduction (IC 35-42-4-7).
 - (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
 - (J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

- (1) Federally chartered or insured banking institutions.

(2) Officials of state and local government for any of the following purposes:

- (A) Employment with a state or local governmental entity.
- (B) Licensing.

(3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who knowingly or intentionally uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

As added by P.L.2-2003, SEC.4. Amended by P.L.1-2005, SEC.117; P.L.234-2005, SEC.9; P.L.1-2006, SEC.171; P.L.145-2006, SEC.27; P.L.140-2006, SEC.5 and P.L.173-2006, SEC.5; P.L.1-2007, SEC.97; P.L.216-2007, SEC.5; P.L.146-2008, SEC.368; P.L.44-2009, SEC.4.

IC 10-13-3-28 Limited criminal history check on request of an individual seeking employment

Sec. 28. On request of an individual who has applied for employment with a noncriminal justice organization or individual, the Indiana central repository for criminal history information shall process a request for a limited criminal history check of the individual making the request from the Federal Bureau of Investigation's National Crime Information Center upon:

- (1) the submission of fingerprints of the individual making the request; and
- (2) the payment of a fifteen dollar (\$15) fee.

As added by P.L.2-2003, SEC.4.

IC 31-39-3-2 Public access to juvenile delinquency records

Sec. 2. The following information contained in records involving allegations of delinquency that would be a crime if committed by an adult is considered public information:

- (1) The nature of the offense allegedly committed and the circumstances immediately surrounding the alleged offense, including the time, location, and property involved.
- (2) The identity of any victim.
- (3) A description of the method of apprehension.
- (4) Any instrument of physical force used.
- (5) The identity of any officers assigned to the investigation, except for the undercover units.
- (6) The age and sex of any child apprehended or sought for the alleged commission of the offense.
- (7) The identity of a child, if the child is apprehended or sought for the alleged commission of:
 - (A) an offense over which a juvenile court does not have jurisdiction under IC 31-30-1-2 and IC 31-30-1-4; or
 - (B) an act specified under IC 31-30-3-3.

As added by P.L.1-1997, SEC.22.

IC 10-13-4-12 Release of juvenile history data

Sec. 12. (a) Except as otherwise provided, any criminal or juvenile justice agency that maintains juvenile history data shall, upon request and proper identification of the person about whom juvenile history data is maintained, provide:

- (1) that person; or
- (2) the person's parent, guardian, or custodian if the person is less than eighteen (18) years of age; with a copy of the person's juvenile history data for a reasonable fee.

(b) A person or the person's parent, guardian, or custodian, if the person is less than eighteen (18) years of age, may challenge the accuracy of information about the person filed with the department as juvenile history data.

(c) The department may not release or allow inspection of juvenile history data to any person or agency that is not authorized under this chapter to receive it.

As added by P.L.2-2003, SEC.4.

Expunging and sealing records

Indiana law allows courts to prevent arrest records from disclosure and order limited criminal history information to be either destroyed (expunged) or restricted (sealed). If a person pled guilty or was found guilty by a jury or a judge, those records cannot be expunged.

IC 35-38-5 Expungement of Arrest Records states

(a) Whenever:

- (1) an individual is arrested but no criminal charges are filed against the individual; or
- (2) all criminal charges filed against an individual are dropped because:
 - (A) of a mistaken identity;
 - (B) no offense was in fact committed; or
 - (C) there was an absence of probable cause;

the individual may petition the court for expungement of the records related to the arrest.

(b) A petition for expungement of records must be verified and filed in the court in which the charges were filed, or if no criminal charges were filed, in a court with criminal jurisdiction in the county where the arrest occurred. The petition must set forth:

- (1) the date of the arrest;
- (2) the charge;
- (3) the law enforcement agency employing the arresting officer;
- (4) any other known identifying information, such as the name of the arresting officer, case number, or court cause number;
- (5) the date of the petitioner's birth; and
- (6) the petitioner's Social Security number.

(c) A copy of the petition shall be served on the law enforcement agency and the state central repository for records.

(d) Upon receipt of a petition for expungement, the law enforcement agency shall notify the court of the name and address of each agency to which any records related to the arrest were forwarded. The clerk shall immediately send a copy of the petition to each of those agencies. Any agency desiring to oppose the expungement shall file a notice of opposition with the court setting forth reasons for resisting the expungement along with any sworn statements from individuals who represent the agency that explain the reasons for resisting the expungement within thirty (30) days after the petition is filed. A copy of the notice of opposition and copies of any sworn statements shall be served on the petitioner in accordance with the Rules of Trial Procedure. The court shall:

- (1) summarily grant the petition;
- (2) set the matter for hearing; or
- (3) summarily deny the petition, if the court determines that:
 - (A) the petition is insufficient; or
 - (B) based on information contained in sworn statements submitted by individuals who represent an

agency, the petitioner is not entitled to an expungement of records.

(e) If a notice of opposition is filed and the court does not summarily grant or summarily deny the petition, the court shall set the matter for a hearing.

(f) After a hearing is held under this section, the petition shall be granted unless the court finds:

- (1) the conditions in subsection (a) have not been met;
- (2) the individual has a record of arrests other than minor traffic offenses; or
- (3) additional criminal charges are pending against the individual.

As added by P.L.311-1983, SEC.3. Amended by P.L.295-1989, SEC.1; P.L.159-1994, SEC.1.

IC 5-14-3-5.5 Sealing certain records by court; hearing; notice

Sec. 5.5. (a) This section applies to a judicial public record.

(b) As used in this section, "judicial public record" does not include a record submitted to a court for the sole purpose of determining whether the record should be sealed.

(c) Before a court may seal a public record not declared confidential under section 4(a) of this chapter, it must hold a hearing at a date and time established by the court. Notice of the hearing shall be posted at a place designated for posting notices in the courthouse.

(d) At the hearing, parties or members of the general public must be permitted to testify and submit written briefs. A decision to seal all or part of a public record must be based on findings of fact and conclusions of law, showing that the remedial benefits to be gained by effectuating the public policy of the state declared in section 1 of this chapter are outweighed by proof by a preponderance of the evidence by the person seeking the sealing of the record that:

(1) a public interest will be secured by sealing the record;

(2) dissemination of the information contained in the record will create a serious and imminent danger to that public interest;

(3) any prejudicial effect created by dissemination of the information cannot be avoided by any reasonable method other than sealing the record;

(4) there is a substantial probability that sealing the record will be effective in protecting the public interest against the perceived danger; and

(5) it is reasonably necessary for the record to remain sealed for a period of time.

Sealed records shall be unsealed at the earliest possible time after the circumstances necessitating the sealing of the records no longer exist.

As added by P.L.54-1985, SEC.4. Amended by P.L.68-1987, SEC.1.

Expunging Juvenile history data

A person can request expungement of records when a child was found to be a delinquent child or a child in need of services. He or she can make the expungement request to the juvenile court that handled the delinquency or child in need of services case.

When deciding whether to grant the petition, the juvenile court may review:

- The best interests of the child.
- The age of the person during the person's contact with the juvenile court or law enforcement agency.
- The nature of any allegations.
- Whether there was an informal adjustment or an adjudication.
- The disposition of the case.
- The manner in which the person participated in any court ordered or supervised services.
- The time during which the person has been without contact with the juvenile court or with any law enforcement agency.
- Whether the person acquired a criminal record.
- The person's current status.

Sealing juvenile history data (IC 10-13-4-13)

Sec. 13. (a) When a person who is the subject of juvenile history data on file with the department becomes twenty-two (22) years of age, the department shall seal that person's juvenile history data. However, this subsection does not apply if, after the department receives juvenile history data about a person, the person is arrested for a felony required to be reported to the department under IC 10-13-3.

(b) Except as provided under subsection (c), the department may not release to or allow inspection of sealed juvenile history data by any agency or person other than the person who is the subject of the juvenile history data.

(c) A court may not order the release or inspection of sealed juvenile history data unless the person who is the

subject of the sealed juvenile history data challenges its existence during a court proceeding.
As added by P.L.2-2003, SEC.4.

Other options

(IC 35-38-5-5) Petition to limit access to limited criminal history of person discharged from probation, imprisonment, or parole

Sec. 5. (a) This section does not apply to a request to a law enforcement agency for the release or inspection of a limited criminal history to a noncriminal justice organization or individual whenever the subject of the request is described in IC 10-13-3-27(a)(8) or IC 10-13-3-27(a)(12).

(b) A person may petition the state police department to limit access to the person's limited criminal history to criminal justice agencies if more than fifteen (15) years have elapsed since the date the person was discharged from probation, imprisonment, or parole (whichever is later) for the last conviction for a crime.

(c) When a petition is filed under subsection (b), the state police department shall not release limited criminal history to noncriminal justice agencies under IC 10-13-3-27.

As added by P.L.311-1983, SEC.3. Amended by P.L.56-1998, SEC.18; P.L.10-1999, SEC.3; P.L.2-2003, SEC.92; P.L.2-2005, SEC.124.

Pardon

The Indiana Constitution does state that the Governor may grant a pardon after conviction of a crime. (IC 11-9-2)

IC 11-9-2-1 Application: Sec. 1. An application to the governor for commutation of sentence, pardon, reprieve, or remission of fine or forfeiture shall be filed with the parole board. The application must be in writing and signed by the person seeking gubernatorial relief or by a person on his behalf. The board may require the applicant to furnish information, on forms provided by the parole board, that it considers necessary to conduct a proper inquiry and hearing regarding the application.

As added by Acts 1979, P.L.120, SEC.2.

IC 11-9-2-2 Recommendation of parole board to governor; notice to victim or next of kin of victim:

Sec. 2. (a) As used in this section, "victim" means a person who has suffered direct harm as a result of a violent crime (as defined in IC 5-2-6.1-8).

(b) The parole board shall submit to the governor its recommendation regarding an application for commutation of sentence, pardon, reprieve, or remission of fine or forfeiture. Before submitting its recommendation, the parole board shall do all of the following:

(1) Notify:

(A) the sentencing court;

(B) the victim of the crime for which the person was convicted (or the next of kin of the victim if the victim is deceased or incompetent for any reason), unless the victim has made a written request not to be notified; and

(C) the prosecuting attorney of the county where the conviction was obtained.

(2) Conduct an investigation, which must include the collection of records, reports, and other information relevant to consideration of the application.

(3) Conduct a hearing where the petitioner and other interested persons are given an opportunity to appear and present information regarding the application. The hearing may be conducted in an informal manner without regard to formal rules of evidence.

(c) The notice to a victim or the next of kin of a victim that is sent under subsection (b)(1) must comply with the requirements for notices to victims that are established under IC 11-13-3-3.

As added by Acts 1979, P.L.120, SEC.2. Amended by P.L.126-1985, SEC.1; P.L.134-1993, SEC.1; P.L.1-1994, SEC.42.

How to obtain a Limited Criminal History

About Limited Criminal History records

A Limited Criminal History contains only felonies and class A misdemeanor arrests within the state of Indiana. Completeness of this information is based upon county participation. The criminal history is stored in the secure Indiana State Police database. A person's criminal history is stored in the database until they die or until they reach the age of 99 years and have not had another criminal act for previous 15 years (so they have been crime free from the age of 84).

A Limited Criminal History can be obtained by

- mailing a request form to the Indiana State Police
- using the online service at <http://www.in.gov/ai/appfiles/isp-lch>
- or visiting the Central Records Division of the Indiana State Police at the Indiana Government Center, 100 N. Senate Avenue, Room N302, Indianapolis, Indiana, 46204.

To acquire a copy of the form, visit

<http://www.in.gov/ai/appfiles/isp-lch/Adult%20Criminal%20History%20Check%204-2008.pdf>

Online Fee

\$15 per record subscribers

\$16.32 per record Credit Card

In Person

\$7 in person, per record

\$10 in person, per record, if fingerprints are required.

Statutory Fee Exemptions - No Charge Per Exemption

To qualify for a statutory fee exemption, an organization must meet the specifications as outlined in IC 5-2-5-13. If the organization believes it meets the qualifications it will need to submit a request for fee exemption to the Indiana State Police.

The State Police may not charge a fee for the release of a limited criminal history record if the request is made by a nonprofit organization:

(1) has been in existence for at least ten years and

(2) that:

(A) has a primary purpose of providing a one on one relationship between a child and an adult volunteer and the request is made as part of a background investigation of the prospective adult volunteer for the organization;

(B) is a home health agency licensed under IC 16-27-1;(C) is a community mental retardation and other developmental disabilities center (as defined in IC 12-7-2-39); or (D) is a supervised group living facility licensed under IC 12-28-5.

The State Police may not charge a fee for the release of a limited criminal history record if the request is made as part of a background investigation by the Family and Social Services Administration (as defined in IC 12-17.2 or IC 12-17.4).

The department may not charge a fee for the release of a limited criminal history record if the request is made by a school corporation (as defined in IC 20-10.1-1-1) or non-public school (as defined in IC 20-10.1-1-3) as part of a background investigation of a prospective employee or an adult volunteer for the school corporation or non-public school.

Note: Government Agencies need not submit a Request for Fee Exemption Form nor be assigned an ISP customer number. An *accessIndiana* subscription is required.

Not For Profit - Partial Exemption

An organization that is registered with the Indiana Department of Revenue as an Indiana Registered 501 charitable non-profit group that works with children might qualify for the Partial Exemption Search. To determine qualification, the organization's Federal Identification Number will be required and validated against the Indiana Department of Revenue's records during each limited criminal history search conducted online. The organization must have an active subscription with *accessIndiana*. A statutory fee of \$7.00 (as required by statutory law) will be assessed to the organization's *accessIndiana* account for each search performed online. To learn more about obtaining an *accessIndiana* subscriber account, visit our subscriber information center at <http://www.IN.gov/ai/sub>.

To confirm Indiana Registered 501 charitable non-profit group status, contact the Indiana Department of Revenue at (317) 232-2188.

Other criminal history records

Depending upon an employer's requirements, an applicant may be required to authorize or secure on their own a copy of records from city or county institutions:

- Copies of county records can usually be requested via the county jail or county courthouse. There may be a fee for a copy of the record.
- Copies of city records can usually be requested via the city jail. There may be a fee for a copy of the record.

It should be noted that both county and city records are required by law to be submitted to the state for state-wide recordkeeping; however, this does not always occur, so county or city records are sometimes preferred over state records for completeness and accuracy.

Drug testing

Testing employees or job applicants for drug or alcohol use invokes a controversial area of policy and law that is still establishing its parameters. No one denies that employee drug and alcohol abuse costs employers billions of dollars each year in decreased productivity, increased liability exposure, and higher worker's compensation insurance premiums. Employers clearly have a substantial and vested interest in not only providing, but also ensuring, a drug-free workplace, for the safety and welfare of both employees and employers. Controversy enters the picture when employers either ineptly or aggressively impose drug testing in a manner that may violate personal or constitutional rights, such as privacy rights or protections against unlawful searches and seizures. While drug testing is permitted in most states, it is not always mandated. For those employers who implement drug testing programs, it is imperative that the programs follow state and federal guidelines in order to ensure protection of employee rights.

Federal law

The drug-testing movement began in 1986, when former President Ronald Reagan signed Executive Order 12564, requiring all federal employees to refrain from using illegal drugs, on or off-duty, as a condition of federal employment. Two years later, Congress passed the Drug-Free Workplace Act of 1988. That, in turn, spawned the creation of federal Mandatory Guidelines for Federal Workplace Drug Testing Programs (Section 503 of Public Law 100-71). The mandatory guidelines apply to executive agencies of the federal government, the uniformed services (excepting certain members of the armed forces), and contractors or service providers under contract with the federal government (excepting the postal service and employing units in the judicial and legislative branches).

Although the Act only applies to federal employees, many state and local governments followed suit and adopted similar programs under state laws and drug-free workplace programs.

Constitutional protections

The U.S. Constitution does not prohibit drug testing of employees. However, in the U.S. Supreme Court case of *Treasury Employees v. Von Raab*, 489 U.S. 656 (1989), the high court ruled that requiring employees to produce urine samples constituted a "search" within the meaning of the Fourth Amendment to the U.S. Constitution. Therefore, all such testing must meet the "reasonableness" requirement of the Fourth Amendment (which protects citizens against "unreasonable" searches and seizures). The Court also ruled that positive test results could not be used in subsequent criminal prosecutions without the employee's consent.

The other major constitutional issue in employee drug testing involves the Fifth Amendment (made applicable to the states by the Fourteenth Amendment), which prohibits denial of life, liberty, or property without "due process of law." Since the majority of private-sector employees in the United States (excepting mostly union employees) are considered "at-will employees," an employer need not articulate a reason for termination of employment. However, under certain circumstances, the denial of employment or the denial of continued employment based on drug test results may invoke "due process" considerations, such as the validity of the test results, the employee's right to respond, or any required notice to an employee.

Finally, under the same constitutional provisions, persons have a fundamental right to privacy of their person and property. Drug testing, although in itself deemed legal, may be subject to constitutional challenge if test-

ing results are indiscriminately divulged, if procedures for obtaining personal specimens do not respect the privacy rights of the person, or if testing is unnecessarily or excessively imposed.

Key provisions

Under state and federal drug-free work place programs include the following:

- Both employees and applicants may be tested.
- Tests may be conducted pre-employment, "upon reasonable suspicion" or "for cause," at random, routinely, and/or post treatment or rehabilitation. Random testing involves unannounced, "suspicionless," and/or non-routine testing that may be indiscriminately applied to some, but not all, employees.
- Basic tests screen for amphetamines (speed, meth, ecstasy, crank, etc.), cannabinoids (marijuana, hashish), cocaine (coke or crack), opiates (heroin, morphine, opium, codeine), or phencyclidine (PCP).
- Extended tests might screen for barbiturates, benzodiazepines, ethanol, hallucinogens, inhalants, or anabolic steroids.
- Tests may involve urine samples, saliva tests, hair samples, sweat patches, breathalyzers, or blood tests.

Special considerations

Mandatory vs. Optional Testing

Under federal law, jobs that involve safety or security functions generally require mandatory drug testing of applicants or employees. The U.S. Department of Transportation adopted revised regulations in August 2001, and other agencies are free to adopt their own internal regulations. Likewise, many states expressly mandate drug testing for similar jobs, for example, jobs in the medical and health related fields, jobs requiring the use of machinery or vehicles, security positions, food handling jobs, or physically demanding jobs such as utilities cable line installation or climbing.

"For Cause" vs. "Random" Testing

Generally, employers are permitted to engage in "for cause" or reasonable-suspicion testing under drug-free workplace programs. State law may limit or prohibit random ("suspicionless") testing of employees unless the job position warrants such an intrusion, such as in "safety sensitive" positions. It is important to remember that private-sector employees do not always enjoy Fourth Amendment rights protecting them against unwarranted or unreasonable searches and seizures (only Fifth amendment rights are extended to the states by the Fourteenth Amendment). Nevertheless, many state constitutions incorporate such rights into their own constitutions, so private sector employees may have the same protections.

Testing Union vs. Non-union Employees

Union employees are protected by the National Labor Relations Act (NLRA), which mandates that private sector employers must bargain collectively over terms and conditions of employment. The NLRA has ruled that drug testing of current employees (but not applicants) is a term or condition of employment. Unionized public sector employers may unilaterally decide to impose drug testing, but must negotiate the procedures (e.g., chain of custody of samples, notice to employees, confidentiality, consequence of positive results, etc.).

Testing Employees vs. Applicants

Since applicants are generally deemed to have a lesser expectation of privacy than current employees, employers enjoy greater freedom to test applicants, without the same concerns being invoked. However, to contain costs, many employers limit drug testing to those applicant whom they expect to offer a position to, as a condition of hire. While there is no requirement to notify an applicant in advance of a drug test, he or she is free to refuse to submit to it. Refusal to submit, of course, may be grounds to terminate the application process.

Indiana has not enacted its own legislation, but it allows private employers to require all employees to conform to the requirements of the federal Drug-free Workplace Act of 1988.

Retrieved from website: <http://www.enotes.com/everyday-law-encyclopedia/drug-testing-2>

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Drug testing in Indiana

Indiana is considered an "employment at-will" state. At-will employees may be terminated for any reason, so long as it's not illegal. The courts and OSHA have determined that it is the responsibility of the employer to provide a safe work environment; this can include providing a drug-free workplace. **Indiana has not enacted its own Drug-free Workplace legislation, but it allows private employers to require all employees to conform to the requirements of the federal Drug-free Workplace Act of 1988.**

Some of Indiana's laws related to drug testing are as follows:

IC 4-13-18 Chapter 18. Drug Testing of Employees of Public Works Contractors

- State contractors for public works projects are required to conduct drug testing of their employees. Bids for projects must be accompanied by written certification of an annual drug testing plan, with a monthly random drug test for at least 2% of the contractor's employees. Progressive disciplinary action or employee rehabilitation are also key components. Compliant collective bargaining agreements are allowed.
- The standard tests include five substances namely cocaine, amphetamines, phencyclidine (PCP), tetrahydrocannabinol (THC), and opiates.
- The costs of employer required medical testing in Indiana are to be paid by employers.
- Mine workers may be subject to on-site testing or to a test at a medical facility for illegal use of drugs or for alcohol intoxication.
- School bus drivers in Indiana must not have an addiction to narcotics. However, the applicable law does not explicitly require drug testing as a condition of employment despite a section requiring physical examination. Nevertheless, possession or consumption of a controlled substance or intoxicating liquor by school bus drivers within 6 hours of going to or being on duty is classified as a Class A misdemeanor.
- Child care employers are also required to conduct drug and alcohol testing of their employees.

IC 22-9-5-24: Alcohol and illegal use of drugs; prohibitions; requisites; testing

Sec. 24. (a) A covered entity may do the following:

(1) Prohibit the illegal use of drugs and the use of alcohol at the workplace by all employees.

(2) Require that employees shall not be under the influence of alcohol or be engaging in the illegal use of drugs at the workplace.

(3) Require that employees behave in conformance with the requirements established under the Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq.).

(4) Hold an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior that the entity holds other employees, even if the unsatisfactory job performance or behavior is related to the drug use or alcoholism of the employee.

(5) With respect to federal regulations regarding alcohol and the illegal use of drugs, require that:

(A) employees comply with the standards established in the regulations of the United States Department of Defense if the employees of the covered entity are employed in an industry subject to those regulations, including complying with regulations, if any, that apply to employment in sensitive positions in the industry, in the case of employees of the covered entity who are employed in those positions (as defined in the regulations of the United States Department of Defense);

(B) employees comply with the standards established in the regulations of the United States Nuclear Regulatory Commission if the employees of the covered entity are employed in an industry subject to those regulations, including complying with regulations, if any, that apply to employment in sensitive positions in the industry, in the case of employees of the covered entity who are employed in those positions (as defined in the regulations of the United States Nuclear Regulatory Commission); and

(C) employees comply with the standards established in the regulations of the United States Department of Transportation if the employees of the covered entity are employed in a transportation industry subject to those regulations, including complying with regulations, if any, that apply to employment in sensitive positions in the industry, in the case of employees of the covered entity who are employed in those positions (as defined in the regulations of the United States Department of Transportation).

(b) For purposes of this chapter, a test to determine the illegal use of drugs shall not be considered a medical examination.

(c) Nothing in this chapter shall be construed to encourage, prohibit, or authorize the conducting of drug testing for the illegal use of drugs by job applicants or employees or making employment decisions based on the test results.

(d) Nothing in this chapter shall be construed to encourage, prohibit, restrict, or authorize the otherwise lawful exercise by entities subject to the jurisdiction of the United States Department of Transportation of authority to:

(1) test employees in, and applicants for, positions involving safety sensitive duties for the illegal use of drugs and for on duty impairment by alcohol; and

(2) remove those persons who test positive for illegal use of drugs and on duty impairment by alcohol under subdivision (1) from safety sensitive duties in implementing subsection (c).

As added by P.L. 111-1992, SEC. 4.

Sources: <http://www.testcountry.com/StateLaws/Indiana.htm>

Indiana Code

The Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq.)

<http://uscode.house.gov/download/pls/41C10.txt>

Other drug-related Indiana laws

Workers Compensation: §22-3-2-8, 22-3-7-21 (1993) Denies workers' compensation benefits to employees whose injury or death was caused by intoxication.

Unemployment Compensation: §22-4-15-1(d) An employee who is discharged for "just cause" is disqualified from receiving benefits. "Just cause" includes reporting to work under the influence of alcohol or drugs, consuming alcohol or drugs on the employer's premises during work hours.

Source: <http://drugfreeworkplace.info/MainPages/Regulations/50%20States%20Framed.htm>

Disclosure planning

Disclosure is often a difficult choice for individuals with serious mental illness. Unlike individuals who have an obvious physical disability, many individuals with mental illness are able to get through the initial stages of employment without anyone detecting a disability.

There are strict rules around disclosure. As a provider, disclosure should not occur without a plan of how the individual and the staff person will address this issue. Discussion should occur early in the relationship between the provider and the individual to determine whether disclosure will occur, and if so, what is the disclosure plan (see page 164 for a sample disclosure plan format).

The pros and cons of disclosure

Weighing the pros and cons of disclosure can be very helpful in creating a long-term plan of support for individuals. Below are just a few of the pros and cons of disclosure.

Pros of disclosure:

- By making the employer aware of the disability, the individual may be covered under the Americans with Disabilities Act (ADA).
- An individual often finds his or her employers and other workers very supportive.
- Disclosure is an opportunity to educate - it can be a myth-buster.
- Sometimes accommodations can be very difficult to keep secret.
- Disclosure can set clear expectations for otherwise difficult situations. When contingencies are planned for it can help avoid later emergency planning.
- Protecting that "secret" can take a lot of energy.

Cons of disclosure:

- Despite the ADA, employers may find ways to avoid hiring or promoting individuals with known disabilities.
- There is always a risk of negative consequences, such as teasing, harassment, or other discriminatory behavior.
- Individuals with limited-self advocacy skills may find it difficult to articulate their needs.
- Assumption that all "actions" maybe disability related.
- May limit opportunities for career advancement.

Additional preparation:

- **Role playing.** Practice answering difficult questions which may be asked.
- **Defined roles.** Agree with the individual on the provider's role. Sketch out the responsibilities on paper or on a contract.

- **Talk about functions, not diagnosis.** Avoid medical terms that an employer may misunderstand or may not be familiar with, such as “schizophrenia” or “manic-depression,” or uncomplimentary labels such as “mental patient” or “high school dropout”.
- **Identify strengths and abilities.** Employers want employees who can do the job.
- **Seek normalcy, common experiences.** If you have ever been up all night drinking coffee, studying for a test, and you find that the next day you cannot think very clearly, you may have experienced what it is like to have a cognitive impairment.

Requesting a reasonable accommodation

If an accommodation is needed to help the individual meet the essential functions of the job, a reasonable accommodation may be requested. This can happen at any point in the application or employment process, and can be simplified in the following manner:

- Make sure that the job functions are clearly understood before discussing possible accommodations.
- The supported employee should be in charge of the decisions regarding what accommodations need to be made.
- Let the employer know that an adjustment or change at work is needed for a reason related to a medical condition.
- Information does not need to be in medical terminology; utilize “plain English” as much as possible.
- The request does not need to be in writing (but it may be advantageous).
- The request does not have to be expressed directly by the employee (it can be made by an employment specialist or other advocate).
- The request does not have to happen before starting the job, but can occur anytime during employment.
- Supporting documentation of the disability and functional limitations may be requested by the employer if the nature of the disability is not immediately apparent or visible.

For more information on disclosure and reasonable accommodations:

Training and Technical Assistance for Providers (T-TAP)
<http://www.t-tap.org/strategies/factsheet/disclosure.htm>

Worksupport.com
<http://www.worksupport.com/resources>

SAMHSA
<http://www.mentalhealth.samhsa.gov/publications/allpubs/CS00-0008/disclosure.asp>

<http://www.worksupport.com/documents/psychiatricdis.pdf>

Job Accommodation Network
<http://www.jan.wvu.edu>

Boston University’s Center for Psychiatric Rehabilitation
<http://www.bu.edu/cpr/jobschool/index.html>

Disclosure Worksheet

Employee _____

Date _____

I (circle one) will will not disclose my disability to this employer.

IF the decision is to disclose, indicate the plan (who will say it, what to say, when to say it, and to whom it will be said):

These things should be considered when planning a disclosure:

What terms will be used to describe the disability:

What are the skills that are needed for this job?

What functional limitations will interfere with performing the job?

What accommodations are needed to overcome these limitations?

What behaviors or symptoms might the employer or co-workers observe?

What steps can the employer take if these behaviors or symptoms are observed?

Source: Center for Psychiatric Rehabilitation at Boston University, 1999

Obtaining employment verification documentation

All U.S. employers must complete and retain a Form I-9 (Employment Eligibility Verification) for each individual they hire for employment in the United States. This includes citizens and noncitizens. On the form, the employer must examine the employment eligibility and identity document(s) an employee presents to determine whether the document(s) reasonably appear to be genuine and relate to the individual and record the document information on the Form I-9. The lists of acceptable documents are:

LIST A	OR	LIST B	AND	LIST C
<p>Documents that Establish Both Identity and Employment Eligibility</p>		<p>Documents that Establish Identity</p>		<p>Documents that Establish Employment Eligibility</p>
<ol style="list-style-type: none"> 1. U.S. Passport (unexpired or expired). 2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551). 3. An unexpired foreign passport with a temporary I-551 stamp. 4. An unexpired Employment Authorization Document that contains a photograph (Form I-766, I-688, I-688A, I-688B). 5. An unexpired foreign passport with an unexpired Arrival-Departure Record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, if that status authorizes the alien to work for the employer. 		<ol style="list-style-type: none"> 1. Driver's license or ID card issued by a state or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address. 2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address. 3. School ID card with a photograph. 4. Voter's registration card. 5. U.S. Military card or draft record. 6. Military dependent's ID card. 7. U.S. Coast Guard Merchant Mariner Card. 8. Native American tribal document. 9. Driver's license issued by a Canadian government authority. 10. School record or report card. 11. Clinic, doctor or hospital record. 12. Day-care or nursery school record. 		<ol style="list-style-type: none"> 1. U.S. Social Security card issued by the Social Security Administration (<i>other than a card stating it is not valid for employment</i>). 2. Certification of Birth Abroad issued by the Department of State (<i>Form FS-545 or Form DS-1350</i>). 3. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal. 4. Native American tribal document. 5. U.S. Citizen ID Card (<i>Form I-197</i>). 6. ID Card for use of Resident Citizen in the United States (<i>Form I-179</i>). 7. Unexpired employment authorization document issued by DHS (<i>other than those listed under List A</i>).

If the person has a **current** Indiana driver's license or identification card and is having trouble collecting documents, he or she can apply for a non-SecureID driver's license or identification card in order to drive or vote. However, without a SecureID, federal officials may restrict the ability to board aircraft or enter federal facilities in the future.

Identity documents

Documents that can be used to prove identity include:

- United States birth certificate.
- United States passport.
- Foreign passport with a VISA and I-94 form.
- Consular Report of Birth Abroad.
- Amended birth certificate showing a change of legal name, date of birth, or gender. The amended birth certificate must have been filed with a state office of vital statistics in the person's state of birth.
- Certificate of Naturalization (Form N-550 or Form N-570).
- Certificate of Citizenship (Form N-560 or Form N-561).
- Permanent Resident Card issued by Department of Homeland Security or Citizenship and Immigration Services (Form I-551).
- Employment Authorization Document issued by Department of Homeland Security (Form I-688B or Form I-766).
- Other documents issued by a United States federal agency to show identity and lawful status. The BMV must be able to verify through the Department of Homeland Security that the information in the document is accurate.

Proving a change in name, date of birth, or gender

If the person's legal name, date of birth, or gender is different from information on a document proving identity, the person must present additional documents showing the change. Acceptable documents supporting a change include:

- Marriage license
- Divorce decree
- Court order approving a change of legal name or date of birth
- Amended birth certificate showing a change of gender
- Physician's signed and dated statement that "(the person's name) successfully underwent all treatment necessary to permanently change (the person's name)'s gender from (previous gender) to (new gender)"
- Social Security Number Documents.

Documents that can be used to prove Social Security number include:

- Social Security card
- W-2 form
- SSA-1099 form
- Non-SSA-1099 form
- Pay stub with the person's name and Social Security number on it
- Social Security Administration documents establishing that ineligibility for a Social Security number

Lawful status documents

In most cases, the document that can be presented to prove identity will also prove lawful status in the United States. Documents that can be used to prove lawful status include:

- United States birth certificate.
- United States passport.
- Foreign passport with a VISA and I-94 form.
- Consular Report of Birth Abroad.
- Amended birth certificate showing a change of legal name, date of birth, or gender. The amended birth certificate must have been filed with a state office of vital statistics in the person's state of birth.
- Certificate of Naturalization (Form N-550 or Form N-570).
- Certificate of Citizenship (Form N-560 or Form N-561).
- Permanent Resident Card issued by Department of Homeland Security or Citizenship and Immigration Services (Form I-551).

Indiana residency affidavit

If the person cannot provide two documents proving Indiana residency, he or she may submit an Indiana Residency Affidavit if he or she meets the following qualifications:

- **The person is under the age of 18.** An Indiana Residency Affidavit for you must be signed at a license branch by another person. The person signing the affidavit must submit their valid Indiana driver's license or identification card, one document proving their identity, and two documents proving their Indiana residency.
- **The person is least 18 years old but cannot submit the required documents.** An Indiana Residency Affidavit must be signed at a license branch by a person he or she is living with. The person signing the affidavit must submit their valid Indiana driver's license or identification card, one document proving their identity, and two documents proving their Indiana residency.
- **The person is incapacitated.** An Indiana Residency Affidavit must be signed at a license branch by another person who is the legal guardian or caregiver, is at least 18 years old, and who the person is living with. The legal guardian or caregiver must submit their valid Indiana driver's license or identification card, one document proving their identity, and two documents proving their Indiana residency.
- **The person does not have an address of residence and lives at a group resident facility.** An Indiana Residency Affidavit must be signed at a license branch by a legal representative of the group resident facility. The person must also provide a letter from the group resident facility on its letterhead showing the facility's name, address, and telephone number, and showing the legal representative's name, signature, and signature date.
- **Homeless applicants without a residence address.** An Indiana Residency Affidavit must be signed by a legal representative of the government entity or not-for-profit organization where they receive services and can receive mail. A person must also provide a letter from the government entity or not-for-profit organization on its letterhead showing the facility's name, address, and telephone number, and showing the legal representative's name, signature, and signature date. The legal representative must state in the letter that the entity or organization provides services to the applicant and will accept delivery of mail for the applicant.

- **A person resides in a motor vehicle, including but not limited to a mobile home or motor home.** An Indiana Residency Affidavit must be signed at a license branch by another Indiana resident who attests his or her address of residence for record purposes. The person signing the affidavit must submit two documents proving their Indiana residency. The person must provide proof of paying Indiana income taxes for the current year or immediately prior year, and have current motor vehicle title and registration records with the BMV.
- **The person has a rural route mail delivery address.** The person must provide a properly certified government-issued document showing the person's name and a description of the residence's location.

If the person is enrolled in a truck driving training school located in Indiana, he or she must show proof of enrollment and present an out-of-state driver's license.

If the person has questions or trouble when collecting documents, he or she can call the BMV toll-free at 1-888-myBMV-411 (1-888-692-6841) and speak with a customer service representative for help, or visit any Indiana license branch for assistance.

Other considerations

Indiana law gives courts the authority to order the Bureau of Motor Vehicles to suspend a motorist's driver license when he or she is found to have committed certain traffic violations. In most of these instances, the motorist may apply to have his or her driver's license reinstated.

Most reinstatements must be processed at a reinstatement center. No reinstatements or information regarding an individual's driver license or suspension can be processed by phone or mail. The Indiana Bureau of Motor Vehicles has eight reinstatement centers around the state where eligible drivers can reinstate a suspended license. They are located in Evansville, Fort Wayne, Hammond, Indianapolis, Richmond, Sellersburg, South Bend, and Terre Haute. Driving records are also available at reinstatement centers. Reinstatements for writing a bad check to the BMV may be processed at the BMV's administrative offices located at:

Indiana Government Center North
100 North Senate Avenue, Room N440
Indianapolis, IN 46204

Driver licenses may be reinstated for the following suspensions:

- Out-of-state tickets that have been paid with case number and receipt.
- Defensive driving reinstatements (Reinstatement centers cannot schedule classes or give extensions)
- Failure to prove insurance compliance following an accident or traffic violation
- SR 22 (Proof of financial responsibility for a mandatory three year period)
- SR 50 (Proof of current financial responsibility)
- Court abstracts: SR 16 (issued when a ticket is paid)

IC 35-48-4-15 Driver's license and motor vehicle registration; suspension

Sec. 15. (a) If a person is convicted of an offense under section 1, 2, 3, 4, 5, 6, 7, 10, or 11 of this chapter ((IC 35-48-4) Offenses Relating to Controlled Substances), or conspiracy to commit an offense under section 1, 2, 3, 4, 5, 6, 7, 10, or 11 of this chapter, and the court finds that a motor vehicle was used in the commission of the offense, the court shall, in addition to any other order the court enters, order that the person's:

- (1) operator's license be suspended;
- (2) existing motor vehicle registrations be suspended; and
- (3) ability to register motor vehicles be suspended;

by the bureau of motor vehicles for a period specified by the court of at least six (6) months but not more than two (2) years.

(b) If a person is convicted of an offense described in subsection (a) and the person does not hold an operator's license or a learner's permit, the court shall order that the person may not receive an operator's license or a learner's permit from the bureau of motor vehicles for a period of not less than six (6) months.

Social Security card

The person can replace his or her Social Security card for free if it is lost or stolen. However, the person may not need to get a replacement card. Knowing the Social Security number is what is important. The person is limited to three replacement cards in a year and 10 during a lifetime. Legal name changes and other exceptions do not count toward these limits. For example, changes in immigration status that require card updates may not count toward these limits. Also, a person may not be affected by these limits if he or she can prove the need for the card to prevent a significant hardship.

To get a replacement card complete an *Application for a Social Security Card* (Form SS-5) and bring the following documents to the local Social Security office. All documents must be either originals or copies certified by the issuing agency. SSA cannot accept photocopies or notarized copies of documents. This form is available for download at <http://www.socialsecurity.gov/online/ss-5.html>.

The person will need to show documents proving U.S. citizenship (if the person has not already established citizenship with Social Security Information). These documents include a U.S. birth certificate, U.S. consular report of birth, U.S. passport, Certificate of Naturalization or Certificate of Citizenship.

A person will also need to show a document proving identity. SSA can accept only certain documents as proof of identity. An acceptable document must be current (not expired) and show his or her name, identifying information (date of birth or age) and preferably a recent photograph, such as a U.S. driver's license; State-issued identification card; or a U.S. passport.

If the person does not have one of these specific documents or cannot get a replacement for one of them within 10 days, SSA may ask to see other documents, including an Employee ID card; School ID card; Health insurance card (not a Medicare card); or a U.S. military ID card.

Birth certificate

Certified copies of birth certificates are available from the Indiana State Department of Health (ISDH) or available from the local health department in the county where the event occurred. The ISDH Vital Records office is located at 6 West Washington Street, Indianapolis, Indiana 46204. To apply by mail complete a copy of form 49607, Application for Search and Certified Birth Record, which can be found at www.in.gov/isdh/20444.htm. The cost for the first certificate at ISDH is \$10.00; county fees may vary. All requests require proper identification and proof of relationship to the person whose record is being requested is required. Photo copies of the documents are acceptable.

Acceptable identification includes either one document from LIST A or two documents from LIST B.

List A documents (1 needed):

- Valid Driver's License
- Valid State Identification
- Valid Work ID (Must be still employed)
- Military ID w/Signature
- Valid School ID (Must still be attending)
- Veterans ID card
- Mexico Consular ID card
- Corrections ID card
- Probation ID card
- Valid Passport

List B documents (2 needed):

- Social Security Card or Stamped Printout
- Current Voters' Registration
- Valid Major Credit Card with signature (Backside Only) (NO EBT or ATM CARDS)
- Valid Indiana Gun Permit
- Valid Motor Vehicle Registration (NO Titles)
- Signed Rental Agreement/Lease (Must be 6 months old) or Signed Mortgage (Must still own, no payment slips)
- Valid Military DD-214
- State Agency Referral (FSSA, Red Cross, Catholic Social Services) etc.
- Original Employment Application (Must be 6 months old) or Employment Verification on Letterhead (no check stubs)
- Previous Year's Signed Tax Return (No W-2s)
- Marion County Criminal History Report

Job application strategies

In addition to obtaining documentation, it is beneficial for a person to complete a mock application prior to job search. This will provide an opportunity to assess the person's ability to follow directions, spell, write legibly, and reading comprehension. In addition it will provide the information is still needed for the person to thoroughly complete an application (missing employment information, references, working skills, etc.). Once all of the information is completed it can also serve as a guide for completing actual business applications. Remember, most companies will not consider applicants who turn in incomplete applications. If the person does not have a sample application, one has been provided.

Many businesses now list job postings on the internet and require individuals to complete online applications. There are also several career development websites that allow a person to search for jobs and apply for job listings. If someone is not familiar with utilizing a computer or setting up user accounts, it may be helpful to teach them basic computer skills. Some libraries offer community classes on how to use a computer.

In addition to job postings and applications, many businesses are using email to communicate about a person's status in the hiring process. If a person does not have an email account, it will be necessary to help them create one. There are many free online email account options (e.g. yahoo, gmail, hotmail). If someone is required to register as a sex offender in Indiana, he or she will want to review the registration requirements as they relate to computer information (IC 11-8-8-8 Required registration information; consent to computer search).

Asking the question, "*Do you have a disability?*" can become a legal issue for a company. Often this question is an optional field. They may ask, "*Can you complete the job requirements with or without accommodations?*" If the person can do the main function(s) of the job, the answer is yes. Depending on the type of accommodation, a person may choose to disclose what assistance they will need on the applicant. Others may decide to wait until the interview or after the job offer. Making informed decisions about sharing disability information is called disclosure planning. See pages 162-164 for more information on disclosure planning.

During the disclosure planning process, a person will decide whether or not to disclose information about his or her disability. If the person decides it is to his or her benefit to share information, the person will write down what is it they would say (e.g. medical terminology or "plain English", behavioral descriptions, observable symptoms), who will say it (e.g. the person, the employment specialist, probation officer, case manager), when would the information be shared (e.g. pre-application, on the application, during the interview, upon job offer, after starting the job), to whom it will be shared (e.g. human resource director, owner, manager, direct supervisor, coworkers), and what accommodations needed (e.g. tangible supports such as a modified computer keyboard, non-tangible accommodations such as flexibility in schedule/tasks, employment specialist assistance).

Addressing criminal history on an application can be challenging. There are four basic ways to address criminal history on an application:

- The person could skip the question; however, the omission of the answer can indicate to an employer that he or she is guilty and will lower the chance of getting an interview.
- The person can lie and say no; however, most companies now do a background check and lying on an application will almost always result in termination of a job or no job offer.

- The person can state *yes* and explain the crime. Some people may select this option depending on the type of crime and/or the severity of crime. It is important to weigh the pros and cons of divulging information to a potential employer before selecting this option. Remember an employer may not understand the difference between a B felony and a D felony or an A misdemeanor, so stating the class is typically not beneficial.
- The person can state *yes* and write, *Will explain in interview*. Although admitting that there was a conviction on an application may have an impact on whether or not a person obtains an interview, this still is the best option to show integrity and not disclose too much information to an employer. If a person does write that statement on their application, he or she should be prepared to explain the crime during the interview.

When addressing criminal history on the application, it is important that the person thoroughly reads the question that is being asked. If the question is “*Have you ever been convicted of a felony?*” and the person has only been convicted of a misdemeanor, the answer is no. However if the question is “*Have you ever been convicted of a crime?*” or “*Have you ever been arrested?*”, then the answer is yes.

The question may also state a specific time frame. For example, if the question asks, “*Have you ever been convicted of a felony within the past 7 years?*” and the person was released from prison last year for a conviction 10 years ago, the answer is still no; however, keep in mind that the person will still need to explain their employment gap. If the person did work while incarcerated, the individual may wish to list this work on the application to minimize gaps.

In some cases if the crime was committed under juvenile status the person may or may not choose to disclose they have been arrested if the records have been sealed, dropped or expunged. Even if these crimes do not show up on the background check, if it is a high profile case, businesses may be able to find the information on the internet. If the person was a juvenile but convicted as an adult, the person will need to decide how he will answer the question. In these cases, information will be listed on the criminal background check. Remember if the person has a probation or parole officer who will check on them at the worksite, it is to the person’s benefit to mark yes.

Typically there will be a section for references. They may ask for both personal and work references. When listing references, make sure that the person’s full name, title (if applicable), address, phone number and email address are included. Prior to listing someone on the application, the person should contact the references and ask permission. Sometimes, individuals will not feel comfortable being a reference or may not be a positive reference.

When possible, the person should not list references that are paid professionals that might indicate a person has a problem. It is a red flag to a company to see listed as personal references the defense attorney, mental health therapist or case manager, probation or parole officer, and/or employment specialist. Instead review community connections that may or may not be paid contacts but know the person well enough to speak to his or her character: religious figures, local librarian, grocery store clerk.

Some companies have policies that will not allow management/co-workers to be references or they may restrict what a person can say as a reference. If a person lists a state penal institution as their employer, the person may want to contact the facility first about their reference policies.

MY FACT SHEET

Complete and carry with you on your job search

Applicant's Name (Last)		First	Middle Initial	Social Security Number - -
Mailing Address (Number)		Street		Work Telephone Number ()
City		State	Zip Code	Home Telephone Number ()
EDUCATION				
Name of School	Location of School		Degree or Course of Study	Date Completed
EMPLOYMENT HISTORY – Begin with your most recent job. List each job separately.				
Job Title		Dates Worked From ____ To ____		Pay \$ ____ Per ____
Name of Employer			Name of Supervisor	
Address:				
		City	State	Zip Code
Telephone Number ()		Reason for Leaving:		
Duties Performed:				
Job Title		Dates Worked From ____ To ____		Pay \$ ____ Per ____
Name of Employer			Name of Supervisor	
Address:				
		City	State	Zip Code
Telephone Number ()		Reason for Leaving:		
Duties Performed:				

Job Title	Dates Worked From _____ To _____	Pay \$ _____ Per _____
Name of Employer		Name of Supervisor
Address:		
	City	State Zip Code
Telephone Number ()	Reason for Leaving:	
Duties Performed:		
Job Title	Dates Worked From _____ To _____	Pay \$ _____ Per _____
Name of Employer		Name of Supervisor
Address:		
	City	State Zip Code
Telephone Number ()	Reason for Leaving:	
Duties Performed:		
PERSONAL REFERENCES: List the names of three references that employers may contact.		
1) Name	Telephone # ()	Relationship (Teacher etc.)
Address:		
	City	State Zip Code
2) Name	Telephone # ()	Relationship (Teacher etc.)
Address:		
	City	State Zip Code
3) Name	Telephone # ()	Relationship (Teacher etc.)
Address:		
	City	State Zip Code

Resume development strategies

In addition to completing applications, some businesses require a resume. A resume is a brief written account of personal, educational, and professional qualifications and experience, prepared by an applicant for a job. A resume is typically is 1-2 pages, and should summarize the person's work skills.

There are different types of resumes; the most commonly used are the chronological and functional resumes. The chronological resume focuses on professional work experience and places them in a chronological time line. A functional resume puts emphasis more on work skills and qualifications. Examples of both resumes are provided.

A personalized cover letter should accompany each resume. It should be written to the person who is accepting the resumes and specify what job the person is applying for, how they found out about the job, provide a brief summary of skills/qualifications, and indicate follow up. Both the resume and the cover letter should sell one's strengths and provide convincing evidence that the employer should want to interview the person.

It is helpful to track which businesses applications and resumes are sent so that follow up can occur. Information that should be tracked include:

- date completed application/sent resume;
- contact person at business/job title;
- position applied for;
- follow up date; and
- additional pertinent information.

There are a number of online and in-person resources available to assist with resume development:

- The local WorkOne can assist with resume development (see pages 86-96 for more information about WorkOne and how to find the nearest location).
- Indiana Career Connect can assist applicants with online resume development. Applicants must register with the service (at no charge). Visit <http://www.indianacareerconnect.com> for more information.
- JobStar has sample resumes, tips for resume-writing, and more. Visit <http://www.jobstar.org> for more information.

Interviewing strategies

Being prepared for an interview is critical in obtaining employment. Practicing the interview process can help a person become more relaxed and prepared. Areas that may need to be addressed include personal appearance, body language, verbal language, attitude and confidence, and presentation of materials. Using a mock interview evaluation sheet can help the person identify what areas they did well during his or her presentation and what areas they need to improve.

The day before the interview, make sure that transportation and child care are secure and that the interview clothing is clean and appropriate for the type of position in which he or she is applying. A person's first impression can impact a company's decision on whether or not to hire. A person should be properly groomed; if wearing cologne/perfume, put it on sparingly. Clothing should be clean and when possible, the person should wear an outfit that is one step higher than the typical dress for that field. For example, if someone is applying for a mechanic position, khaki pants and a nice shirt would be appropriate. However, if the person was applying for a management position at a store, a suit would be more fitting.

Some companies may have specific guidelines on body piercings, tattoos, dress, and hair. Although companies cannot discriminate by law against individuals with these adornments, they can request that one follow company's policies regarding dress code. For example, some men do not shave their beards for religious purposes. For example, a restaurant cannot require an employee to shave his beard, but may require that the person wear a net over his beard, for health or safety purposes.

On the day of the interview, the person should arrive 10-15 minutes before the scheduled interview time. If an application was not completed prior to the interview, the applicant should be prepared to complete one at that time. The applicant should be familiar with what they listed on the application and/or resume for consistency. Using the "*My Fact Sheet*" (see pages 173-174) is a great tool to use for reference during an interview. If a resume is required, the person should bring two copies, one for the interviewer and one to use as a reference during the interview.

When greeting the interviewer, a person should walk erect and extend his/her right hand, offering a firm handshake. Do not sit until a seat is offered. Eye contact should be kept throughout the interview. Body posture should mirror the interviewer's body.

The person should be prepared to present themselves well and be able to clearly answer questions using proper grammar (no slang terminology or curse words). The following are a list of common questions that are asked during interviews as well as tips on how to answer them.

Interview Questions/Prompts

Tell me about yourself.

To effectively answer this question, it is helpful to develop a 60-second biographical summary that highlights the person's interests, work-related skills, education or specialized training, and accomplishments. Avoid personal information that may be perceived as a problem, (e.g. "*I am a recently divorced mother of three school aged kids...*")

What are your strengths?

This question helps the employer find out what natural talents the applicant is bringing to the workplace! Be honest. The person shouldn't say he or she is punctual if they have a history of being late. When stating a

strength, provide examples that demonstrate the strong point. For example, *“I am a problem solver. At my last job I was able to restructure our stocking tasks that cut 20 minutes off the stock time allowing for our company to focus more on customer service.”* Some examples of work strengths are effective communicator, positive attitude, highly energetic, good at prioritizing tasks, flexible, self-confident, good interpersonal skills, team player, well organized, and quick learner.

What is your biggest weakness?

Answer this question by stating something that the person is improving upon and what he or she is doing to make great progress in overcoming the weakness. For example, *“I sometimes have difficulty accomplishing non-daily tasks. I have found that keeping a daily “To do” list and reviewing it prior to starting any tasks helps me to accomplish my work duties.”* Avoid over disclosing or listing everything that perceived as being “wrong” about him– or herself.

Tell me what you know about this company.

Companies want to know why the applicant wants to work there and be invested in working there. Do research ahead of time so that he or she can express some knowledge of their company history, services and/or products offered.

Can we call all of your references?

This seems like a simple question with a simple answer, “yes”. Prior to listing references remember to contact each company and ask about their reference policies. Some companies will only give dates worked, positions held, and a statement of whether or not they would rehire the person. If the person contacted agrees to give a good reference then state yes. Some people would not make a good reference based on their personal experience with the applicant. On these incidences the person may need to determine whether or not the reference would hurt their chance of being offered the job. In this case she or her may want to state no. If stating no; however, the applicant will need to give a reason why.

Tell me about a conflict you have had and how you resolved it.

This question allows the interviewer to assess the person’s conflict resolution skills. Does the person have the ability to problem-solve and handle conflict? Do not describe a situation where violence or other negative behavior was used to solve the problem. Instead give a scenario where the person demonstrates appropriate communication skills resulting in a positive ending.

Can you complete the job requirements with or without accommodations?

Prior to the interview, it is important to review the disclosure plan that the person completed to determine how to answer this question. If the person has not completed a plan, then he or she should decide how much they want to disclose about their own disability, if any, to the business and when will the information be shared. It may be helpful to find out what are the main tasks of the job. An applicant can do this by asking to see a copy of the job description or by talking to someone who does a similar job. Prior to the interview, it is important to review the disclosure plan that the person completed to determine how to answer this question.

Tell me about your criminal history.

If a person marks on the application that he or she has a criminal history and will discuss in interview, be prepared to discuss it. The information he or she shares during the interview can influence the person’s decision to hire them. Some people prefer to bring their criminal history up on their own to help minimize the awkwardness of waiting for the interviewer to ask. If the crime was a misdemeanor, it is typically beneficial to be forthright.

When explaining the criminal history, it is important to do the following:

- **State the crime:** When stating the crime, be honest but don't go into all of the specific details. When possible, use softer language to explain the crime. For example if a person was convicted of child molestation, the person could state *"I was convicted of a sex crime involving a minor"* versus saying, *"I was convicted of molesting a child"*. Both are true statements, but the first statement is less visual.

It is not necessary to state the class since most employers will not know the difference nor does he or she have to state the original charges, just what the conviction is. For example: A person is originally charged with a Class A Kidnapping, but he or she is found guilty of Class C Criminal Confinement. The person does not have to say that he or she was charged with the kidnapping. Instead the person could state, "I was convicted of criminal confinement".

- **Take responsibility for the crime:** Do not blame others, mental health and substance issues, or life experiences for choices. Remember most people have had "hard times," but not everyone has committed a crime.
- **Show remorse and empathy for the victim(s).**
- **Share positive results:** Demonstrate how the applicant has changed or become a better person since the crime and/or through rehabilitation. While incarcerated did the person improve his or her education, work, attend classes or therapy? If the crime was committed while under the influence of an illegal substance or alcohol, show sobriety by explaining what he or she is doing to avoid them (e.g. sober for five years, took classes on how to become a more effective communicator, on medication to deal with depression). Keep in mind, if a person states during their interview that he or she has used illegal drugs or alcohol, or has a disability or a criminal background, the interviewer can ask follow-up questions.

Be prepared to ask questions of the interviewer

It is very common for the interviewer to ask if the applicant has any questions of the interviewer. Be prepared to ask a couple of questions. Questions should show interest in the business, such as:

- *"What does [the interviewer] look for in a qualified candidate?"*
- *"Describe a typical work day."*
- *"What are the main tasks during the first six months?"*

Asking about benefits, raises, or smoke breaks are typically not good questions to ask in the interview.

Thank the interviewer

Upon completion of the interview, the person should stand up, shake the interviewer's hand and thank him or her for the interview. Request a business card and be encouraged to keep it in a safe place. Within 24 hours of the interview, the person should write a thank you note to everyone with whom they interviewed; this can be handwritten or via email. If the applicant stated that he or she would follow up, then the person should call or email within that given time frame.

There are online and in-person resources available to assist with interview preparation:

- The local WorkOne can assist with interview preparation (see pages 86-96 for more information about WorkOne and how to find the nearest location).
- Tips for Job Search—Interview Process: <http://www.in.gov/dwd/2447.htm>.
- Job Interview Questions Website: <http://www.jobinterviewquestions.org>

Self-employment/How to start a small business

Starting and managing a business takes motivation, desire and talent. It also takes research and planning. To increase the chance for success, take the time up front to explore and evaluate the business and personal goals. Then use this information to build a comprehensive and well-thought-out business plan that will help the person reach these goals.

The process of developing a business plan will help the person think through some important issues that he or she may not have considered yet. The person's plan will become a valuable tool as he or she sets out to raise money for the business. It should also provide milestones to gauge success.

Getting started

Before starting out, an individual should list the reasons for wanting to go into business. Some of the most common reasons for starting a business are:

- To be his or her own boss.
- Financial independence.
- Creative freedom.
- To fully use his or her skills and knowledge.
- Control over your own schedule.

Next you need to determine what business is "right for you." Ask yourself these questions:

- What does he or she like to do with my time?
- What technical skills has he or she learned or developed?
- What do others say the person was good at?
- How much time does the person have to run a successful business?
- Does the person have any hobbies or interests that are marketable?

Then you should identify the niche your business will fill. Conduct the necessary research to answer these questions:

- Is the idea practical and will it fill a need?
- What is the competition?
- What is the business advantage over existing firms?
- Can the person deliver a better quality service?
- Can the person create a demand for the business?

The final step before developing the plan is the pre-business checklist. The person should answer these questions:

- What business is the person interested in starting?
- What services or products will he or she sell? Where will the business be located?
- What skills and experience does the person bring to the business?
- What will be the legal structure?
- What will the business be named?
- What equipment or supplies will be needed?
- What insurance coverage will be needed?

- What financing will be needed?
- What resources does the person have?
- How will the person be compensated?

The answers to these questions will help the person create a focused, well-researched business plan that should serve as a blueprint. It should detail how the business will be operated, managed and capitalized.

Types of business organizations

When organizing a new business, one of the most important decisions to be made is choosing the structure of a business. Factors influencing the decision about the business organization include:

- Legal restrictions
- Liabilities assumed
- Type of business operation
- Earnings distribution
- Capital needs
- Number of employees
- Tax advantages or disadvantages
- Length of business operation

Sole Proprietorship

This is the easiest and least costly way of starting a business. A sole proprietorship can be formed by finding a location and opening the door for business. There are likely to be fees to obtain business name registration, a fictitious name certificate and other necessary licenses. Attorney's fees for starting the business will be less than the other business forms because less preparation of documents is required and the owner has absolute authority over all business decisions.

Partnership

There are several types of partnerships. The two most common types are general and limited partnerships. A general partnership can be formed simply by an oral agreement between two or more persons, but a legal partnership agreement drawn up by an attorney is highly recommended. Legal fees for drawing up a partnership agreement are higher than those for a sole proprietorship, but may be lower than incorporating. A partnership agreement could be helpful in solving any disputes. However, partners are responsible for the other partner's business actions, as well as their own.

Corporation

A business may incorporate without an attorney, but legal advice is highly recommended. The corporate structure is usually the most complex and more costly to organize than the other two business formations. Control depends on stock ownership. Persons with the largest stock ownership, not the total number of shareholders, control the corporation. With control of stock shares or 51 percent of stock, a person or group is able to make policy decisions. Control is exercised through regular board of directors' meetings and annual stockholders' meetings. Records must be kept to document decisions made by the board of directors. Small, closely held corporations can operate more informally, but record-keeping cannot be eliminated entirely. Officers of a corporation can be liable to stockholders for improper actions. Liability is generally limited to stock ownership, except where fraud is involved. The person may want to incorporate as a "C" or "S" corporation.

- "C corporation": Type of business organization structure that provides several non-tax benefits (such as

limited liability for the owners) and is popular as a staging base for raising large amount of investment capital by going public. Unlike in a S corporation, however, the entity's income is taxed twice first as corporate income, then as shareholder (dividend) income.

- “S corporation”: Type of corporate structure in which the firm's income is passed through its stockholders (shareholders) in proportion of their investment, and taxed at personal income tax rates. S corporations ('S' stands for 'small') can have only one type of stock and only a limited number of stockholders. Also called subchapter S corporation.

Source: <http://www.businessdictionary.com>

Business plan basics

A business plan precisely defines the business, identifies goals, and serves as the firm's resume. The basic components include a current and pro forma balance sheet, an income statement, and a cash flow analysis. It helps allocate resources properly, handle unforeseen complications, and make good business decisions. As it provides specific and organized information about the company and how the person will repay borrowed money, a good business plan is a crucial part of any loan application. Additionally, it informs sales personnel, suppliers, and others about the business' operations and goals.

Plan Your Work

The importance of a comprehensive, thoughtful business plan cannot be overemphasized. Much hinges on it: outside funding, credit from suppliers, management of the operation and finances, promotion and marketing of the business, and achievement of the business' goals and objectives.

Despite the critical importance of a business plan, many entrepreneurs drag their feet when it comes to preparing a written document. They argue that their market-place changes too fast for a business plan to be useful or that they just don't have enough time, but just as a builder won't begin construction without a blueprint, eager business owners shouldn't rush into new ventures without a plan.

Before beginning the business plan, consider four core questions:

- What service or product does the business provide; what needs does it fill?
- Who are the potential customers for the product or service and why will they purchase it from this business?
- How will the business reach potential customers?
- Where will the person get the financial resources to start the business?

Business Plan Outline

The following outline of a typical business plan can serve as a guide. The person can adapt it to his or her specific business. Breaking down the plan into several components helps make drafting it a more manageable task.

Introduction

- Give a detailed description of the business and its goals.
- Discuss the ownership of the business and the legal structure.
- List the skills and experience the person brings to the business.
- Discuss the advantages the person and the business have over their competitors.

Marketing

- Discuss the products/services offered.
- Identify the customer demand for the product/service.
- Identify the market, its size and locations.
- Explain how the product/service will be advertised and marketed.
- Explain the pricing strategy.

Financial Management

- Explain the source and the amount of initial equity capital.
- Develop a monthly operating budget for the first year.
- Develop an expected return on investment and monthly cash flow for the first year.
- Provide projected income statements and balance sheets for a two--year period.
- Discuss the break-even point.
- Explain the personal balance sheet and method of compensation.
- Discuss who will maintain the accounting records and how they will be kept.
- Provide "what if" statements that address alternative approaches to any problem that may develop.

Operations

- Explain how the business will be managed on a day-to-day basis.
- Discuss hiring and personnel procedures.
- Discuss insurance, lease or rent agreements, and issues pertinent to the business.
- Account for the equipment necessary to produce the products or services.
- Account for production and delivery of products and services.

Concluding Statement

Summarize the business goals and objectives and express the commitment to the success of the business.

For more information about how to construct a detailed business plan, consult the Small Business Administration's website at:

http://www.sba.gov/smallbusinessplanner/plan/getready/SERV_ESSENTIAL.html.

Once the business plan is complete, review it with a friend, business associate, or Service Corps of Retired Executives (SCORE) (<http://www.score.org>), or Small Business Development Center (SBDC) counselor (<http://www.sba.gov/sbdc>).

When the person feels comfortable with the content and structure make an appointment to review and discuss it with the person's lender. The business plan is flexible document that should change as the business grows.

Financing

Financing Your Business Start-Up

One key to a successful business start-up and expansion is the ability to obtain and secure appropriate financing. Raising capital is the most basic of all business activities. But, as many new entrepreneurs quickly discover, raising capital may not be easy; in fact, it can be a complex and frustrating process. However, if the person is informed and has planned effectively, raising money for the business will not be a painful experience. This information summary focuses on ways a small business can raise money and explains how to prepare a loan proposal.

Finding the Money You Need

There are several sources to consider when looking for financing. It is important to explore all of the person's options before making a decision.

Personal savings: The primary source of capital for most new businesses comes from savings and other forms of personal resources. While credit cards are often used to finance business needs, there may be better options available, even for very small loans.

Friends and relatives: Many entrepreneurs look to private sources such as friends and family when starting out in a business venture. Often, money is loaned interest free or at a low interest rate, which can be beneficial when getting started.

Banks and credit unions: The most common source of funding, banks and credit unions, will provide a loan if the person can show that the business proposal is sound. Banks make money by lending money. However, the inexperience of many small business owners in financial matters often prompts banks to deny loan requests. Requesting a loan when the person is not properly prepared sends a signal to the lender. That message is: High Risk!

Venture capital firms: These firms help expanding companies grow in exchange for equity or partial ownership.

SBA Loan Maturities: SBA loan programs are generally intended to encourage longer-term small business financing, but actual loan maturities are based on the ability to repay, the purpose of the loan proceeds, and the useful life of the assets financed. However, maximum loan maturities have been established: twenty-five years for real estate; up to ten years for equipment (depending on the useful life of the equipment); and generally up to seven years for working capital. Short-term loans are also available through the SBA to help small businesses meet their short term and cyclical working capital needs.

Types of Business Loans

Terms of loans may vary from lender to lender, but there are two basic types of loans: short-term and long-term. Generally, a short-term loan has a maturity of up to one year. These include working capital loans, accounts- receivable loans and lines of credit.

Long-term loans have maturities greater than one year but usually less than seven years. Real estate and equipment loans may have maturities of up to 25 years. Long-term loans are used for major business expenses such as purchasing real estate and facilities, construction, durable equipment, furniture and fixtures, vehicles, etc.

To be successful in obtaining a loan, the person must be prepared and organized. He or she must know exactly how much money is needed, why it is needed, and how it will be paid back. The person must be able to convince a lender that he or she is a good credit risk.

SBA Financial Programs

The SBA offers a variety of financing options for small businesses. Whether the person is looking for a long-term loan for machinery and equipment, a general working capital loan, a revolving line of credit, or a microloan, the SBA has a financing program to fit his or her needs.

These programs are discussed in detail in on SBA's Web site in the Financing area:

http://www.sba.gov/smallbusinessplanner/plan/getready/SERV_FA_INDEX.html

Government regulations and small business

Below is a checklist of the most common requirements that affect small businesses, but it is by no means exhaustive. Bear in mind that regulations vary by industry. If the person is in the food service business, for example, he or she will have to deal with the health department. If the business uses chemical solvents, there will be environmental compliance to meet. Carefully investigate the regulations that affect the industry. Being out of compliance could leave the person unprotected legally, lead to expensive penalties, and jeopardize the business.

Business Licenses

There are many types of licenses. One is needed to operate legally almost everywhere. If the business is located within an incorporated city limits, a license must be obtained from the city; if outside city limits, then from the county. For more information, contact the county or city office in your area or this state website that offers business license information: <http://www.state.in.us/sic/owners/ia.html>.

It may also help to visit <http://www.in.gov>, locating their "SEARCH" feature and typing in "business license" or "county information."

Certificate of Occupancy

If the person is planning on occupying a new or used building for a new business, he or she may have to apply for a Certificate of Occupancy from a city or county zoning department. For more information contact the county or city office in the area.

It may also help to visit <http://www.in.gov>, locating their "SEARCH" feature and typing in "certificate of occupancy" or "county information".

Business Organization

There are many forms of legal structure the person may choose for the business. The most common structures are Sole Proprietorships, General and Limited Partnerships, C and S Corporations and Limited Liability Companies. Each legal structure offers organizational options which are appropriate for different personal situations and which affect tax and liability issues. It is suggested that the person research each legal structure thoroughly and consult a tax accountant and/or attorney prior to making a decision.

Important small business contacts

The Small Business Administration

The U.S. Small Business Administration (SBA) was created in 1953 as an independent agency of the federal government to aid, counsel, assist and protect the interests of small business concerns, to preserve free competitive enterprise and to maintain and strengthen the overall economy of our nation. They recognize that small business is critical to our economic recovery and strength, to building America's future, and to helping the United States compete in today's global marketplace. Although SBA has grown and evolved in the years since it was established, the bottom line mission remains the same. The SBA helps Americans start, build and grow businesses. Through an extensive network of field offices and partnerships with public and private organizations, SBA delivers its services to people throughout the United States, Puerto Rico, the U. S. Virgin Islands and Guam. Among its services and programs, the SBA provides:

- Technical Assistance (Training & Counseling)
- Financial Assistance
- Contracting Assistance
- Disaster Assistance Recovery
- Special Interests
- Advocacy, Laws & Regulations
- Civil Rights Compliance - CRC

The SBA in Indiana is:
 Indianapolis District Office
 8500 Keystone Crossing, Suite 400
 Indianapolis, IN 46240
 (317) 226-7272

The Small Business Training Network

The Small Business Training Network is a virtual campus housing free training courses, workshops and knowledge resources designed to assist entrepreneurs and other students of enterprise. More information is available at: <http://www.sba.gov/training>.

Service Corps of Retired Executives (SCORE)

SCORE "Counselors to America's Small Business" is a non-profit organization dedicated to the formation, growth, and success of small businesses nationwide. In Indianapolis, SCORE provides FREE confidential business counseling and low-cost seminars in all areas of business planning, start-up, and operation. The counseling service and the business seminars are available if the person has only just an idea for a business start-up, are currently starting a business, or if he or she has been active in business for many years.

Founded in 1964, SCORE now has chapters in locations throughout the United States and its territories, with over 11,500 women and men volunteer members nationwide. SCORE counselors have many years of successful business experience in management, finance, marketing and sales, retailing, manufacturing, international import/export, engineering, service-type businesses, home-based businesses, and numerous other areas. Some members are entrepreneurs. Others have been senior executives in major corporations. Some are still active in business. Others are retired. But all offer their knowledge and experience to benefit the person and others who desire to own their own business.

Counseling & Training

At SCORE, counseling is always free-of-charge. Volunteers donate their time and talent. As a nonprofit association, they bring Fortune 500 executives and successful entrepreneurs to the business as mentors. Business counseling relationships can last just a few sessions or a number of years, based on the person's needs as an entrepreneur. Prepare for the counseling session by arriving with a well-thought-out idea, preliminary business plan and other information that will help the person maximize his or her one-on-one consultation. SCORE volunteers sometimes counsel in teams, bringing a specific strength to the table. Counselors may be available to visit the person at the place of business to learn about the venture and concerns.

Workshops & Seminars

Local SCORE chapters offer low-cost business workshops and seminars for both start-up and in-business entrepreneurs. Training covers a variety of topics, from writing a business plan to importing/exporting to e-commerce. Workshops also offer a chance to network with local, small business owners. For more information about SCORE visit <http://www.score.org> or contact the local SCORE chapter.

Small Business Development Centers

The Indiana Small Business Development Center is a state-based organization offering a wealth of free and low cost information, management counseling, and educational services designed to support Indiana small business owners and potential entrepreneurs. Their mission is to help Indiana business grow and create new jobs within the state. In Indiana, the Lead SBDC is:

Indiana SBDC Network
One North Capitol, Suite 900
Indianapolis, Indiana 46204
<http://www.isbdc.org>

State Director
Phone: (317) 234-2082
Fax: (317) 232-8872
Email: leadcenter@isbdc.org

Women's Business Centers

Women's Business Centers (WBCs) represent a national network of more than 100 educational resource centers designed to assist women start and grow small businesses. WBCs operate with the mission to level the playing field for women entrepreneurs, who still face unique obstacles in the world of business. There are two Women's Business Centers in Indiana:

Women's Enterprise
Fort Wayne Women's Bureau
3521 Lake Ave., Suite 1
Fort Wayne, IN 46805
Telephone: 260-424-7977
E mail: sbusack@womensenterprise.org
<http://www.womensenterprise.org>

Business Ownership Initiative of Indiana
4755 Kingsway Drive, Suite 314
Indianapolis, IN 46205-1549
Telephone: (317) 917-3266 ext. 100
Fax: (317) 916-8921
E-mail: nsibiz@sbcglobal.net
<http://www.nsibiz.org>

Additional Resources

EEOC Enforcement Guidance on the Americans with Disabilities Act and Psychiatric Disabilities

EEOC NOTICE

Number 915.002

Date 3-25-97

Enforcement Guidance: The Americans With Disabilities Act and Psychiatric Disabilities

INTRODUCTION

The workforce includes many individuals with psychiatric disabilities who face employment discrimination because their disabilities are stigmatized or misunderstood. Congress intended Title I of the Americans with Disabilities Act (ADA)¹ to combat such employment discrimination as well as the myths, fears, and stereotypes upon which it is based.²

The Equal Employment Opportunity Commission ("EEOC" or "Commission") receives a large number of charges under the ADA alleging employment discrimination based on psychiatric disability.³ These charges raise a wide array of legal issues including, for example, whether an individual has a psychiatric disability as defined by the ADA and whether an employer may ask about an individual's psychiatric disability. People with psychiatric disabilities and employers also have posed numerous questions to the EEOC about this topic.

This guidance is designed to:

- facilitate the full enforcement of the ADA with respect to individuals alleging employment discrimination based on psychiatric disability;
- respond to questions and concerns expressed by individuals with psychiatric disabilities regarding the ADA; and
- answer questions posed by employers about how principles of ADA analysis apply in the context of psychiatric disabilities.⁴

WHAT IS A PSYCHIATRIC DISABILITY UNDER THE ADA?

Under the ADA, the term "disability" means: "(a) A physical or mental impairment that substantially limits one or more of the major life activities of [an] individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment."⁵

This guidance focuses on the first prong of the ADA's definition of "disability" because of the great number of questions about how it is applied in the context of psychiatric conditions.

Impairment

1. What is a "mental impairment" under the ADA?

The ADA rule defines "mental impairment" to include "[a]ny mental or psychological disorder, such as . . . emotional or mental illness."⁶ Examples of "emotional or mental illness[es]" include major depression, bipolar disorder, anxiety disorders (which include panic disorder, obsessive compulsive disorder, and post-traumatic stress disorder), schizophrenia, and personality disorders. The current edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (now the fourth edition, DSM-IV) is relevant for identifying these disorders. The DSM-IV has been recognized as an important reference by courts⁷ and is widely used by American mental health professionals for diagnostic and insurance reimbursement purposes. Not all conditions listed in the DSM-IV, however, are disabilities, or even impairments, for purposes of the ADA. For example, the DSM-IV lists several conditions that Congress expressly excluded from the ADA's definition of "disability."⁸ While DSM-IV covers conditions involving drug abuse, the ADA pro-

vides that the term individual with a disability" does not include an individual who is currently engaging in the illegal use of drugs, when the covered entity acts on the basis of that use.⁹ The DSM-IV also includes conditions that are not mental disorders but for which people may seek treatment (for example, problems with a spouse or child).¹⁰ Because these conditions are not disorders, they are not impairments under the ADA.¹¹

Even if a condition is an impairment, it is not automatically a "disability." To rise to the level of a "disability," an impairment must "substantially limit" one or more major life activities of the individual.¹²

2. Are traits or behaviors in themselves mental impairments?

No. Traits or behaviors are not, in themselves, mental impairments. For example, stress, in itself, is not automatically a mental impairment. Stress, however, may be shown to be related to a mental or physical impairment. Similarly, traits like irritability, chronic lateness, and poor judgment are not, in themselves, mental impairments, although they may be linked to mental impairments.¹³

Major Life Activities

An impairment must substantially limit one or more major life activities to rise to the level of a "disability" under the ADA.¹⁴

3. What major life activities are limited by mental impairments?

The major life activities limited by mental impairments differ from person to person. There is no exhaustive list of major life activities. For some people, mental impairments restrict major life activities such as learning, thinking, concentrating, interacting with others,¹⁵ caring for oneself, speaking, performing manual tasks, or working. Sleeping is also a major life activity that may be limited by mental impairments.¹⁶

4. To establish a psychiatric disability, must an individual always show that s/he is substantially limited in working?

No. The first question is whether an individual is substantially limited in a major life activity other than working (e.g., sleeping, concentrating, caring for oneself). Working should be analyzed only if no other major life activity is substantially limited by an impairment.¹⁷

Substantial Limitation

Under the ADA, an impairment rises to the level of a disability if it substantially limits a major life activity.¹⁸ "Substantial limitation" is evaluated in terms of the severity of the limitation and the length of time it restricts a major life activity.¹⁹ The determination that a particular individual has a substantially limiting impairment should be based on information about how the impairment affects that individual and not on generalizations about the condition. Relevant evidence for EEOC investigators includes descriptions of an individual's typical level of functioning at home, at work, and in other settings, as well as evidence showing that the individual's functional limitations are linked to his/her impairment. Expert testimony about substantial limitation is not necessarily required. Credible testimony from the individual with a disability and his/her family members, friends, or coworkers may suffice.

5. When is an impairment sufficiently severe to substantially limit a major life activity?

An impairment is sufficiently severe to substantially limit a major life activity if it prevents an individual from performing a major life activity or significantly restricts the condition, manner, or duration under which an individual can perform a major life activity, as compared to the average person in the general population.²⁰ An impairment does not significantly restrict major life activities if it results in only mild limitations.

6. Should the corrective effects of medications be considered when deciding if an impairment is so severe that it substantially limits a major life activity?

No. The ADA legislative history unequivocally states that the extent to which an impairment limits performance of a major life activity is assessed without regard to mitigating measures, including medications.²¹ Thus, an individual who is taking medication for a mental impairment has an ADA disability if there is evidence that the mental impairment, when left untreated, substantially limits a major life activity.²² Relevant evidence for EEOC investigators includes, for example, a description of how an individual's condition changed when s/he went off medication²³ or needed to have dosages adjusted, or a description of his/her condition before starting medication.²⁴

7. How long does a mental impairment have to last to be substantially limiting?

An impairment is substantially limiting if it lasts for more than several months and significantly restricts the performance of one or more major life activities during that time. It is not substantially limiting if it lasts for only a brief time or does not significantly restrict an individual's ability to perform a major life activity.²⁵ Whether the impairment is substantially limiting is assessed without regard to mitigating measures such as medication.

Example A: An employee has had major depression for almost a year. He has been intensely sad and socially withdrawn (except for going to work), has developed serious insomnia, and has had severe problems concentrating. This employee has an impairment (major depression) that significantly restricts his ability to interact with others, sleep, and concentrate. The effects of this impairment are severe and have lasted long enough to be substantially limiting.

In addition, some conditions may be long-term, or potentially long-term, in that their duration is indefinite and unknowable or is expected to be at least several months. Such conditions, if severe, may constitute disabilities.²⁶

Example B: An employee has taken medication for bipolar disorder for a few months. For some time before starting medication, he experienced increasingly severe and frequent cycles of depression and mania; at times, he became extremely withdrawn socially or had difficulty caring for himself. His symptoms have abated with medication, but his doctor says that the duration and course of his bipolar disorder is indefinite, although it is potentially long-term. This employee's impairment (bipolar disorder) significantly restricts his major life activities of interacting with others and caring for himself, when considered without medication. The effects of his impairment are severe, and their duration is indefinite and potentially long-term. However, conditions that are temporary and have no permanent or long-term effects on an individual's major life activities are not substantially limiting.

Example C: An employee was distressed by the end of a romantic relationship. Although he continued his daily routine, he sometimes became agitated at work. He was most distressed for about a month during and immediately after the breakup. He sought counseling and his mood improved within weeks. His counselor gave him a diagnosis of "adjustment disorder" and stated that he was not expected to experience any long-term problems associated with this event. While he has an impairment (adjustment disorder), his impairment was short-term, did not significantly restrict major life activities during that time, and was not expected to have permanent or long-term effects. This employee does not have a disability for purposes of the ADA.

8. Can chronic, episodic disorders be substantially limiting?

Yes. Chronic, episodic conditions may constitute substantially limiting impairments if they are substantially limiting when active or have a high likelihood of recurrence in substantially limiting forms. For some individuals, psychiatric impairments such as bipolar disorder, major depression, and schizophrenia may remit and intensify, sometimes repeatedly, over the course of several months or several years.²⁷

9. When does an impairment substantially limit an individual's ability to interact with others?

An impairment substantially limits an individual's ability to interact with others if, due to the impairment, s/he is significantly restricted as compared to the average person in the general population. Some unfriendliness with coworkers or a supervisor would not, standing alone, be sufficient to establish a substantial limitation in interacting with others. An

individual would be substantially limited, however, if his/her relations with others were characterized on a regular basis by severe problems, for example, consistently high levels of hostility, social withdrawal, or failure to communicate when necessary.

These limitations must be long-term or potentially long-term, as opposed to temporary, to justify a finding of ADA disability.

Example: An individual diagnosed with schizophrenia now works successfully as a computer programmer for a large company. Before finding an effective medication, however, he stayed in his room at home for several months, usually refusing to talk to family and close friends. After finding an effective medication, he was able to return to school, graduate, and start his career. This individual has a mental impairment, schizophrenia, which substantially limits his ability to interact with others when evaluated without medication. Accordingly, he is an individual with a disability as defined by the ADA.

10. When does an impairment substantially limit an individual's ability to concentrate?

An impairment substantially limits an individual's ability to concentrate if, due to the impairment, s/he is significantly restricted as compared to the average person in the general population.²⁸ For example, an individual would be substantially limited if s/he was easily and frequently distracted, meaning that his/her attention was frequently drawn to irrelevant sights or sounds or to intrusive thoughts; or if s/he experienced his/her "mind going blank" on a frequent basis.

Such limitations must be long-term or potentially long-term, as opposed to temporary, to justify a finding of ADA disability.²⁹

Example A: An employee who has an anxiety disorder says that his mind wanders frequently and that he is often distracted by irrelevant thoughts. As a result, he makes repeated errors at work on detailed or complex tasks, even after being reprimanded. His doctor says that the errors are caused by his anxiety disorder and may last indefinitely. This individual has a disability because, as a result of an anxiety disorder, his ability to concentrate is significantly restricted as compared to the average person in the general population.

Example B: An employee states that he has trouble concentrating when he is tired or during long meetings. He attributes this to his chronic depression. Although his ability to concentrate may be slightly limited due to depression (a mental impairment), it is not significantly restricted as compared to the average person in the general population. Many people in the general population have difficulty concentrating when they are tired or during long meetings.

11. When does an impairment substantially limit an individual's ability to sleep?

An impairment substantially limits an individual's ability to sleep if, due to the impairment, his/her sleep is significantly restricted as compared to the average person in the general population. These limitations must be long-term or potentially long-term as opposed to temporary to justify a finding of ADA disability.

For example, an individual who sleeps only a negligible amount without medication for many months, due to post-traumatic stress disorder, would be significantly restricted as compared to the average person in the general population and therefore would be substantially limited in sleeping.³⁰ Similarly, an individual who for several months typically slept about two to three hours per night without medication, due to depression, also would be substantially limited in sleeping.

By contrast, an individual would not be substantially limited in sleeping if s/he had some trouble getting to sleep or sometimes slept fitfully because of a mental impairment. Although this individual may be slightly restricted in sleeping, s/he is not significantly restricted as compared to the average person in the general population.

12. When does an impairment substantially limit an individual's ability to care for him/herself?

An impairment substantially limits an individual's ability to care for him/herself if, due to the impairment, an individual is significantly restricted as compared to the average person in the general population in performing basic activities such as getting up in the morning, bathing, dressing, and preparing or obtaining food. These limitations must be long-term or potentially long-term as opposed to temporary to justify a finding of ADA disability.

Some psychiatric impairments, for example major depression, may result in an individual sleeping too much. In such cases, an individual may be substantially limited if, as a result of the impairment, s/he sleeps so much that s/he does not effectively care for him/herself. Alternatively, the individual may be substantially limited in working.

DISCLOSURE OF DISABILITY

Individuals with psychiatric disabilities may have questions about whether and when they must disclose their disability to their employer under the ADA. They may have concerns about the potential negative consequences of disclosing a psychiatric disability in the workplace, and about the confidentiality of information that they do disclose.

13. May an employer ask questions on a job application about history of treatment of mental illness, hospitalization, or the existence of mental or emotional illness or psychiatric disability?

No. An employer may not ask questions that are likely to elicit information about a disability before making an offer of employment.³¹ Questions on a job application about psychiatric disability or mental or emotional illness or about treatment are likely to elicit information about a psychiatric disability and therefore are prohibited before an offer of employment is made.

14. When may an employer lawfully ask an individual about a psychiatric disability under the ADA?

An employer may ask for disability-related information, including information about psychiatric disability, only in the following limited circumstances:

Application Stage. Employers are prohibited from asking disability-related questions before making an offer of employment. An exception, however, is if an applicant asks for reasonable accommodation for the hiring process. If the need for this accommodation is not obvious, an employer may ask an applicant for reasonable documentation about his/her disability. The employer may require the applicant to provide documentation from an appropriate professional concerning his/her disability and functional limitations.³² A variety of health professionals may provide such documentation regarding psychiatric disabilities including primary health care professionals,³³ psychiatrists, psychologists, psychiatric nurses, and licensed mental health professionals such as licensed clinical social workers and licensed professional counselors.³⁴

An employer should make clear to the applicant why it is requesting such information, i.e., to verify the existence of a disability and the need for an accommodation. Furthermore, the employer may request only information necessary to accomplish these limited purposes.

Example A: An applicant for a secretarial job asks to take a typing test in a quiet location rather than in a busy reception area "because of a medical condition." The employer may make disability-related inquiries at this point because the applicant's need for reasonable accommodation under the ADA is not obvious based on the statement that an accommodation is needed "because of a medical condition." Specifically, the employer may ask the applicant to provide documentation showing that she has an impairment that substantially limits a major life activity and that she needs to take the typing test in a quiet location because of disability-related functional limitations.³⁵ Although an employer may not ask an applicant if s/he will need reasonable accommodation for the job, there is an exception if the employer could reasonably believe, before making a job offer, that the applicant will need accommodation to perform the functions of the job. For an individual with a non-visible disability, this may occur if the individual voluntarily discloses his/her disability or if s/he voluntarily tells the employer that s/he needs reasonable accommodation to perform the job. The employer may then ask certain limited questions, specifically:

- whether the applicant needs reasonable accommodation; and
- what type of reasonable accommodation would be needed to perform the functions of the job.³⁶

After making an offer of employment, if the employer requires a post-offer, pre-employment medical examination or inquiry. After an employer extends an offer of employment, the employer may require a medical examination (including a psychiatric examination) or ask questions related to disability (including questions about psychiatric disability) if the employer subjects all entering employees in the same job category to the same inquiries or examinations regardless of disability. The inquiries and examinations do not need to be related to the job.³⁷

During employment, when a disability-related inquiry or medical examination of an employee is "job-related and consistent with business necessity."³⁸ This requirement may be met when an employer has a reasonable belief, based on objective evidence, that: (1) an employee's ability to perform essential job functions³⁹ will be impaired by a medical condition; or (2) an employee will pose a direct threat due to a medical condition. Thus, for example, inquiries or medical examinations are permitted if they follow-up on a request for reasonable accommodation when the need for accommodation is not obvious, or if they address reasonable concerns about whether an individual is fit to perform essential functions of his/her position. In addition, inquiries or examinations are permitted if they are required by another Federal law or regulation.⁴⁰ In these situations, the inquiries or examinations must not exceed the scope of the specific medical condition and its effect on the employee's ability, with or without reasonable accommodation, to perform essential job functions or to work without posing a direct threat.⁴¹

Example B: A delivery person does not learn the route he is required to take when he makes deliveries in a particular neighborhood. He often does not deliver items at all or delivers them to the wrong address. He is not adequately performing his essential function of making deliveries. There is no indication, however, that his failure to learn his route is related in any way to a medical condition. Because the employer does not have a reasonable belief, based on objective evidence, that this individual's ability to perform his essential job function is impaired by a medical condition, a medical examination (including a psychiatric examination) or disability-related inquiries would not be job-related and consistent with business necessity.⁴²

Example C: A limousine service knows that one of its best drivers has bipolar disorder and had a manic episode last year, which started when he was driving a group of diplomats to around-the-clock meetings. During the manic episode, the chauffeur engaged in behavior that posed a direct threat to himself and others (he repeatedly drove a company limousine in a reckless manner). After a short leave of absence, he returned to work and to his usual high level of performance. The limousine service now wants to assign him to drive several business executives who may begin around-the-clock labor negotiations during the next several weeks. The employer is concerned, however, that this will trigger another manic episode and that, as a result, the employee will drive recklessly and pose a significant risk of substantial harm to himself and others. There is no indication that the employee's condition has changed in the last year, or that his manic episode last year was not precipitated by the assignment to drive to around-the-clock meetings. The employer may make disability-related inquiries, or require a medical examination, because it has a reasonable belief, based on objective evidence, that the employee will pose a direct threat to himself or others due to a medical condition.

Example D: An employee with depression seeks to return to work after a leave of absence during which she was hospitalized and her medication was adjusted. Her employer may request a fitness-for-duty examination because it has a reasonable belief, based on the employee's hospitalization and medication adjustment, that her ability to perform essential job functions may continue to be impaired by a medical condition. This examination, however, must be limited to the effect of her depression on her ability, with or without reasonable accommodation, to perform essential job functions. Inquiries about her entire psychiatric history or about the details of her therapy sessions would, for example, exceed this limited scope.

15. Do ADA confidentiality requirements apply to information about a psychiatric disability disclosed to an employer? Yes. Employers must keep all information concerning the medical condition or history of its applicants or employees, including information about psychiatric disability, confidential under the ADA. This includes medical information that an individual voluntarily tells his/her employer. Employers must collect and maintain such information on separate forms and in separate medical files, apart from the usual personnel files.⁴³ There are limited exceptions to the ADA confidentiality requirements:

- supervisors and managers may be told about necessary restrictions on the work or duties of the employee and about necessary accommodations;
- first aid and safety personnel may be told if the disability might require emergency treatment; and
- government officials investigating compliance with the ADA must be given relevant information on request.⁴⁴

16. How can an employer respond when employees ask questions about a coworker who has a disability?

If employees ask questions about a coworker who has a disability, the employer must not disclose any medical information in response. Apart from the limited exceptions listed in Question 15, the ADA confidentiality provisions prohibit such disclosure.

An employer also may not tell employees whether it is providing a reasonable accommodation for a particular individual. A statement that an individual receives a reasonable accommodation discloses that the individual probably has a disability because only individuals with disabilities are entitled to reasonable accommodation under the ADA. In response to coworker questions, however, the employer may explain that it is acting for legitimate business reasons or in compliance with federal law. As background information for all employees, an employer may find it helpful to explain the requirements of the ADA, including the obligation to provide reasonable accommodation, in its employee handbook or in its employee orientation or training.

REQUESTING REASONABLE ACCOMMODATION

An employer must provide a reasonable accommodation to the known physical or mental limitations of a qualified individual with a disability unless it can show that the accommodation would impose an undue hardship.⁴⁵ An employee's decision about requesting reasonable accommodation may be influenced by his/her concerns about the potential negative consequences of disclosing a psychiatric disability at work. Employees and employers alike have posed numerous questions about what constitutes a request for reasonable accommodation.

17. When an individual decides to request reasonable accommodation, what must s/he say to make the request and start the reasonable accommodation process?

When an individual decides to request accommodation, the individual or his/her representative must let the employer know that s/he needs an adjustment or change at work for a reason related to a medical condition.

To request accommodation, an individual may use "plain English" and need not mention the ADA or use the phrase "reasonable accommodation."⁴⁶

Example A: An employee asks for time off because he is "depressed and stressed." The employee has communicated a request for a change at work (time off) for a reason related to a medical condition (being "depressed and stressed" may be "plain English" for a medical condition). This statement is sufficient to put the employer on notice that the employee is requesting reasonable accommodation. However, if the employee's need for accommodation is not obvious, the employer may ask for reasonable documentation concerning the employee's disability and functional limitations.⁴⁷

Example B: An employee submits a note from a health professional stating that he is having a stress reaction and needs one week off. Subsequently, his wife telephones the Human Resources department to say that the employee is disoriented and mentally falling apart and that the family is having him hospitalized. The wife asks about procedures for extending the employee's leave and states that she will provide the necessary information as soon as possible but that she may need a little extra time. The wife's statement is sufficient to constitute a request for reasonable accommodation. The wife has asked for changes at work (an exception to the procedures for requesting leave and more time off) for a reason related to a medical condition (her husband had a stress reaction and is so mentally disoriented that he is being hospitalized). As in the previous example, if the need for accommodation is not obvious, the employer may request documentation of disability and clarification of the need for accommodation.⁴⁸

Example C: An employee asks to take a few days off to rest after the completion of a major project. The employee does not link her need for a few days off to a medical condition. Thus, even though she has requested a change at work (time off), her statement is not sufficient to put the employer on notice that she is requesting reasonable accommodation.

18. May someone other than the employee request a reasonable accommodation on behalf of an individual with a disability?

Yes, a family member, friend, health professional, or other representative may request a reasonable accommodation on behalf of an individual with a disability.⁴⁹ Of course, an employee may refuse to accept an accommodation that is not needed.

19. Do requests for reasonable accommodation need to be in writing?

No. Requests for reasonable accommodation do not need to be in writing. Employees may request accommodations in conversation or may use any other mode of communication.⁵⁰

20. When should an individual with a disability request a reasonable accommodation to do the job?

An individual with a disability is not required to request a reasonable accommodation at the beginning of employment. S/he may request a reasonable accommodation at any time during employment.⁵¹

21. May an employer ask an employee for documentation when the employee requests reasonable accommodation for the job?

Yes. When the need for accommodation is not obvious, an employer may ask an employee for reasonable documentation about his/her disability and functional limitations. The employer is entitled to know that the employee has a covered disability for which s/he needs a reasonable accommodation.⁵² A variety of health professionals may provide such documentation with regard to psychiatric disabilities.⁵³

Example A: An employee asks for time off because he is "depressed and stressed." Although this statement is sufficient to put the employer on notice that he is requesting accommodation,⁵⁴ the employee's need for accommodation is not obvious based on this statement alone. Accordingly, the employer may require reasonable documentation that the employee has a disability within the meaning of the ADA and, if he has such a disability, that the functional limitations of the disability necessitate time off.

Example B: Same as Example A, except that the employer requires the employee to submit all of the records from his health professional regarding his mental health history, including materials that are not relevant to disability and reasonable accommodation under the ADA. This is not a request for reasonable documentation. All of these records are not required to determine if the employee has a disability as defined by the ADA and needs the requested reasonable accommodation because of his disability-related functional limitations. As one alternative, in order to determine the scope of its ADA obligations, the employer may ask the employee to sign a limited release allowing the employer to submit a list of specific questions to the employee's health care professional about his condition and need for reasonable accommodation.

22. May an employer require an employee to go to a health care professional of the employer's (rather than the employee's) choice for purposes of documenting need for accommodation and disability?

The ADA does not prevent an employer from requiring an employee to go to an appropriate health professional of the employer's choice if the employee initially provides insufficient information to substantiate that s/he has an ADA disability and needs a reasonable accommodation. Of course, any examination must be job-related and consistent with business necessity.⁵⁵ If an employer requires an employee to go to a health professional of the employer's choice, the employer must pay all costs associated with the visit(s).

SELECTED TYPES OF REASONABLE ACCOMMODATION

Reasonable accommodations for individuals with disabilities must be determined on a case-by-case basis because workplaces and jobs vary, as do people with disabilities. Accommodations for individuals with psychiatric disabilities may involve changes to workplace policies, procedures, or practices. Physical changes to the workplace or extra equipment also may be effective reasonable accommodations for some people.

In some instances, the precise nature of an effective accommodation for an individual may not be immediately apparent. Mental health professionals, including psychiatric rehabilitation counselors, may be able to make suggestions about particular accommodations and, of equal importance, help employers and employees communicate effectively about reasonable accommodation.⁵⁶ The questions below discuss selected types of reasonable accommodation that may be effective for certain individuals with psychiatric disabilities.⁵⁷

23. Does reasonable accommodation include giving an individual with a disability time off from work or a modified work schedule?

Yes. Permitting the use of accrued paid leave or providing additional unpaid leave for treatment or recovery related to a disability is a reasonable accommodation, unless (or until) the employee's absence imposes an undue hardship on the operation of the employer's business.⁵⁸ This includes leaves of absence, occasional leave (e.g., a few hours at a time), and part-time scheduling.

A related reasonable accommodation is to allow an individual with a disability to change his/her regularly scheduled working hours, for example, to work 10 AM to 6 PM rather than 9 AM to 5 PM, barring undue hardship. Some medications taken for psychiatric disabilities cause extreme grogginess and lack of concentration in the morning. Depending on the job, a later schedule can enable the employee to perform essential job functions.

24. What types of physical changes to the workplace or equipment can serve as accommodations for people with psychiatric disabilities?

Simple physical changes to the workplace may be effective accommodations for some individuals with psychiatric disabilities. For example, room dividers, partitions, or other soundproofing or visual barriers between workspaces may accommodate individuals who have disability-related limitations in concentration. Moving an individual away from noisy machinery or reducing other workplace noise that can be adjusted (e.g., lowering the volume or pitch of telephones) are similar reasonable accommodations. Permitting an individual to wear headphones to block out noisy distractions also may be effective. Some individuals who have disability-related limitations in concentration may benefit from access to equipment like a tape recorder for reviewing events such as training sessions or meetings.

25. Is it a reasonable accommodation to modify a workplace policy?

Yes. It is a reasonable accommodation to modify a workplace policy when necessitated by an individual's disability-related limitations, barring undue hardship.⁵⁹ For example, it would be a reasonable accommodation to allow an individual with a disability, who has difficulty concentrating due to the disability, to take detailed notes during client presentations even though company policy discourages employees from taking extensive notes during such sessions.

Example: A retail employer does not allow individuals working as cashiers to drink beverages at checkout stations. The retailer also limits cashiers to two 15-minute breaks during an eight-hour shift, in addition to a meal break. An individual with a psychiatric disability needs to drink beverages approximately once an hour in order to combat dry mouth, a side-effect of his psychiatric medication. This individual requests reasonable accommodation. In this example, the employer should consider either modifying its policy against drinking beverages at checkout stations or modifying its policy limiting cashiers to two 15-minute breaks each day plus a meal break, barring undue hardship.

Granting an employee time off from work or an adjusted work schedule as a reasonable accommodation may involve modifying leave or attendance procedures or policies. As an example, it would be a reasonable accommodation to mod-

ify a policy requiring employees to schedule vacation time in advance if an otherwise qualified individual with a disability needed to use accrued vacation time on an unscheduled basis because of disability-related medical problems, barring undue hardship.⁶⁰ In addition, an employer, in spite of a "no-leave" policy, may, in appropriate circumstances, be required to provide leave to an employee with a disability as a reasonable accommodation, unless the provision of leave would impose an undue hardship.⁶¹

26. Is adjusting supervisory methods a form of reasonable accommodation?

Yes. Supervisors play a central role in achieving effective reasonable accommodations for their employees. In some circumstances, supervisors may be able to adjust their methods as a reasonable accommodation by, for example, communicating assignments, instructions, or training by the medium that is most effective for a particular individual (e.g., in writing, in conversation, or by electronic mail). Supervisors also may provide or arrange additional training or modified training materials.

Adjusting the level of supervision or structure sometimes may enable an otherwise qualified individual with a disability to perform essential job functions. For example, an otherwise qualified individual with a disability who experiences limitations in concentration may request more detailed day-to-day guidance, feedback, or structure in order to perform his job.⁶²

Example: An employee requests more daily guidance and feedback as a reasonable accommodation for limitations associated with a psychiatric disability. In response to his request, the employer consults with the employee, his health care professional, and his supervisor about how his limitations are manifested in the office (the employee is unable to stay focused on the steps necessary to complete large projects) and how to make effective and practical changes to provide the structure he needs.

As a result of these consultations, the supervisor and employee work out a long-term plan to initiate weekly meetings to review the status of large projects and identify which steps need to be taken next.

27. Is it a reasonable accommodation to provide a job coach?

Yes. An employer may be required to provide a temporary job coach to assist in the training of a qualified individual with a disability as a reasonable accommodation, barring undue hardship.⁶³ An employer also may be required to allow a job coach paid by a public or private social service agency to accompany the employee at the job site as a reasonable accommodation.

28. Is it a reasonable accommodation to make sure that an individual takes medication as prescribed?

No. Medication monitoring is not a reasonable accommodation. Employers have no obligation to monitor medication because doing so does not remove a barrier that is unique to the workplace. When people do not take medication as prescribed, it affects them on and off the job.

29. When is reassignment to a different position required as a reasonable accommodation?

In general, reassignment must be considered as a reasonable accommodation when accommodation in the present job would cause undue hardship⁶⁴ or would not be possible.⁶⁵ Reassignment may be considered if there are circumstances under which both the employer and employee voluntarily agree that it is preferable to accommodation in the present position.⁶⁶

Reassignment should be made to an equivalent position that is vacant or will become vacant within a reasonable amount of time. If an equivalent position is not available, the employer must look for a vacant position at a lower level for which the employee is qualified. Reassignment is not required if a vacant position at a lower level is also unavailable.

CONDUCT

Maintaining satisfactory conduct and performance typically is not a problem for individuals with psychiatric disabilities. Nonetheless, circumstances arise when employers need to discipline individuals with such disabilities for misconduct.

30. May an employer discipline an individual with a disability for violating a workplace conduct standard if the misconduct resulted from a disability?

Yes, provided that the workplace conduct standard is job-related for the position in question and is consistent with business necessity.⁶⁷ For example, nothing in the ADA prevents an employer from maintaining a workplace free of violence or threats of violence, or from disciplining an employee who steals or destroys property. Thus, an employer may discipline an employee with a disability for engaging in such misconduct if it would impose the same discipline on an employee without a disability.⁶⁸ Other conduct standards, however, may not be job-related for the position in question and consistent with business necessity. If they are not, imposing discipline under them could violate the ADA.

Example A: An employee steals money from his employer. Even if he asserts that his misconduct was caused by a disability, the employer may discipline him consistent with its uniform disciplinary policies because the individual violated a conduct standard - a prohibition against employee theft - that is job-related for the position in question and consistent with business necessity.

Example B: An employee at a clinic tampers with and incapacitates medical equipment. Even if the employee explains that she did this because of her disability, the employer may discipline her consistent with its uniform disciplinary policies because she violated a conduct standard -- a rule prohibiting intentional damage to equipment -- that is job-related for the position in question and consistent with business necessity. However, if the employer disciplines her even though it has not disciplined people without disabilities for the same misconduct, the employer would be treating her differently because of disability in violation of the ADA.

Example C: An employee with a psychiatric disability works in a warehouse loading boxes onto pallets for shipment. He has no customer contact and does not come into regular contact with other employees. Over the course of several weeks, he has come to work appearing increasingly disheveled. His clothes are ill-fitting and often have tears in them. He also has become increasingly anti-social. Coworkers have complained that when they try to engage him in casual conversation, he walks away or gives a curt reply. When he has to talk to a coworker, he is abrupt and rude. His work, however, has not suffered. The employer's company handbook states that employees should have a neat appearance at all times. The handbook also states that employees should be courteous to each other. When told that he is being disciplined for his appearance and treatment of coworkers, the employee explains that his appearance and demeanor have deteriorated because of his disability which was exacerbated during this time period.

The dress code and coworker courtesy rules are not job-related for the position in question and consistent with business necessity because this employee has no customer contact and does not come into regular contact with other employees. Therefore, rigid application of these rules to this employee would violate the ADA.

31. Must an employer make reasonable accommodation for an individual with a disability who violated a conduct rule that is job-related for the position in question and consistent with business necessity?

An employer must make reasonable accommodation to enable an otherwise qualified individual with a disability to meet such a conduct standard in the future, barring undue hardship.⁶⁹ Because reasonable accommodation is always prospective, however, an employer is not required to excuse past misconduct.⁷⁰

Example A: A reference librarian frequently loses her temper at work, disrupting the library atmosphere by shouting at patrons and coworkers. After receiving a suspension as the second step in uniform, progressive discipline, she discloses her disability, states that it causes her behavior, and requests a leave of absence for treatment. The employer may discipline her because she violated a conduct standard - a rule prohibiting disruptive behavior towards patrons and cowork-

ers - that is job-related for the position in question and consistent with business necessity. The employer, however, must grant her request for a leave of absence as a reasonable accommodation, barring undue hardship, to enable her to meet this conduct standard in the future.

Example B: An employee with major depression is often late for work because of medication side-effects that make him extremely groggy in the morning. His scheduled hours are 9:00 AM to 5:30 PM, but he arrives at 9:00, 9:30, 10:00 or even 10:30 on any given day. His job responsibilities involve telephone contact with the company's traveling sales representatives, who depend on him to answer urgent marketing questions and expedite special orders. The employer disciplines him for tardiness, stating that continued failure to arrive promptly during the next month will result in termination of his employment. The individual then explains that he was late because of a disability and needs to work on a later schedule. In this situation, the employer may discipline the employee because he violated a conduct standard addressing tardiness that is job-related for the position in question and consistent with business necessity. The employer, however, must consider reasonable accommodation, barring undue hardship, to enable this individual to meet this standard in the future. For example, if this individual can serve the company's sales representatives by regularly working a schedule of 10:00 AM to 6:30 PM, a reasonable accommodation would be to modify his schedule so that he is not required to report for work until 10:00 AM.

Example C: An employee has a hostile altercation with his supervisor and threatens the supervisor with physical harm. The employer immediately terminates the individual's employment, consistent with its policy of immediately terminating the employment of anyone who threatens a supervisor. When he learns that his employment has been terminated, the employee asks the employer to put the termination on hold and to give him a month off for treatment instead. This is the employee's first request for accommodation and also the first time the employer learns about the employee's disability. The employer is not required to rescind the discharge under these circumstances, because the employee violated a conduct standard - a rule prohibiting threats of physical harm against supervisors -- that is job-related for the position in question and consistent with business necessity. The employer also is not required to offer reasonable accommodation for the future because this individual is no longer a qualified individual with a disability. His employment was terminated under a uniformly applied conduct standard that is job-related for the position in question and consistent with business necessity.⁷¹

32. How should an employer deal with an employee with a disability who is engaging in misconduct because s/he is not taking his/her medication?

The employer should focus on the employee's conduct and explain to the employee the consequences of continued misconduct in terms of uniform disciplinary procedures. It is the employee's responsibility to decide about medication and to consider the consequences of not taking medication.⁷²

DIRECT THREAT

Under the ADA, an employer may lawfully exclude an individual from employment for safety reasons only if the employer can show that employment of the individual would pose a "direct threat."⁷³ Employers must apply the "direct threat" standard uniformly and may not use safety concerns to justify exclusion of persons with disabilities when persons without disabilities would not be excluded in similar circumstances.⁷⁴

The EEOC's ADA regulations explain that "direct threat" means "a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation."⁷⁵ A significant risk is a high, and not just a slightly increased, risk.⁷⁶ The determination that an individual poses a "direct threat" must be based on an individualized assessment of the individual's present ability to safely perform the functions of the job, considering a reasonable medical judgment relying on the most current medical knowledge and/or the best available objective evidence.⁷⁷ With respect to the employment of individuals with psychiatric disabilities, the employer must identify the specific behavior that would pose a direct threat.⁷⁸ An individual does not pose a "direct threat" simply by virtue of having a history of psychiatric disability or being treated for a psychiatric disability.⁷⁹

33. Does an individual pose a direct threat in operating machinery solely because s/he takes medication that may as a side effect diminish concentration and/or coordination for some people?

No. An individual does not pose a direct threat solely because s/he takes a medication that may diminish coordination or concentration for some people as a side effect. Whether such an individual poses a direct threat must be determined on a case-by-case basis, based on a reasonable medical judgment relying on the most current medical knowledge and/or on the best available objective evidence. Therefore, an employer must determine the nature and severity of this individual's side effects, how those side effects influence his/her ability to safely operate the machinery, and whether s/he has had safety problems in the past when operating the same or similar machinery while taking the medication. If a significant risk of substantial harm exists, then an employer must determine if there is a reasonable accommodation that will reduce or eliminate the risk.

Example: An individual receives an offer for a job in which she will operate an electric saw, conditioned on a post-offer medical examination. In response to questions at this medical examination, the individual discloses her psychiatric disability and states that she takes a medication to control it. This medication is known to sometimes affect coordination and concentration. The company doctor determines that the individual experiences negligible side effects from the medication because she takes a relatively low dosage. She also had an excellent safety record at a previous job, where she operated similar machinery while taking the same medication. This individual does not pose a direct threat.

34. When can an employer refuse to hire someone based on his/her history of violence or threats of violence?

An employer may refuse to hire someone based on his/her history of violence or threats of violence if it can show that the individual poses a direct threat. A determination of "direct threat" must be based on an individualized assessment of the individual's present ability to safely perform the functions of the job, considering the most current medical knowledge and/or the best available objective evidence. To find that an individual with a psychiatric disability poses a direct threat, the employer must identify the specific behavior on the part of the individual that would pose the direct threat. This includes an assessment of the likelihood and imminence of future violence.

Example: An individual applies for a position with Employer X. When Employer X checks his employment background, she learns that he was terminated two weeks ago by Employer Y, after he told a coworker that he would get a gun and "get his supervisor if he tries anything again." Employer X also learns that these statements followed three months of escalating incidents in which this individual had had several altercations in the workplace, including one in which he had to be restrained from fighting with a coworker. He then revealed his disability to Employer Y. After being given time off for medical treatment, he continued to have trouble controlling his temper and was seen punching the wall outside his supervisor's office. Finally, he made the threat against the supervisor and was terminated. Employer X learns that, since then, he has not received any further medical treatment. Employer X does not hire him, stating that this history indicates that he poses a direct threat. This individual poses a direct threat as a result of his disability because his recent overt acts and statements (including an attempted fight with a coworker, punching the wall, and making a threatening statement about the supervisor) support the conclusion that he poses a "significant risk of substantial harm." Furthermore, his prior treatment had no effect on his behavior, he had received no subsequent treatment, and only two weeks had elapsed since his termination, all supporting a finding of direct threat.

35. Does an individual who has attempted suicide pose a direct threat when s/he seeks to return to work?

No, in most circumstances. As with other questions of direct threat, an employer must base its determination on an individualized assessment of the person's ability to safely perform job functions when s/he returns to work. Attempting suicide does not mean that an individual poses an imminent risk of harm to him/herself when s/he returns to work. In analyzing direct threat (including the likelihood and imminence of any potential harm), the employer must seek reasonable medical judgments relying on the most current medical knowledge and/or the best available factual evidence concerning the employee.

Example: An employee with a known psychiatric disability was hospitalized for two suicide attempts, which occurred within several weeks of each other. When the employee asked to return to work, the employer allowed him to return pending an evaluation of medical reports to determine his ability to safely perform his job. The individual's therapist and psychiatrist both submitted documentation stating that he could safely perform all of his job functions. Moreover, the employee performed his job safely after his return, without reasonable accommodation. The employer, however, terminated the individual's employment after evaluating the doctor's and therapist's reports, without citing any contradictory medical or factual evidence concerning the employee's recovery. Without more evidence, this employer cannot support its determination that this individual poses a direct threat.⁸⁰

PROFESSIONAL LICENSING

Individuals may have difficulty obtaining state-issued professional licenses if they have, or have a record of, a psychiatric disability. When a psychiatric disability results in denial or delay of a professional license, people may lose employment opportunities.

36. Would an individual have grounds for filing an ADA charge if an employer refused to hire him/her (or revoked a job offer) because s/he did not have a professional license due to a psychiatric disability? If an individual filed a charge on these grounds, EEOC would investigate to determine whether the professional license was required by law for the position at issue, and whether the employer in fact did not hire the individual because s/he lacked the license. If the employer did not hire the individual because s/he lacked a legally-required professional license, and the individual claims that the licensing process discriminates against individuals with psychiatric disabilities, EEOC would coordinate with the Department of Justice, Civil Rights Division, Disability Rights Section, which enforces Title II of the ADA covering state licensing requirements.

Endnotes

1 42 U.S.C. §§ 12101-12117, 12201-12213 (1994) (codified as amended).

2 H.R. Rep. No. 101-485, pt. 3, at 31-32 (1990) [hereinafter House Judiciary Report].

3 Between July 26, 1992, and September 30, 1996, approximately 12.7% of ADA charges filed with EEOC were based on emotional or psychiatric impairment. These included charges based on anxiety disorders, depression, bipolar disorder (manic depression), schizophrenia, and other psychiatric impairments.

4 The analysis in this guidance applies to federal sector complaints of non-affirmative action employment discrimination arising under section 501 of the Rehabilitation Act of 1973. 29 U.S.C. § 791(g) (1994). It also applies to complaints of non-affirmative action employment discrimination arising under section 503 and employment discrimination under section 504 of the Rehabilitation Act. 29 U.S.C. §§ 793(d), 794(d) (1994).

5 42 U.S.C. § 12102(2) (1994); 29 C.F.R. § 1630.2(g) (1996). See generally EEOC Compliance Manual § 902, Definition of the Term "Disability," 8 FEP Manual (BNA) 405:7251 (1995).

6 29 C.F.R. § 1630.2(h)(2) (1996). This ADA regulatory definition also refers to mental retardation, organic brain syndrome, and specific learning disabilities. These additional mental conditions, as well as other neurological disorders such as Alzheimer's disease, are not the primary focus of this guidance.

7 See, e.g., *Boldini v. Postmaster Gen.*, 928 F. Supp. 125, 130, 5 AD Cas. (BNA) 11, 14 (D.N.H. 1995) stating, under section 501 of the Rehabilitation Act, that "in circumstances of mental impairment, a court may give weight to a diagnosis of mental impairment which is described in the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association . . .").

8 These include various sexual behavior disorders, compulsive gambling, kleptomania, pyromania, and psychoactive substance use disorders resulting from current illegal use of drugs. 42 U.S.C. § 12211(b) (1994); 29 C.F.R. § 1630.3(d) (1996).

9 42 U.S.C. § 12210(a) (1994). However, individuals who are not currently engaging in the illegal use of drugs and who are participating in, or have successfully completed, a supervised drug rehabilitation program (or who have otherwise been successfully rehabilitated) may be covered by the ADA. Individuals who are erroneously regarded as engaging in the current illegal use of drugs, but who are not engaging in such use, also may be covered. *Id.* at § 12210(b).

Individuals with psychiatric disabilities may, either as part of their condition or separate from their condition, engage in the illegal use of drugs. In such cases, EEOC investigators may need to make a factual determination about whether an employer treated an individual adversely because of his/her psychiatric disability or because of his/her illegal use of drugs.

10 See DSM-IV chapter "Other Conditions That May Be a Focus of Clinical Attention."

11 Individuals who do not have a mental impairment but are treated by their employers as having a substantially limiting impairment have a disability as defined by the ADA because they are regarded as having a substantially limiting impairment. See EEOC Compliance Manual § 902.8, Definition of the Term "Disability," 8 FEP Manual (BNA) 405:7282 (1995).

12 This discussion refers to the terms "impairment" and "substantially limit" in the present tense. These references are not meant to imply that the determinations of whether a condition is an impairment, or of whether there is substantial limitation, are relevant only to whether an individual meets the first part of the definition of "disability," i.e., actually has a physical or mental impairment that substantially limits a major life activity. These determinations also are relevant to whether an individual has a record of a substantially limiting impairment or is regarded as having a substantially limiting impairment. See *id.* §§ 902.7, 902.8, Definition of the Term "Disability," 8 FEP Manual (BNA) 405:7276-78, 7281 (1995).

13 *Id.* § 902.2(c)(4), Definition of the Term "Disability," 8 FEP Manual (BNA) 405:7258 (1995).

14 42 U.S.C. § 12102(2)(A) (1994); 29 C.F.R. § 1630.2(g)(1) (1996). See also EEOC Compliance Manual § 902.3, Definition of the Term "Disability," 8 FEP Manual (BNA) 405:7261 (1995).

15 Interacting with others, as a major life activity, is not substantially limited just because an individual is irritable or has some trouble getting along with a supervisor or coworker.

16 Sleeping is not substantially limited just because an individual has some trouble getting to sleep or occasionally sleeps fitfully.

17 See 29 C.F.R. pt. 1630 app. § 1630.2(j) (1996) ("[i]f an individual is not substantially limited with respect to any other major life activity, the individual's ability to perform the major life activity of working should be considered . . ."); see also EEOC Compliance Manual § 902.4(c)(2), Definition of the Term "Disability," 8 FEP Manual (BNA) 405:7266 (1995).

18 42 U.S.C. § 12102(2) (1994).

19 See generally EEOC Compliance Manual § 902.4, Definition of the Term "Disability," 8 FEP Manual (BNA) 405:7262 (1995).

20 See 29 C.F.R. § 1630.2(j) (1996).

21 S. Rep. No. 101-116, at 23 (1989); H.R. Rep. No. 101-485, pt. 2, at 52 (1990); House Judiciary Report, *supra* n.2, at 28-29. See also 29 C.F.R. pt. 1630 app. § 1630.2(j) (1996).

22 ADA cases in which courts have disregarded the positive effects of medications or other treatment in the determination of disability include *Canon v. Clark*, 883 F. Supp. 718, 4 AD Cas. (BNA) 734 (S.D. Fla. 1995) (finding that individual with insulin-dependent diabetes stated an ADA claim), and *Sarsycki v. United Parcel Ser.*, 862 F. Supp. 336, 340, 3 AD Cas. (BNA) 1039 (W.D. Okla. 1994) (stating that substantial limitation should be evaluated without regard to medication and finding that an individual with insulin-dependent diabetes had a disability under the ADA). Pertinent Rehabilitation Act cases in which courts have made similar determinations include *Liff v. Secretary of Transp.*, 1994 WL 579912, at *3-*4 (D.D.C. 1994) (deciding under the Rehabilitation Act, after acknowledging pertinent ADA guidance, that depression controlled by medication is a disability), and *Gilbert v. Frank*, 949 F.2d 637, 641, 2 AD Cas. (BNA) 60 (2d Cir. 1991) (determining under the Rehabilitation Act that an individual who could not function without kidney dialysis had a substantially limiting impairment).

Cases in which courts have found that individuals are not substantially limited after considering the positive effects of medication are, in the Commission's view, incorrectly decided. See, e.g., *Mackie v. Runyon*, 804 F. Supp. 1508, 1510-11, 2 AD Cas. (BNA) 260 (M.D. Fla. 1992) (holding under section 501 of the Rehabilitation Act that bipolar disorder stabilized by medication is not substantially limiting); *Chandler v. City of Dallas*, 2 F.3d 1385, 1390-91, 2 AD Cas. (BNA) 1326 (5th Cir. 1993) (holding under section 504 of the Rehabilitation Act that an individual with insulin-dependent diabetes did not have a disability), cert. denied, 114 S. Ct. 1386, 3 AD Cas. (BNA) 512 (1994).

23 Some individuals do not experience renewed symptoms when they stop taking medication. These individuals are still covered by the ADA, however, if they have a record of a substantially limiting impairment (i.e., if their psychiatric impairment was sufficiently severe and long-lasting to be substantially limiting).

24 If medications cause negative side effects, these side effects should be considered in assessing whether the individual is substantially limited. See, e.g., *Guice-Mills v. Derwinski*, 967 F.2d 794, 2 AD Cas. (BNA) 187 (2d Cir. 1992).

25 EEOC Compliance Manual § 902.4(d), Definition of the Term "Disability," 8 FEP Manual (BNA) 405:7273 (1995).

26 *Id.*, 8 FEP Manual (BNA) 405:7271.

27 See, e.g., *Clark v. Virginia Bd. of Bar Exam'rs*, 861 F. Supp. 512, 3 AD Cas. (BNA) 1066 (E.D. Va. 1994) (vacating its earlier ruling (at 3 AD Cas. (BNA) 780) that plaintiff's recurrent major depression did not constitute a "disability" under the ADA).

28 29 C.F.R. § 1630.2(j)(ii) (1996); EEOC Compliance Manual § 902.3(b), Definition of the Term "Disability," 8 FEP Manual (BNA) 405:7261 (1995).

29 Substantial limitation in concentrating also may be associated with learning disabilities, neurological disorders, and physical trauma to the brain (e.g., stroke, brain tumor, or head injury in a car accident). Although this guidance does not focus on these particular impairments, the analysis of basic ADA issues is consistent regardless of the nature of the condition.

30 A 1994 survey of 1,000 American adults reports that 71% averaged 5-8 hours of sleep a night on weeknights and that 55% averaged 5-8 hours a night on weekends (with 37% getting more than 8 hours a night on weekends). See *The Cutting Edge: Vital Statistics -- America's Sleep Habits*, Washington Post, May 24, 1994, Health Section at 5.

31 See 42 U.S.C. § 12112(d)(2) (1994); 29 C.F.R. § 1630.13(a) (1996). See also EEOC Enforcement Guidance: Pre-employment Disability-Related Questions and Medical Examinations at 4, 8 FEP Manual (BNA) 405:7192 (1995).

32 Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations at 6, 8 FEP Manual (BNA) 405:7193 (1995).

33 When a primary health care professional supplies documentation about a psychiatric disability, his/her credibility depends on how well s/he knows the individual and on his/her knowledge about the psychiatric disability.

34 Important information about an applicant's functional limitations also may be obtained from non-professionals, such as the applicant, his/her family members, and friends.

35 In response to the employer's request for documentation, the applicant may elect to revoke the request for accommodation and to take the test in the reception area. In these circumstances, where the request for reasonable accommodation has been withdrawn, the employer cannot continue to insist on obtaining the documentation.

36 EEOC Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations at 6-7, 8 FEP Manual (BNA) 405:7193-94 (1995).

37 If an employer uses the results of these inquiries or examinations to screen out an individual because of disability, the employer must prove that the exclusionary criteria are job-related and consistent with business necessity, and cannot be met with reasonable accommodation, in order to defend against a charge of employment discrimination. 42 U.S.C. § 12112(b)(6) (1994); 29 C.F.R. §§ 1630.10, 1630.14(b)(3), 1630.15(b) (1996).

38 42 U.S.C. § 12112(d)(4) (1994); 29 C.F.R. § 1630.14(c) (1996).

39 A "qualified" individual with a disability is one who can perform the essential functions of a position with or without reasonable accommodation. 42 U.S.C. § 12111(8) (1994). An employer does not have to lower production standards, whether qualitative or quantitative, to enable an individual with a disability to perform an essential function. See 29 C.F.R. pt. 1630 app. § 1630.2(n) (1996).

40 29 C.F.R. § 1630.15(e) (1996) ("It may be a defense to a charge of discrimination . . . that a challenged action is required or necessitated by another Federal law or regulation . . .").

41 There may be additional situations which could meet the "job-related and consistent with business necessity" standard. For example, periodic medical examinations for public safety positions that are narrowly tailored to address specific job-related concerns and are shown to be consistent with business necessity would be permissible.

42 Of course, an employer would be justified in taking disciplinary action in these circumstances.

43 For a discussion of other confidentiality issues, see EEOC Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations at 21-23, 8 FEP Manual (BNA) 405:7201-02 (1995).

44 42 U.S.C. § 12112(d)(3)(B), (4)(C) (1994); 29 C.F.R. § 1630.14(b)(1) (1996). The Commission has interpreted the ADA to allow employers to disclose medical information to state workers' compensation offices, state second injury funds, or workers' compensation insurance carriers in accordance with state workers' compensation laws. 29 C.F.R. pt. 1630 app. § 1630.14(b) (1996). The Commission also has interpreted the ADA to permit employers to use medical information for insurance purposes. *Id.* See also EEOC Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations at 21 nn.24, 25, 8 FEP Manual (BNA) 405:7201 nn.24, 25 (1995).

45 See 42 U.S.C. §§ 12111(9), 12112(b)(5)(A) (1994); 29 C.F.R. § 1630.2(o), .9 (1996); 29 C.F.R. pt. 1630 app. § 1630.9 (1996).

46 *Schmidt v. Safeway, Inc.*, 864 F. Supp. 991, 3 AD Cas. (BNA) 1141 (D. Or. 1994) (an employee's request for reasonable accommodation need not use "magic words" and can be in plain English). See *Bultemeyer v. Ft. Wayne Community Schs.*, 6 AD Cas. (BNA) 67 (7th Cir. 1996) (an employee with a known psychiatric disability requested reasonable accommodation by stating that he could not do a particular job and by submitting a note from his psychiatrist).

47 See Question 21 *infra* about employers requesting documentation after receiving a request for reasonable accommodation.

48 In the Commission's view, *Miller v. Nat'l Cas. Co.*, 61 F.3d 627, 4 AD Cas. (BNA) 1089 (8th Cir. 1995) was incorrectly decided. The court in *Miller* held that the employer was not alerted to Miller's disability and need for accommodation despite the fact that Miller's sister phoned the employer repeatedly and informed it that Miller was falling apart mentally and that the family was trying to get her into a hospital. See also *Taylor v. Principal Financial Group*, 5 AD Cas. (BNA) 1653(5th Cir. 1996).

49 Cf. *Beck v. Univ. of Wis.*, 75 F.3d 1130, 5 AD Cas. (BNA) 304(7th Cir. 1996) (assuming, without discussion, that a doctor's note requesting reasonable accommodation on behalf of his patient triggered the reasonable accommodation process); *Schmidt v. Safeway, Inc.*, 864 F. Supp. 991, 3 AD Cas. (BNA) 1141 (D. Or. 1994) (stating that a doctor need not be expressly authorized to request accommodation on behalf of an employee in order to make a valid request).

In addition, because the reasonable accommodation process presumes open communication between the employer and the employee with the disability, the employer should be receptive to any relevant information or requests it receives from a third party acting on the employee's behalf. 29 C.F.R. pt. 1630 app. § 1630.9 (1996).

50 Although individuals with disabilities are not required to keep records, they may find it useful to document requests for reasonable accommodation in the event there is a dispute about whether or when they requested accommodation. Of course, employers must keep all employment records, including records of requests for reasonable accommodation, for one year from the making of the record or the personnel action involved, whichever occurs later. 29 C.F.R. § 1602.14 (1996).

51 As a practical matter, it may be in the employee's interest to request a reasonable accommodation before performance suffers or conduct problems occur.

52 EEOC Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations at 6, 8 FEP Manual (BNA) 405:7193 (1995).

53 See *supra* nn.32-34 and accompanying text. See also *Bultemeyer v. Ft. Wayne Community Schs.*, 6 AD Cas. (BNA) 67 (7th Cir. 1996) (stating that, if employer found the precise meaning of employee's request for reasonable accommodation unclear, employer should have spoken to the employee or his psychiatrist, thus properly engaging in the interactive process).

54 See Question 17, Example A, *supra*.

55 Employers also may consider alternatives like having their health professional consult with the employee's health professional, with the employee's consent.

56 The Job Accommodation Network (JAN) also provides advice free-of-charge to employers and employees contemplating reasonable accommodation. JAN is a service of the President's Committee on Employment of People with Disabilities which, in turn, is funded by the U.S. Department of Labor. JAN can be reached at 1-800-ADA-WORK.

57 Some of the accommodations discussed in this section also may prove effective for individuals with traumatic brain injuries, stroke, and other mental disabilities. As a general matter, a covered employer must provide reasonable accom-

modation to the known physical or mental limitations of an otherwise qualified individual with a disability, barring undue hardship. 42 U.S.C. § 12112(b)(5)(A) (1994).

58 29 C.F.R. pt. 1630 app. § 1630.2(o) (1996). Courts have recognized leave as a reasonable accommodation. See, e.g., *Vande Zande v. Wis. Dep't of Admin.*, 44 F.3d 538, 3 AD Cas. (BNA) 1636 (7th Cir. 1995) (defendant had duty to accommodate plaintiff's pressure ulcers resulting from her paralysis which required her to stay home for several weeks); *Vializ v. New York City Bd. of Educ.*, 1995 WL 110112, 4 AD Cas. (BNA) 345 (S.D.N.Y. 1995) (plaintiff stated claim under ADA where she alleged that she would be able to return to work after back injury if defendant granted her a temporary leave of absence); *Schmidt v. Safeway, Inc.*, 864 F. Supp. 991, 3 AD Cas. (BNA) 1141 (D. Or. 1994) ("[A] leave of absence to obtain medical treatment is a reasonable accommodation if it is likely that, following treatment, [the employee] would have been able to safely perform his duties . . .").

59 42 U.S.C. § 12111(9)(B) (1994); 29 C.F.R. § 1630.2(o)(2)(ii) (1996).

60 See *Dutton v. Johnson County Bd.*, 1995 WL 337588, 3 AD Cas. (BNA) 1614 (D. Kan. 1995) (it was a reasonable accommodation to permit an individual with a disability to use unscheduled vacation time to cover absence for migraine headaches, where that did not pose an undue hardship and employer knew about the migraine headaches and the need for accommodation).

61 See 29 C.F.R. pt. 1630 app. § 1630.15(b), (c) (1996).

62 Reasonable accommodation, however, does not require lowering standards or removing essential functions of the job. *Bolstein v. Reich*, 1995 WL 46387, 3 AD Cas. (BNA) 1761 (D.D.C. 1995) (attorney with chronic depression and severe personality disturbance was not a qualified individual with a disability because his requested accommodations of more supervision, less complex assignments, and the exclusion of appellate work would free him of the very duties that justified his GS-14 grade), motion for summary affirmance granted, 1995 WL 686236 (D.C. Cir. 1995). The court in *Bolstein* noted that the plaintiff objected to a reassignment to a lower grade in which he could have performed the essential functions of the position. 1995 WL 46387, * 4, 3 AD Cas. (BNA) 1761, 1764 (D.D.C. 1995).

63 See 29 C.F.R. pt. 1630 app. § 1630.9 (1996) (discussing supported employment); U.S. Equal Employment Opportunity Commission, "A Technical Assistance Manual on the Employment Provisions (Title I) of the Americans with Disabilities Act," at 3.4, 8 FEP Manual (BNA) 405:7001 (1992) [hereinafter *Technical Assistance Manual*]. A job coach is a professional who assists individuals with severe disabilities with job placement and job training.

64 For example, it may be an undue hardship to provide extra supervision as a reasonable accommodation in the present job if the employee's current supervisor is already very busy supervising several other individuals and providing direct service to the public.

65 42 U.S.C. § 12111(9)(B) (1994). For example, it may not be possible to accommodate an employee in his present position if he works as a salesperson on the busy first floor of a major department store and needs a reduction in visual distractions and ambient noise as a reasonable accommodation.

See EEOC Enforcement Guidance: *Workers' Compensation and the ADA* at 17, 8 FEP Manual (BNA) 405:7399-7400 (1996) (where an employee can no longer perform the essential functions of his/her original position, with or without a reasonable accommodation, because of a disability, an employer must reassign him/her to an equivalent vacant position for which s/he is qualified, absent undue hardship).

66 *Technical Assistance Manual*, supra note 63, at 3.10(5), 8 FEP Manual (BNA) 405:7011-12 (reassignment to a vacant position as a reasonable accommodation); see also 42 U.S.C. § 12111(9)(B) (1994); 29 C.F.R. § 1630.2(o)(2)(ii) (1996).

67 42 U.S.C. § 12112(b)(6) (1994); 29 C.F.R. § 1630.10, .15(c) (1996).

68 See EEOC Compliance Manual § 902.2, n.11, Definition of the Term "Disability," 8 FEP Manual (BNA) 405:7259, n.11 (1995) (an employer "does not have to excuse . . . misconduct, even if the misconduct results from an impairment that rises to the level of a disability, if it does not excuse similar misconduct from its other employees"); see 56 Fed. Reg. 35,733 (1991) (referring to revisions to proposed ADA rule that "clarify that employers may hold all employees, disabled (including those disabled by alcoholism or drug addiction) and nondisabled, to the same performance and conduct standards").

69 See 29 C.F.R. § 1630.15(d) (1996).

70 Therefore, it may be in the employee's interest to request a reasonable accommodation before performance suffers or conduct problems occur. See Question 20 *supra*.

71 Regardless of misconduct, an individual with a disability must be allowed to file a grievance or appeal challenging his/her termination when that is a right normally available to other employees.

72 If the employee requests reasonable accommodation in order to address the misconduct, the employer must grant the request, subject to undue hardship.

73 See 42 U.S.C. § 12113(b) (1994).

74 29 C.F.R. pt. 1630 app. § 1630.2(r) (1996).

75 29 C.F.R. § 1630.2(r) (1996). To determine whether an individual would pose a direct threat, the factors to be considered include: (1) duration of the risk; (2) nature and severity of the potential harm; (3) likelihood that the potential harm will occur; and (4) imminence of the potential harm. *Id.*

76 29 C.F.R. pt. 1630 app. § 1630.2(r) (1996).

77 29 C.F.R. § 1630.2(r) (1996).

78 29 C.F.R. pt. 1630 app. § 1630.2(r) (1996).

79 House Judiciary Report, *supra* n.2, at 45.

80 *Cf. Ofat v. Ohio Civ. Rights Comm'n*, 1995 WL 310051, 4 AD Cas. (BNA) 753 (Ohio Ct. App. 1995) (finding against employer, under state law, on issue of whether employee who had panic disorder with agoraphobia could safely return to her job after disability-related leave, where employer presented no expert evidence about employee's disability or its effect on her ability to safely perform her job but only provided copies of pages from a medical text generally discussing the employee's illness).

This EEOC document was last modified on March 5, 2009.

Indiana Code IC 11-8-8
Chapter 8. Sex Offender Registration

IC 11-8-8-1 "Correctional facility"

Sec. 1. As used in this chapter, "correctional facility" has the meaning set forth in IC 4-13.5-1-1.
As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13.

IC 11-8-8-1.2 "Electronic chat room username"

Sec. 1.2. As used in this chapter, "electronic chat room username" means an identifier that allows a person to communicate over the Internet in real time using typed text.
As added by P.L.119-2008, SEC.1.

IC 11-8-8-1.4 "Electronic mail address"

Sec. 1.4. As used in this chapter, "electronic mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.
As added by P.L.119-2008, SEC.2.

IC 11-8-8-1.6 "Instant messaging username"

Sec. 1.6. As used in this chapter, "instant messaging username" means an identifier that allows a person to communicate over the Internet in real time using typed text.
As added by P.L.119-2008, SEC.3.

IC 11-8-8-1.8 "Social networking web site username"

Sec. 1.8. As used in this chapter, "social networking web site username" means an identifier or profile that allows a person to create, use, or modify a social networking web site, as defined in IC 35-42-4-12.
As added by P.L.119-2008, SEC.4.

IC 11-8-8-2 "Local law enforcement authority"

Sec. 2. As used in this chapter, "local law enforcement authority" means the:
(1) chief of police of a consolidated city; or
(2) sheriff of a county that does not contain a consolidated city.
As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13.

IC 11-8-8-3 "Principal residence"

Sec. 3. As used in this chapter, "principal residence" means the residence where a sex or violent offender spends the most time. The term includes a residence owned or leased by another person if the sex or violent offender:
(1) does not own or lease a residence; or
(2) spends more time at the residence owned or leased by the other person than at the residence owned or leased by the sex or violent offender.
As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.10.

IC 11-8-8-4 "Register"

Sec. 4. As used in this chapter, "register" means to report in person to a local law enforcement authority and provide the information required under section 8 of this chapter.
As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.11.

IC 11-8-8-4.5 "Sex offender"

Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:
(1) Rape (IC 35-42-4-1).
(2) Criminal deviate conduct (IC 35-42-4-2).
(3) Child molesting (IC 35-42-4-3).
(4) Child exploitation (IC 35-42-4-4(b)).
(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).

- (6) Child solicitation (IC 35-42-4-6).
 - (7) Child seduction (IC 35-42-4-7).
 - (8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9), unless:
 - (A) the person is convicted of sexual misconduct with a minor as a Class C felony;
 - (B) the person is not more than:
 - (i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
 - (ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
 - (C) the sentencing court finds that the person should not be required to register as a sex offender.
 - (9) Incest (IC 35-46-1-3).
 - (10) Sexual battery (IC 35-42-4-8).
 - (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
 - (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.
 - (13) Possession of child pornography (IC 35-42-4-4(c)).
 - (14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.
 - (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.
 - (16) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).
 - (17) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less than eighteen (18) years of age.
 - (18) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (17).
 - (19) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (18).
- (b) The term includes:
- (1) a person who is required to register as a sex offender in any jurisdiction; and
 - (2) a child who has committed a delinquent act and who:
 - (A) is at least fourteen (14) years of age;
 - (B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and
 - (C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.
- (c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

As added by P.L.216-2007, SEC. 12.

IC 11-8-8-5 "Sex or violent offender"

Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex or violent offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9), unless:
 - (A) the person is convicted of sexual misconduct with a minor as a Class C felony;
 - (B) the person is not more than:
 - (i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
 - (ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
 - (C) the sentencing court finds that the person should not be required to register as a sex offender.
- (9) Incest (IC 35-46-1-3).
- (10) Sexual battery (IC 35-42-4-8).
- (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.
- (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or

removed the victim is not the victim's parent or guardian.

(13) Possession of child pornography (IC 35-42-4-4(c)).

(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony.

(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)) if the victim is less than eighteen (18) years of age.

(16) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).

(17) Human trafficking (IC 35-42-3.5-1(c)(3)) if the victim is less than eighteen (18) years of age.

(18) Murder (IC 35-42-1-1).

(19) Voluntary manslaughter (IC 35-42-1-3).

(20) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (19).

(21) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (20).

(b) The term includes:

(1) a person who is required to register as a sex or violent offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.13.

IC 11-8-8-5.2 "Sex offense"

Sec. 5.2. As used in this chapter, "sex offense" means an offense listed in section 4.5(a) of this chapter.

As added by P.L.216-2007, SEC.14.

IC 11-8-8-6 "Sexually violent predator"

Sec. 6. As used in this chapter, "sexually violent predator" has the meaning set forth in IC 35-38-1-7.5.

As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13.

IC 11-8-8-7 Persons required to register; registration locations; time limits; photographs; duties of local law enforcement

Sec. 7. (a) Subject to section 19 of this chapter, the following persons must register under this chapter:

(1) A sex or violent offender who resides in Indiana. A sex or violent offender resides in Indiana if either of the following applies:

(A) The sex or violent offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.

(B) The sex or violent offender owns real property in Indiana and returns to Indiana at any time.

(2) A sex or violent offender who works or carries on a vocation or intends to work or carry on a vocation full-time or part-time for a period:

(A) exceeding seven (7) consecutive days; or

(B) for a total period exceeding fourteen (14) days;

during any calendar year in Indiana regardless of whether the sex or violent offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) A sex or violent offender who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or postsecondary educational institution.

(b) Except as provided in subsection (e), a sex or violent offender who resides in Indiana shall register with the local law enforcement authority in the county where the sex or violent offender resides. If a sex or violent offender resides in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county in which the sex or violent offender resides. If the sex or violent offender is also required to register under subsection (a)(2) or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (c) or (d).

(c) A sex or violent offender described in subsection (a)(2) shall register with the local law enforcement authority in the county where the sex or violent offender is or intends to be employed or carry on a vocation. If a sex or violent offender is or intends to be employed or carry on a vocation in more than one (1) county, the sex or violent offender shall register with the local law enforcement authority in each county. If the sex or violent offender is also required to register under subsection (a)(1) or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (d).

(d) A sex or violent offender described in subsection (a)(3) shall register with the local law enforcement authority in the county where the sex or violent offender is enrolled or intends to be enrolled as a student. If the sex or violent offender is also required to register under subsection (a)(1) or (a)(2), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (c).

(e) A sex or violent offender described in subsection (a)(1)(B) shall register with the local law enforcement authority in the county in which the real property is located. If the sex or violent offender is also required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex or violent offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b), (c), or (d).

(f) A sex or violent offender committed to the department shall register with the department before the sex or violent offender is released from incarceration. The department shall forward the sex or violent offender's registration information to the local law enforcement authority of every county in which the sex or violent offender is required to register.

(g) This subsection does not apply to a sex or violent offender who is a sexually violent predator. A sex or violent offender not committed to the department shall register not more than seven (7) days after the sex or violent offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or

(8) arrives at the place where the sex or violent offender is required to register under subsection (b), (c), or (d); whichever occurs first. A sex or violent offender required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex or violent offender's arrival in that county or acquisition of real estate in that county.

(h) This subsection applies to a sex or violent offender who is a sexually violent predator. A sex or violent offender who is a sexually violent predator shall register not more than seventy-two (72) hours after the sex or violent offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or

(8) arrives at the place where the sexually violent predator is required to register under subsection (b), (c), or (d); whichever occurs first. A sex or violent offender who is a sexually violent predator required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county.

(i) The local law enforcement authority with whom a sex or violent offender registers under this section shall make and publish a photograph of the sex or violent offender on the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. The local law enforcement authority shall make a photograph of the sex or violent offender that complies with the requirements of IC 36-2-13-5.5 at least once per year. The sheriff of a county containing a consolidated city shall provide the police chief of the consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex or violent offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5.

(j) When a sex or violent offender registers, the local law enforcement authority shall:

- (1) immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5;
- (2) notify every law enforcement agency having jurisdiction in the county where the sex or violent offender resides; and
- (3) update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and communications system (IDACS).

When a sex or violent offender from a jurisdiction outside Indiana registers a change of address, electronic mail address, instant messaging username, electronic chat room username, social networking web site username, employment, vocation, or enrollment in Indiana, the local law enforcement authority shall provide the department with the information provided by the sex or violent offender during registration.

As added by P.L. 140-2006, SEC. 13 and P.L. 173-2006, SEC. 13. Amended by P.L. 2-2007, SEC. 151; P.L. 216-2007, SEC. 15; P.L. 119-2008, SEC. 5.

IC 11-8-8-8 Required registration information; consent to computer search

Sec. 8. (a) The registration required under this chapter must include the following information:

(1) The sex or violent offender's full name, alias, any name by which the sex or violent offender was previously known, date of birth, sex, race, height, weight, hair color, eye color, any scars, marks, or tattoos, Social Security number, driver's license number or state identification card number, vehicle description and vehicle plate number for any vehicle the sex or violent offender owns or operates on a regular basis, principal residence address, other address where the sex or violent offender spends more than seven (7) nights in a fourteen (14) day period, and mailing address, if different from the sex or violent offender's principal residence address.

(2) A description of the offense for which the sex or violent offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.

(3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex or violent offender's employers in Indiana, the name and address of each campus or location where the sex or violent offender is enrolled in school in Indiana, and the address where the sex or violent offender stays or intends to stay while in Indiana.

(4) A recent photograph of the sex or violent offender.

(5) If the sex or violent offender is a sexually violent predator, that the sex or violent offender is a sexually violent predator.

(6) If the sex or violent offender is required to register for life, that the sex or violent offender is required to register for life.

(7) Any electronic mail address, instant messaging username, electronic chat room username, or social networking web site username that the sex or violent offender uses or intends to use.

(8) Any other information required by the department.

(b) If the sex or violent offender registers any information under subsection (a)(7), the offender shall sign a consent form authorizing the:

(1) search of the sex or violent offender's personal computer or device with Internet capability, at any time; and

(2) installation on the sex or violent offender's personal computer or device with Internet capability, at the sex or violent offender's expense, of hardware or software to monitor the sex or violent offender's Internet usage.

As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.16; P.L.119-2008, SEC.6.

IC 11-8-8-9 Informing of duty to register; registration time limits; offenders not committed to the department

Sec. 9. (a) Not more than seven (7) days before an Indiana sex or violent offender who is required to register under this chapter is scheduled to be released from a secure private facility (as defined in IC 31-9-2-115), or released from a juvenile detention facility, an official of the facility shall do the following:

(1) Orally inform the sex or violent offender of the sex or violent offender's duty to register under this chapter and require the sex or violent offender to sign a written statement that the sex or violent offender was orally informed or, if the sex or violent offender refuses to sign the statement, certify that the sex or violent offender was orally informed of the duty to register.

(2) Deliver a form advising the sex or violent offender of the sex or violent offender's duty to register under this chapter and require the sex or violent offender to sign a written statement that the sex or violent offender received the written notice or, if the sex or violent offender refuses to sign the statement, certify that the sex or violent offender was given the written notice of the duty to register.

(3) Obtain the address where the sex or violent offender expects to reside after the sex or violent offender's release.

(4) Transmit to the local law enforcement authority in the county where the sex or violent offender expects to reside the sex or violent offender's name, date of release or transfer, new address, and the offense or delinquent act committed by the sex or violent offender.

(b) Not more than seventy-two (72) hours after a sex or violent offender who is required to register under this chapter is released or transferred as described in subsection (a), an official of the facility shall transmit to the state police the following:

(1) The sex or violent offender's fingerprints, photograph, and identification factors.

(2) The address where the sex or violent offender expects to reside after the sex or violent offender's release.

(3) The complete criminal history data (as defined in IC 10-13-3-5) or, if the sex or violent offender committed a delinquent act, juvenile history data (as defined in IC 10-13-4-4) of the sex or violent offender.

(4) Information regarding the sex or violent offender's past treatment for mental disorders.

(5) Information as to whether the sex or violent offender has been determined to be a sexually violent predator.

(c) This subsection applies if a sex or violent offender is placed on probation or in a community corrections program without being confined in a penal facility. The probation office serving the court in which the sex or violent offender is sentenced shall perform the duties required under subsections (a) and (b).

(d) For any sex or violent offender who is not committed to the department, the probation office of the sentencing court shall transmit to the department a copy of:

(1) the sex or violent offender's:

(A) sentencing order; and

(B) presentence investigation; and

(2) any other information required by the department to make a determination concerning sex or violent offender registration.
As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.17; P.L.3-2008, SEC.87.

IC 11-8-8-10 Duty to transmit fingerprints to Federal Bureau of Investigation

Sec. 10. Notwithstanding any other law, upon receiving a sex or violent offender's fingerprints from a correctional facility, the state police shall immediately send the fingerprints to the Federal Bureau of Investigation.

As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.18.

IC 11-8-8-11 Change in registration location or status; duty to register or notify; updates

Sec. 11. (a) If a sex or violent offender who is required to register under this chapter changes:

(1) principal residence address; or

(2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the place where the sex or violent offender stays in Indiana;

the sex or violent offender shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal address or location and, if the offender moves to a new county in Indiana, to the local law enforcement authority having jurisdiction over the sex or violent offender's new principal address or location not more than seventy-two (72) hours after the address change.

(b) If a sex or violent offender moves to a new county in Indiana, the local law enforcement authority where the sex or violent offender's current principal residence address is located shall inform the local law enforcement authority in the new county in Indiana of the sex or violent offender's residence and forward all relevant registration information concerning the sex or violent offender to the local law enforcement authority in the new county. The local law enforcement authority receiving notice under this subsection shall verify the address of the sex or violent offender under section 13 of this chapter not more than seven (7) days after receiving the notice.

(c) If a sex or violent offender who is required to register under section 7(a)(2) or 7(a)(3) of this chapter changes the sex or violent offender's principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school, the sex or violent offender shall report in person:

(1) to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school; and

(2) if the sex or violent offender changes the sex or violent offender's place of employment, vocation, or enrollment to a new county in Indiana, to the local law enforcement authority having jurisdiction over the sex or violent offender's new principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school; not more than seventy-two (72) hours after the change.

(d) If a sex or violent offender moves the sex or violent offender's place of employment, vocation, or enrollment to a new county in Indiana, the local law enforcement authority having jurisdiction over the sex or violent offender's current principal place of employment, principal place of vocation, or campus or location where the sex or violent offender is enrolled in school shall inform the local law enforcement authority in the new county of the sex or violent offender's new principal place of employment, vocation, or enrollment by forwarding relevant registration information to the local law enforcement authority in the new county.

(e) If a sex or violent offender moves the sex or violent offender's residence, place of employment, vocation, or enrollment to a new state, the local law enforcement authority shall inform the state police in the new state of the sex or violent offender's new place of residence, employment, vocation, or enrollment.

(f) If a sex or violent offender who is required to register under this chapter changes or obtains a new:

(1) electronic mail address;

(2) instant messaging username;

(3) electronic chat room username; or

(4) social networking web site username;

the sex or violent offender shall report in person to the local law enforcement authority having jurisdiction over the sex or violent offender's current principal address or location and shall provide the local law enforcement authority with the new address or username not more than seventy-two (72) hours after the change or creation of the address or username.

(g) A local law enforcement authority shall make registration information, including information concerning the duty to register and the penalty for failing to register, available to a sex or violent offender.

(h) A local law enforcement authority who is notified of a change under subsection (a), (c), or (f) shall:

(1) immediately update the Indiana sex and violent offender registry web site established under IC 36-2-13-5.5;

(2) update the National Crime Information Center National Sex Offender Registry data base via the Indiana data and communications system (IDACS); and

(3) notify the department.

(i) If a sex or violent offender who is registered with a local law enforcement authority becomes incarcerated, the local law enforcement authority shall transmit a copy of the information provided by the sex or violent offender during registration to the department.

(j) If a sex or violent offender is no longer required to register due to the expiration of the registration period, the local law enforcement authority shall transmit a copy of the information provided by the sex or violent offender during registration to the department. *As added by P.L. 140-2006, SEC. 13 and P.L. 173-2006, SEC. 13. Amended by P.L. 1-2007, SEC. 100; P.L. 216-2007, SEC. 19; P.L. 119-2008, SEC. 7.*

IC 11-8-8-12 Temporary residence

Sec. 12. (a) As used in this section, "temporary residence" means a residence:

- (1) that is established to provide transitional housing for a person without another residence; and
- (2) in which a person is not typically permitted to reside for more than thirty (30) days in a sixty (60) day period.

(b) This section applies only to a sex or violent offender who resides in a temporary residence. In addition to the other requirements of this chapter, a sex or violent offender who resides in a temporary residence shall register in person with the local law enforcement authority in which the temporary residence is located:

- (1) not more than seventy-two (72) hours after the sex or violent offender moves into the temporary residence; and
- (2) during the period in which the sex or violent offender resides in a temporary residence, at least once every seven (7) days following the sex or violent offender's initial registration under subdivision (1).

(c) A sex or violent offender who does not have a principal residence or temporary residence shall report in person to the local law enforcement authority in the county where the sex or violent offender resides at least once every seven (7) days to report an address for the location where the sex or violent offender will stay during the time in which the sex or violent offender lacks a principal address or temporary residence.

(d) A sex or violent offender's obligation to register in person once every seven (7) days terminates when the sex or violent offender no longer resides in the temporary residence or location described in subsection (c). However, all other requirements imposed on a sex or violent offender by this chapter continue in force, including the requirement that a sex or violent offender register the sex or violent offender's new address with the local law enforcement authority.

As added by P.L. 140-2006, SEC. 13 and P.L. 173-2006, SEC. 13. Amended by P.L. 216-2007, SEC. 20.

IC 11-8-8-13 Verification of current residences

Sec. 13. (a) To verify a sex or violent offender's current residence, the local law enforcement authority having jurisdiction over the area of the sex or violent offender's current principal address or location shall do the following:

(1) Mail a form that is approved or prescribed by the department to each sex or violent offender in the county at the sex or violent offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex or violent offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
 - (B) placed in a community transition program;
 - (C) placed in a community corrections program;
 - (D) placed on parole; or
 - (E) placed on probation;
- whichever occurs first.

(2) Mail a form that is approved or prescribed by the department to each sex or violent offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex or violent offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
 - (B) placed in a community transition program;
 - (C) placed in a community corrections program;
 - (D) placed on parole; or
 - (E) placed on probation;
- whichever occurs first.

(3) Personally visit each sex or violent offender in the county at the sex or violent offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex or violent offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(4) Personally visit each sex or violent offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex or violent offender is:

(A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;

(B) placed in a community transition program;

(C) placed in a community corrections program;

(D) placed on parole; or

(E) placed on probation;

whichever occurs first.

(b) If a sex or violent offender fails to return a signed form either by mail or in person, not later than fourteen (14) days after mailing, or appears not to reside at the listed address, the local law enforcement authority shall immediately notify the department and the prosecuting attorney.

As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.21.

IC 11-8-8-14 Annual reporting; quarterly reporting for sexually violent predators; registration and photographs

Sec. 14. (a) This subsection does not apply to a sex or violent offender who is a sexually violent predator. In addition to the other requirements of this chapter, a sex or violent offender who is required to register under this chapter shall, at least one (1) time per calendar year:

(1) report in person to the local law enforcement authority;

(2) register; and

(3) be photographed by the local law enforcement authority;

in each location where the offender is required to register.

(b) This subsection applies to a sex or violent offender who is a sexually violent predator. In addition to the other requirements of this chapter, a sex or violent offender who is a sexually violent predator under IC 35-38-1-7.5 shall:

(1) report in person to the local law enforcement authority;

(2) register; and

(3) be photographed by the local law enforcement authority in each location where the sex or violent offender is required to register;

every ninety (90) days.

(c) Each time a sex or violent offender who claims to be working or attending school registers in person, the sex or violent offender shall provide documentation to the local law enforcement authority providing evidence that the sex or violent offender is still working or attending school at the registered location.

As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.22.

IC 11-8-8-15 Possession of valid Indiana driver's license or identification card required

Sec. 15. (a) A sex or violent offender who is a resident of Indiana shall obtain and keep in the sex or violent offender's possession:

(1) a valid Indiana driver's license; or

(2) a valid Indiana identification card (as described in IC 9-24-16).

(b) A sex or violent offender required to register in Indiana who is not a resident of Indiana shall obtain and keep in the sex or violent offender's possession:

(1) a valid driver's license issued by the state in which the sex or violent offender resides; or

(2) a valid state issued identification card issued by the state in which the sex or violent offender resides.

(c) A person who knowingly or intentionally violates this section commits failure of a sex or violent offender to possess identification, a Class A misdemeanor. However, the offense is a Class D felony if the person:

(1) is a sexually violent predator; or

(2) has a prior unrelated conviction:

(A) under this section; or

(B) based on the person's failure to comply with any requirement imposed on an offender under this chapter.

(d) It is a defense to a prosecution under this section that:

(1) the person has been unable to obtain a valid driver's license or state issued identification card because less than thirty (30) days have passed since the person's release from incarceration; or

(2) the person possesses a driver's license or state issued identification card that expired not more than thirty (30) days before the date the person violated subsection (a) or (b).

As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.23.

IC 11-8-8-16 Name changes

Sec. 16. (a) A sex or violent offender who is required to register under this chapter may not petition for a change of name under IC 34-28-2.

(b) If a sex or violent offender who is required to register under this chapter changes the sex or violent offender's name due to marriage, the sex or violent offender must register with the local law enforcement authority not more than seven (7) days after the name change.

As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.24.

IC 11-8-8-17 Registration violations; penalty

Sec. 17. (a) A sex or violent offender who knowingly or intentionally:

- (1) fails to register when required to register under this chapter;
- (2) fails to register in every location where the sex or violent offender is required to register under this chapter;
- (3) makes a material misstatement or omission while registering as a sex or violent offender under this chapter;
- (4) fails to register in person as required under this chapter; or
- (5) does not reside at the sex or violent offender's registered address or location;

commits a Class D felony.

(b) The offense described in subsection (a) is a Class C felony if the sex or violent offender has a prior unrelated conviction for an offense:

- (1) under this section; or
- (2) based on the person's failure to comply with any requirement imposed on a sex or violent offender under this chapter or under IC 5-2-12 before its repeal.

(c) It is not a defense to a prosecution under this section that the sex or violent offender was unable to pay the sex or violent offender registration fee or the sex or violent offender address change fee described under IC 36-2-13-5.6.

As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.25.

IC 11-8-8-18 Sexually violent predator; duty to notify

Sec. 18. (a) A sexually violent predator who will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours shall inform the local law enforcement authority in the county where the sexually violent predator's principal address is located, in person, of the following:

- (1) That the sexually violent predator will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours.
- (2) The location where the sexually violent predator will be located during the absence from the sexually violent predator's principal residence.
- (3) The length of time the sexually violent predator will be absent from the sexually violent predator's principal residence.

(b) A sexually violent predator who will spend more than seventy-two (72) hours in a county in which the sexually violent predator is not required to register shall inform the local law enforcement authority in the county in which the sexually violent predator is not required to register, in person, of the following:

- (1) That the sexually violent predator will spend more than seventy-two (72) hours in the county.
- (2) The location where the sexually violent predator will be located while spending time in the county.
- (3) The length of time the sexually violent predator will remain in the county.

Upon request of the local law enforcement authority of the county in which the sexually violent predator is not required to register, the sexually violent predator shall provide the local law enforcement authority with any additional information that will assist the local law enforcement authority in determining the sexually violent predator's whereabouts during the sexually violent predator's stay in the county.

(c) A sexually violent predator who knowingly or intentionally violates this section commits failure to notify, a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this section based on the person's failure to comply with any requirement imposed on a sex or violent offender under this chapter.

As added by P.L.140-2006, SEC.13 and P.L.173-2006, SEC.13. Amended by P.L.216-2007, SEC.26.

IC 11-8-8-19 Expiration of duty to register; lifetime registration; out-of-state registrants

Sec. 19. (a) Except as provided in subsections (b) through (e), a sex or violent offender is required to register under this chapter until the expiration of ten (10) years after the date the sex or violent offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21) or a secure juvenile detention facility of a state or another jurisdiction;
- (2) is placed in a community transition program;

- (3) is placed in a community corrections program;
- (4) is placed on parole; or
- (5) is placed on probation;

for the sex or violent offense requiring registration, whichever occurs last. The registration period is tolled during any period that the sex or violent offender is incarcerated. The registration period does not restart if the offender is convicted of a subsequent offense; however, if the subsequent offense is a sex or violent offense, a new registration period may be imposed in accordance with this chapter. The department shall ensure that an offender who is no longer required to register as a sex or violent offender is notified that the obligation to register has expired.

(b) A sex or violent offender who is a sexually violent predator is required to register for life.

(c) A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter that the sex or violent offender committed:

- (1) when the person was at least eighteen (18) years of age; and
- (2) against a victim who was less than twelve (12) years of age at the time of the crime;

is required to register for life.

(d) A sex or violent offender who is convicted of at least one (1) offense under section 5(a) of this chapter in which the sex offender:

- (1) proximately caused serious bodily injury or death to the victim;
- (2) used force or the threat of force against the victim or a member of the victim's family, unless the offense is sexual battery as a Class D felony; or
- (3) rendered the victim unconscious or otherwise incapable of giving voluntary consent;

is required to register for life.

(e) A sex or violent offender who is convicted of at least two (2) unrelated offenses under section 5(a) of this chapter is required to register for life.

(f) A person who is required to register as a sex or violent offender in any jurisdiction shall register for the period required by the other jurisdiction or the period described in this section, whichever is longer.

As added by P.L. 140-2006, SEC. 13 and P.L. 173-2006, SEC. 13. Amended by P.L. 216-2007, SEC. 27; P.L. 119-2008, SEC. 8.

IC 11-8-8-20 Interstate agreements; department to determine status of out-of-state offenders

Sec. 20. (a) The department may enter into a compact or agreement with one (1) or more jurisdictions outside Indiana to exchange notifications concerning the change of address, employment, vocation, or enrollment of a sex or violent offender between Indiana and the other jurisdiction or the other jurisdiction and Indiana.

(b) If the department receives information that a sex or violent offender has relocated to Indiana to reside, engage in employment or a vocation, or enroll in school, or that a sex or violent offender has been convicted in Indiana but not sentenced to the department, the department shall determine:

- (1) whether the person is defined as a:
 - (A) sex offender under IC 11-8-8-4.5; or
 - (B) sex or violent offender under IC 11-8-8-5;
- (2) whether the person is a sexually violent predator under IC 35-38-1-7.5;
- (3) the period for which the person will be required to register as a sex or violent offender in Indiana; and
- (4) any other matter required by law to make a registration determination.

(c) After the department has made a determination under subsection (b), the department shall update the sex and violent offender registry web site and transmit the department's determination to the local law enforcement authority having jurisdiction over the county where the sex or violent offender resides, is employed, and attends school. The department shall transmit:

- (1) the sex or violent offender's name, date of relocation, and new address (if applicable), the offense or delinquent act committed by the sex or violent offender, and any other available descriptive information;
- (2) whether the sex or violent offender is a sexually violent predator;
- (3) the period for which the sex or violent offender will be required to register in Indiana; and
- (4) anything else required by law to make a registration determination.

As added by P.L. 140-2006, SEC. 13 and P.L. 173-2006, SEC. 13. Amended by P.L. 216-2007, SEC. 28; P.L. 3-2008, SEC. 88.

IC 11-8-8-21 Sex and violent offender fund

Sec. 21. (a) The state sex and violent offender administration fund is established to assist the department in carrying out its duties under IC 11-8-2-12.4 concerning the Indiana sex and violent offender registry. The fund shall be administered by the department.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The fund consists of:

- (1) grants;
- (2) donations;

- (3) appropriations;
- (4) money from the annual sex or violent offender registration fee (IC 36-2-13-5.6(a)(1)(A)); and
- (5) money from the sex or violent offender address change fee (IC 36-2-13-5.6(a)(1)(B)).

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(e) Money in the fund is continually appropriated to carry out the purposes of the fund.

As added by P.L.216-2007, SEC.29.

IC 11-8-8-22 Procedure for retroactive application of ameliorative statutes

Sec. 22. (a) As used in this section, "offender" means a sex offender (as defined in section 4.5 of this chapter) and a sex or violent offender (as defined in section 5 of this chapter).

(b) This section applies to an offender required to register under this chapter if, due to a change in federal or state law after June 30, 2007, an individual who engaged in the same conduct as the offender:

- (1) would not be required to register under this chapter; or
- (2) would be required to register under this chapter but under less restrictive conditions than the offender is required to meet.

(c) A person to whom this section applies may petition a court to:

- (1) remove the person's designation as an offender; or
- (2) require the person to register under less restrictive conditions.

(d) After receiving a petition under this section, the court may:

- (1) summarily dismiss the petition; or
- (2) give notice to the prosecuting attorney and set the matter for hearing.

(e) A court may grant a petition under this section if, following a hearing, the court makes the following findings:

- (1) The law requiring the petitioner to register as an offender has changed since the date on which the petitioner was initially required to register.
- (2) If the petitioner who was required to register as an offender before the change in law engaged in the same conduct after the change in law occurred, the petitioner would:
 - (A) not be required to register as an offender; or
 - (B) be required to register as an offender, but under less restrictive conditions.
- (3) If the petitioner seeks relief under this section because a change in law makes a previously unavailable defense available to the petitioner, that the petitioner has proved the defense.

The court has the discretion to deny a petition under this section, even if the court makes the findings under this subsection.

(f) The petitioner has the burden of proof in a hearing under this section.

(g) If the court grants a petition under this section, the court shall notify:

- (1) the victim of the offense, if applicable;
- (2) the department of correction; and
- (3) the local law enforcement authority of the county in which the petitioner resides.

As added by P.L.216-2007, SEC.30.

INDIANA CODE § 25-1-9
Chapter 9. Health Professions Standards of Practice

IC 25-1-9-1 "Board" defined

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Board of environmental health specialists (IC 25-32).
- (10) Speech-language pathology and audiology board (IC 25- 35.6-2).
- (11) State psychology board (IC 25-33).
- (12) Indiana board of veterinary medical examiners (IC 25-38.1-2).
- (13) Indiana physical therapy committee (IC 25-27-1).
- (14) Respiratory care committee (IC 25-34.5).
- (15) Occupational therapy committee (IC 25-23.5).
- (16) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (17) Physician assistant committee (IC 25-27.5).
- (18) Indiana athletic trainers board (IC 25-5.1-2-1).
- (19) Indiana dietitians certification board (IC 25-14.5-2-1).
- (20) Indiana hypnotist committee (IC 25-20.5-1-7).

As added by P.L.152-1988, SEC.1. Amended by P.L.242-1989, SEC.7; P.L.238-1989, SEC.7; P.L.186-1990, SEC.7; P.L.48-1991, SEC.20; P.L.227-1993, SEC.7; P.L.33-1993, SEC.14; P.L.213-1993, SEC.4; P.L.1-1994, SEC.122; P.L.124-1994, SEC.6; P.L.175-1997, SEC.6; P.L.147-1997, SEC.10; P.L.84-1998, SEC.5; P.L.24-1999, SEC.6; P.L.2-2008, SEC.59.

IC 25-1-9-2 "Practitioner" defined

Sec. 2. As used in this chapter, "practitioner" means an individual who holds:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued by the board regulating the profession in question, including a certificate of registration issued under IC 25-20.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-3 "License" defined

Sec. 3. As used in this chapter, "license" includes a license, certificate, registration, or permit.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-3.5 "Sexual contact" defined

Sec. 3.5. As used in this chapter, "sexual contact" means:

- (1) sexual intercourse (as defined in IC 35-41-1-26);
- (2) deviate sexual conduct (as defined in IC 35-41-1-9); or
- (3) any fondling or touching intended to arouse or satisfy the sexual desires of either the individual performing the fondling or touching or the individual being fondled or touched.

As added by P.L.200-2001, SEC.1.

IC 25-1-9-4 Standards of professional practice; findings required for sanctions; evidence of foreign discipline

Sec. 4. (a) A practitioner shall conduct the practitioner's practice in accordance with the standards established by the board regulating the profession in question and is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds:

- (1) a practitioner has:
 - (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a license examination;
 - (B) engaged in fraud or material deception in the course of professional services or activities;
 - (C) advertised services in a false or misleading manner; or
 - (D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices, including fraud under:
 - (i) Medicaid (42 U.S.C. 1396 et seq.);
 - (ii) Medicare (42 U.S.C. 1395 et seq.);
 - (iii) the children's health insurance program under IC 12-17.6; or
 - (iv) insurance claims;
 - (2) a practitioner has been convicted of a crime that
 - (A) has a direct bearing on the practitioner's ability to continue to practice competently; or
 - (B) is harmful to the public;
 - (3) a practitioner has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question;
 - (4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:
 - (A) professional incompetence that:
 - (i) may include the undertaking of professional activities that the practitioner is not qualified by training or experience to undertake; and
 - (ii) does not include activities performed under IC 16-21-2-9;
 - (B) failure to keep abreast of current professional theory or practice;
 - (C) physical or mental disability; or
 - (D) addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
 - (5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
 - (6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual who renders services beyond the scope of that individual's training, experience, or competence;
 - (7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any state or jurisdiction on grounds similar to those under this chapter;
 - (8) a practitioner has diverted:
 - (A) a legend drug (as defined in IC 16-18-2-199); or
 - (B) any other drug or device issued under a drug order (as defined in IC 16-42-19-3) for another person;
 - (9) a practitioner, except as otherwise provided by law, has knowingly prescribed, sold, or administered any drug classified as a narcotic, addicting, or dangerous drug to a habitue or addict;
 - (10) a practitioner has failed to comply with an order imposing a sanction under section 9 of this chapter;
 - (11) a practitioner has engaged in sexual contact with a patient under the practitioner's care or has used the practitioner-patient relationship to solicit sexual contact with a patient under the practitioner's care;
 - (12) a practitioner who is a participating provider of a health maintenance organization has knowingly collected or attempted to collect from a subscriber or enrollee of the health maintenance organization any sums that are owed by the health maintenance organization; or
 - (13) a practitioner has assisted another person in committing an act that would be grounds for disciplinary sanctions under this chapter.
- (b) A practitioner who provides health care services to the practitioner's spouse is not subject to disciplinary action under subsection (a)(11).
- (c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).

As added by P.L.152-1988, SEC.1. Amended by P.L.2-1993, SEC.136; P.L.149-1997, SEC.7; P.L.22-1999, SEC.4; P.L.200-2001, SEC.2; P.L.203-2001, SEC.3; P.L.1-2002, SEC.96; P.L.197-2007, SEC.22.

IC 25-1-9-5 Optometry employment practice

Sec. 5. In addition to section 4 of this chapter, a practitioner licensed to practice optometry is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds a practitioner has accepted employment to practice optometry from a person other than:

- (1) a corporation formed by an optometrist under IC 23-1.5; or
- (2) an individual who is licensed as an optometrist under this article and whose legal residence is in Indiana.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-6 Veterinary practitioners; cruelty to animals

Sec. 6. In addition to section 4 of this chapter, a practitioner licensed to practice veterinary medicine or registered as a veterinary technician is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds a practitioner has engaged in cruelty to animals.

As added by P.L. 152-1988, SEC. 1.

IC 25-1-9-6.5 Chiropractors; waiver of deductible or copayment

Sec. 6.5. (a) In addition to section 4 of this chapter, a practitioner licensed to practice chiropractic is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board regulating the profession finds a practitioner has:

(1) waived a payment of a deductible or a copayment required to be made to the practitioner by a patient under the patient's insurance or health care plan; and

(2) advertised the waiver of a payment described in subdivision (1).

(b) This section does not apply to the waiver of a deductible or a copayment by a practitioner if:

(1) the practitioner determines chiropractic service is necessary for the immediate health and welfare of a patient;

(2) the practitioner determines the payment of a deductible or a copayment would create a substantial financial hardship for the patient; and

(3) the waiver is based on the evaluation of the individual patient and is not a regular business practice of the practitioner.

As added by P.L. 151-1989, SEC. 9.

IC 25-1-9-6.7 Marriage and family therapists; disciplinary sanctions

Sec. 6.7. In addition to the actions listed under section 4 of this chapter that subject a practitioner to the exercise of disciplinary sanctions, a practitioner who is licensed under IC 25-23.6 is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board regulating the profession finds that the practitioner has:

(1) performed any therapy that, by the prevailing standards of the mental health professions in the community where the services were provided, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent;

(2) failed to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance in professional activities, including the undertaking of activities that the practitioner is not qualified by training or experience to undertake;

(3) performed services, including any duties required of the individual under IC 31, in reckless disregard of the best interests of a patient, a client, or the public;

(4) without the consent of the child's parent, guardian, or custodian, knowingly participated in the child's removal or precipitated others to remove a child from the child's home unless:

(A) the child's physical health was endangered due to injury as a result of the act or omission of the child's parent, guardian, or custodian;

(B) the child had been or was in danger of being a victim of an offense under IC 35-42-4, IC 35-45-4-1, IC 35-45-4-2, IC 35-46-1-3, IC 35-49-2-2, or IC 35-49-3-2; or

(C) the child was in danger of serious bodily harm as a result of the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with necessary food, shelter, or medical care, and a court order was first obtained;

(5) willfully made or filed a false report or record, failed to file a report or record required by law, willfully impeded or obstructed the filing of a report or record, or induced another individual to:

(A) make or file a false report or record; or

(B) impede or obstruct the filing of a report or record; or

(6) performed a diagnosis (as defined in IC 25-22.5-1-1.1(c));

(7) provided evidence in an administrative or judicial proceeding that had insufficient factual basis for the conclusions rendered by the practitioner;

(8) willfully planted in the mind of the patient suggestions that are not based in facts known to the practitioner; or

(9) performed services outside of the scope of practice of the license issued under IC 25-23.6.

As added by P.L. 147-1997, SEC. 11. Amended by P.L. 2-1998, SEC. 65.

IC 25-1-9-6.8 Practitioner guidelines before prescribing stimulant medication for a child for treatment of certain disorders

Sec. 6.8. (a) This section applies to a practitioner who is:

(1) licensed to practice medicine or osteopathic medicine under IC 25-22.5; or

(2) an advanced practice nurse granted prescriptive authority under IC 25-23, and whose practice agreement with a collaborating physician reflects the conditions specified in subsection (b).

(b) Before prescribing a stimulant medication for a child for the treatment of attention deficit disorder or attention deficit hyperactivity disorder, a practitioner described in subsection (a) shall follow the most recent guidelines adopted by the American Academy

of Pediatrics or the American Academy of Child and Adolescent Psychiatry for the diagnosis and evaluation of a child with attention deficit disorder or attention deficit hyperactivity disorder.

As added by P.L.107-2002, SEC.28.

IC 25-1-9-6.9 Failing to provide or providing false information to agency

Sec. 6.9. In addition to the actions listed under section 4 of this chapter that subject a practitioner to disciplinary sanctions, a practitioner is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds that the practitioner has:

- (1) failed to provide information requested by the Indiana professional licensing agency; or
- (2) knowingly provided false information to the Indiana professional licensing agency;

for a provider profile required under IC 25-1-5-10.

As added by P.L.211-2001, SEC.2. Amended by P.L. 206-2005, SEC. 14.

IC 25-1-9-7 Physical or mental examination; power to require

Sec. 7. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's own expense, if the practitioner's physical or mental capacity to practice safely is at issue in a disciplinary proceeding.

As added by P.L.152-1988, SEC.1. Amended by P.L.158-2003, SEC.2.

IC 25-1-9-8 Failure to submit to physical or mental examination; sanctions

Sec. 8. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 10 of this chapter.

As added by P.L.152-1988, SEC.1.

IC 25-1-9-9 Disciplinary sanctions

Sec. 9. (a) The board may impose any of the following sanctions, singly or in combination, if it finds that a practitioner is subject to disciplinary sanctions under section 4, 5, 6, 6.7, or 6.9 of this chapter or IC 25-1-5-4:

- (1) Permanently revoke a practitioner's license.
- (2) Suspend a practitioner's license.
- (3) Censure a practitioner.
- (4) Issue a letter of reprimand.
- (5) Place a practitioner on probation status and require the practitioner to:
 - (A) report regularly to the board upon the matters that are the basis of probation;
 - (B) limit practice to those areas prescribed by the board;
 - (C) continue or renew professional education under a preceptor, or as otherwise directed or approved by the board, until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
 - (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.
- (6) Assess a fine against the practitioner in an amount not to exceed one thousand dollars (\$1,000) for each violation listed in section 4 of this chapter, except for a finding of incompetency due to a physical or mental disability. When imposing a fine, the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the fine within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a fine.

(b) The board may withdraw or modify the probation under subsection (a)(5) if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order.

As added by P.L.152-1988, SEC.1. Amended by P.L.48-1991, SEC.21; P.L.22-1999, SEC.5; P.L.32-2000, SEC.10; P.L.211-2001, SEC.3.

IC 25-1-9-10 Summary license suspension pending final adjudication; notice; opportunity to be heard

Sec. 10. (a) The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public health and safety if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for ninety (90) days or less.

(b) Before the board may summarily suspend a license that has been issued under IC 25-22.5, IC 25-38.1, or IC 25-14, the consumer protection division of the attorney general's office shall make a reasonable attempt to notify a practitioner of a hearing by the board to suspend a practitioner's license and of information regarding the allegation against the practitioner. The consumer protection division of the attorney general's office shall also notify the practitioner that the practitioner may provide a written or an oral

statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to reach the practitioner is made if the consumer protection division of the attorney general's office attempts to reach the practitioner by telephone or facsimile at the last telephone number of the practitioner on file with the board.

(c) After a reasonable attempt is made to notify a practitioner under subsection (b):

(1) a court may not stay or vacate a summary suspension of a practitioner's license for the sole reason that the practitioner was not notified; and

(2) the practitioner may not petition the board for a delay of the summary suspension proceedings.

As added by P.L. 152-1988, SEC. 1. Amended by P.L. 43-1995, SEC. 2; P.L. 71-2000, SEC. 18; P.L. 2-2008, SEC. 60.

IC 25-1-9-10.1 Retention of clinical consultants and experts to advise on suspension

Sec. 10.1. The attorney general may retain the services of a clinical consultant or an expert to provide the attorney general with advice concerning the acts that are the subject of a suspension under this chapter.

As added by P.L. 43-1995, SEC. 3.

IC 25-1-9-11 Reinstatement of suspended licenses

Sec. 11. The board may reinstate a license which has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

As added by P.L. 152-1988, SEC. 1.

IC 25-1-9-12 Reinstatement of revoked license

Sec. 12. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

As added by P.L. 152-1988, SEC. 1.

IC 25-1-9-13 Consistency of sanctions prescribed

Sec. 13. The board shall seek to achieve consistency in the application of the sanctions authorized in this section. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.

As added by P.L. 152-1988, SEC. 1.

IC 25-1-9-14 Surrender of practitioners license instead of hearing; approval

Sec. 14. A practitioner may petition the board to accept the surrender of the practitioner's license instead of a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

As added by P.L. 152-1988, SEC. 1.

IC 25-1-9-15 Costs in disciplinary proceedings

Sec. 15. Practitioners who have been subjected to disciplinary sanctions may be required by a board to pay for the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

(1) Court reporters.

(2) Transcripts.

(3) Certification of documents.

(4) Photoduplication.

(5) Witness attendance and mileage fees.

(6) Postage.

(7) Expert witnesses.

(8) Depositions.

(9) Notarizations.

(10) Administrative law judges.

As added by P.L. 152-1988, SEC. 1. Amended by P.L. 158-2003, SEC. 3.

IC 25-1-9-16 Refusal of licensure or grant of probationary license

Sec. 16. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

(1) the applicant has been disciplined by a licensing entity of any state or jurisdiction, or has committed an act that would have

subjected the applicant to the disciplinary process had the applicant been licensed in Indiana when the act occurred; and
(2) the violation for which the applicant was, or could have been, disciplined has a direct bearing on the applicant's ability to competently practice in Indiana.

(b) The board may:

- (1) refuse to issue a license; or
- (2) issue a probationary license;

to an applicant for licensure if the applicant practiced without a license in violation of the law.

(c) Whenever the board issues a probationary license, the board may impose one (1) or more of the following conditions:

- (1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
- (2) Limit practice to those areas prescribed by the board.
- (3) Continue or renew professional education.
- (4) Engage in community restitution or service without compensation for a number of hours specified by the board.
- (5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(d) The board shall remove any limitations placed on a probationary license under this section if the board finds after a hearing that the deficiency that required disciplinary action has been remedied.

As added by P.L.33-1993, SEC.15. Amended by P.L.32-2000, SEC.11; P.L.197-2007, SEC.23.

IC 25-1-9-17 Applicant appearance before board or controlled substances advisory committee

Sec. 17. The board and the controlled substances advisory committee (IC 35-48-2-1) may require an applicant for licensure to appear before the board or committee before issuing a license.

As added by P.L.33-1993, SEC.16.

IC 25-1-9-18 Fitness determination of health care provider; filing complaint

Sec. 18. (a) If the insurance commissioner forwards to the board the name of a practitioner under IC 34-18-9-4(a) (or IC 27-12-9-4(a) before its repeal), the board shall consider whether:

- (1) the practitioner has become unfit to practice under section 4 of this chapter; and
- (2) a complaint should be filed under IC 25-1-7-4.

(b) If the board determines that a complaint should be filed under subsection (a), the board must report to the consumer protection division whether the board will schedule the matter:

- (1) for informal negotiation under IC 25-1-7-6;
- (2) on the board's agenda for a vote requesting that the attorney general prosecute the matter before the board under IC 25-1-7-7; or
- (3) on the board's agenda for a vote on summary suspension of the practitioner's license pending prosecution of the matter before the board under IC 25-1-7-7.

(c) A board may designate a board member or staff member to act on behalf of the board under this section.

As added by P.L.43-1995, SEC.4. Amended by P.L.1-1998, SEC.131.

IC 25-1-9-19 Third party billing notice

Sec. 19. A practitioner that provides to a patient notice concerning a third party billing for a health care service provided to the patient shall ensure that the notice:

- (1) conspicuously states that the notice is not a bill;
- (2) does not include a tear-off portion; and
- (3) is not accompanied by a return mailing envelope.

As added by P.L.178-2003, SEC.12.

IC 25-1-9-20 Adoption of rules; spouses of active duty military personnel

Sec. 20. The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:

- (1) license;
- (2) certificate;
- (3) registration; or
- (4) permit;

of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.

As added by P.L.144-2007, SEC.25.

INDIANA CODE § 25-1-11
Chapter 11. Professional Licensing Standards of Practice

IC 25-1-11-1 "Board" defined

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of registration of land surveyors (IC 25-21.5-2-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers (IC 25-31-1-3).
- (10) Indiana plumbing commission (IC 25-28.5-1-3).
- (11) Indiana real estate commission (IC 25-34.1-2-1).
- (12) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (13) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (14) Manufactured home installer licensing board (IC 25-23.7).
- (15) Home inspectors licensing board (IC 25-20.2-3-1)
- (16) State board of massage therapy (IC 25-21.8-2-1)

As added by P.L.214-1993, SEC.1. Amended by P.L.2-1995, SEC.93; P.L.234-1995, SEC.5; P.L.82-2000, SEC.6; P.L.162-2002, SEC.6; P.L.145-2003, SEC.6; P.L.185-2007, SEC.7; P.L.200-2007, SEC.7; P.L.3-2008, SEC.181.

IC 25-1-11-2 "Practitioner" defined

Sec. 2. As used in this chapter, "practitioner" means a person that holds:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) an inactive license;

issued by the board regulating a profession.

As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.1.

IC 25-1-11-3 "License" defined

Sec. 3. As used in this chapter, "license" includes a license, certificate, registration, or permit.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-4 "Person" defined

Sec. 4. As used in this chapter, "person" means an individual, a partnership, a corporation, or a limited liability company.

As added by P.L.214-1993, SEC.1. Amended by P.L.236-1995, SEC.2.

IC 25-1-11-5 Practitioner compliance with professional standards; findings; meriting disciplinary sanctions

Sec. 5. (a) A practitioner shall comply with the standards established by the board regulating a profession. A practitioner is subject to the exercise of the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that:

- (1) a practitioner has:
 - (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
 - (B) engaged in fraud or material deception in the course of professional services or activities;
 - (C) advertised services or goods in a false or misleading manner; or
 - (D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices.
- (2) a practitioner has been convicted of a crime that:
 - (A) has a direct bearing on the practitioner's ability to continue to practice competently; or
 - (B) is harmful to the public.
- (3) a practitioner has knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;

- (4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:
 - (A) professional incompetence, including undertaking professional activities that the practitioner is not qualified by training or experience to undertake;
 - (B) failure to keep abreast of current professional theory or practice;
 - (C) physical or mental disability; or
 - (D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
 - (5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
 - (6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;
 - (7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any state or jurisdiction on grounds similar to those under this chapter;
 - (8) a practitioner has assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter;
 - (9) a practitioner has allowed a license issued by a board to be:
 - (A) used by another person; or
 - (B) displayed to the public when the license has expired, is inactive, or has been revoked or suspended;
 - (10) a practitioner has failed to comply with an order imposing a sanction under section 12 of this chapter.
- (b) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the board may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the board. An applicant who is aggrieved by a decision of the board under this section is entitled to hearing and appeal rights under the Indiana administrative rules and procedures act (IC 4-21.5).
- (c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).

As added by P.L.214-1993, SEC.1. Amended by P.L.84-1998, SEC.6; P.L.113-1999, SEC.1; P.L.197-2007, SEC.24.

IC 25-1-11-6 Architect or landscape architect; grounds for disciplinary sanctions

Sec. 6. A practitioner registered as an architect or a landscape architect is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has:

- (1) permitted the practitioner's seal to be affixed to plans, specifications, or drawings that were not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates; or
- (2) used the title "engineer" or advertised to practice engineering and is not registered under IC 25-31-1.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-7 Auctioneers; grounds for disciplinary sanctions

Sec. 7. A practitioner licensed to practice auctioneering is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has failed to:

- (1) account and to make payment under IC 25-6.1-6-2; or
- (2) keep the funds of others separate from the practitioner's own private accounts.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-8 Barbers; grounds for disciplinary sanctions

Sec. 8. A practitioner registered as a barber is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner has continued to practice barbering while the practitioner has an infectious, a contagious, or a communicable disease that has been epidemiologically demonstrated to be transmitted through casual contact during the scope of practice of barbering.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-9 Engineers or land surveyors; grounds for disciplinary sanctions

Sec. 9. A practitioner registered as an engineer or a land surveyor is subject to the disciplinary sanctions under section 12 of this chapter if, after a hearing, the board finds that the practitioner:

- (1) has permitted the practitioner's seal to be affixed to plans, specifications, or drawings not prepared by the practitioner or under the practitioner's personal supervision by the practitioner's regularly employed subordinates;
- (2) has used the title "architect" or advertised to practice architecture and is not registered under IC 25-4-1.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-9.5 Repealed

(Repealed by P.L. 194-2005, SEC. 87.)

IC 25-1-11-10 Physical and mental examination of practitioner

Sec. 10. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's expense, if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding.

As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.1. Amended by P.L. 194-2005, SEC. 7.

IC 25-1-11-11 Refusal of physical or mental examination; summary suspension

Sec. 11. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 13 of this chapter.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-12 Sanctions for violations

Sec. 12. (a) The board may impose any of the following sanctions, singly or in combination, if the board finds that a practitioner is subject to disciplinary sanctions under sections 5 through 9 of this chapter:

- (1) Permanently revoke a practitioner's license.
- (2) Suspend a practitioner's license.
- (3) Censure a practitioner.
- (4) Issue a letter of reprimand.
- (5) Place a practitioner on probation status and require the practitioner to:
 - (A) report regularly to the board upon the matters that are the basis of probation;
 - (B) limit practice to those areas prescribed by the board;
 - (C) continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
 - (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.
- (6) Assess a civil penalty against the practitioner for not more than one thousand dollars (\$1,000) for each violation listed in sections 5 through 9 of this chapter except for a finding of incompetency due to a physical or mental disability.

(b) When imposing a civil penalty under subsection (a)(6), the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(c) The board may withdraw or modify the probation under subsection (a)(5) if the board finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

As added by P.L.214-1993, SEC.1. Amended by P.L.32-2000, SEC.12.

IC 25-1-11-13 Summary suspension of practitioners; real estate appraisers; notification by consumer protection division

Sec. 13. (a) The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for not more than ninety (90) days.

(b) The board may summarily suspend the license of a real estate appraiser for ninety (90) days before a final adjudication or during the appeals process if the board finds that the licensed real estate appraiser has engaged in material and intentional misrepresentations or omissions in the preparation of at least three (3) written appraisal reports that were submitted by a person to obtain a loan. The summary suspension may be renewed after a hearing before the board. Each renewal of a summary suspension may be for not more than ninety (90) days.

(c) Before the board may summarily suspend a license under this section, the consumer protection division of the office of the attorney general shall make a reasonable attempt to notify a practitioner of:

- (1) a hearing by the board to suspend the practitioner's license; and
- (2) information regarding the allegation against the practitioner.

The consumer protection division of the office of the attorney general shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to notify the practitioner is made if the consumer protection division of the office of the attorney general attempts to notify the practitioner by telephone or facsimile at the last telephone number or facsimile number of the practitioner on file with the board.

As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.2; P.L.197-2007, SEC.25; P.L.209-2007, SEC.3; P.L.3-2008, SEC.182.

IC 25-1-11-14 Reinstatement of suspended license

Sec. 14. The board may reinstate a license that has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

As added by P.L.214-1993, SEC.1. Amended by P.L.178-1997, SEC.3.

IC 25-1-11-15 Reinstatement of revoked license

Sec. 15. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-16 Consistency of sanctions

Sec. 16. The board shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-17 Surrender of practitioner license

Sec. 17. A practitioner may petition the board to accept the surrender of the practitioner's license instead of having a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

As added by P.L.214-1993, SEC.1.

IC 25-1-11-18 Costs; practitioners subjected to sanctions

Sec. 18. A practitioner who has been subjected to disciplinary sanctions may be required by a board to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.
- (10) Administrative law judges

As added by P.L.214-1993, SEC.1. Amended by P.L. 194-2005, SEC. 8.

IC 25-1-11-19 Refusal of licensure or granting of probationary license

Sec. 19. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

(1) the applicant has:

(A) been disciplined by a licensing entity of another state or jurisdiction; or

(B) committed an act that would have subjected the applicant to the disciplinary process if the applicant had been licensed in Indiana when the act occurred; and

(2) the violation for which the applicant was or could have been disciplined has a bearing on the applicant's ability to competently perform or practice the profession in Indiana.

(b) The board may:

(1) refuse to issue a license; or

(2) issue a probationary license;

to an applicant for licensure if the applicant practiced without a license in violation of the law.

(c) Whenever the board issues a probationary license, the board may require a licensee to do any of the following:

(1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.

- (2) Limit practice to the areas prescribed by the board.
- (3) Continue or renew professional education requirements.
- (4) Engage in community restitution or service without compensation for the number of hours specified by the board.
- (5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(d) The board shall remove any limitations placed on a probationary license under this section if the board finds after a public hearing that the deficiency that required disciplinary action has been remedied.

As added by P.L. 194-2005, SEC.9. Amended by P.L. 197-2007, SEC.26.

IC 25-1-11-20 Applicant appearance before board

Sec. 20. The board may require an applicant for licensure to appear before the board before issuing a license.

As added by P.L. 194-2005, SEC. 10.

IC 25-1-11-21 Adoption of rules; spouses of active duty military personnel

Sec. 21. The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:

- (1) license;
- (2) certificate;
- (3) registration; or
- (4) permit;

of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.

As added by P.L. 144-2007, SEC.26.

IC 35-42
ARTICLE 42. OFFENSES AGAINST THE PERSON

IC 35-42-1
Chapter 1. Homicide

IC 35-42-1-0.5 Abortions exempt

Sec. 0.5. Sections 1, 3, and 4 of this chapter do not apply to an abortion performed in compliance with:

- (1) IC 16-34; or
- (2) IC 35-1-58.5 (before its repeal).

As added by P.L.261-1997, SEC.2.

IC 35-42-1-1 Murder

Sec. 1. A person who:

- (1) knowingly or intentionally kills another human being;
- (2) kills another human being while committing or attempting to commit arson, burglary, child molesting, consumer product tampering, criminal deviate conduct, kidnapping, rape, robbery, human trafficking, promotion of human trafficking, sexual trafficking of a minor, or carjacking;
- (3) kills another human being while committing or attempting to commit:
 - (A) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);
 - (B) dealing in or manufacturing methamphetamine (IC 35-48-4-1.1);
 - (C) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
 - (D) dealing in a schedule IV controlled substance (IC 35-48-4-3); or
 - (E) dealing in a schedule V controlled substance; or
- (4) knowingly or intentionally kills a fetus that has attained viability (as defined in IC 16-18-2-365);

commits murder, a felony.

As added by Acts 1976, P.L.148, SEC.2. Amended by Acts 1977, P.L.340, SEC.25; P.L.326-1987, SEC.2; P.L.296-1989, SEC.1; P.L.230-1993, SEC.2; P.L.261-1997, SEC.3; P.L.17-2001, SEC.15; P.L.151-2006, SEC.16; P.L.173-2006, SEC.51; P.L.1-2007, SEC.230.

IC 35-42-1-2 Causing suicide

Sec. 2. A person who intentionally causes another human being, by force, duress, or deception, to commit suicide commits causing suicide, a Class B felony.

As added by Acts 1976, P.L.148, SEC.2. Amended by Acts 1977, P.L.340, SEC.26.

IC 35-42-1-2.5 Assisting suicide

Sec. 2.5. (a) This section does not apply to the following:

- (1) A licensed health care provider who administers, prescribes, or dispenses medications or procedures to relieve a person's pain or discomfort, even if the medication or procedure may hasten or increase the risk of death, unless such medications or procedures are intended to cause death.
- (2) The withholding or withdrawing of medical treatment or life-prolonging procedures by a licensed health care provider, including pursuant to IC 16-36-4 (living wills and life-prolonging procedures), IC 16-36-1 (health care consent), or IC 30-5 (power of attorney).

(b) A person who has knowledge that another person intends to commit or attempt to commit suicide and who intentionally does either of the following commits assisting suicide, a Class C felony:

- (1) Provides the physical means by which the other person attempts or commits suicide.
- (2) Participates in a physical act by which the other person attempts or commits suicide.

As added by P.L.246-1993, SEC.1. Amended by P.L.1-1994, SEC.167.

IC 35-42-1-3 Voluntary manslaughter

Sec. 3. (a) A person who knowingly or intentionally:

- (1) kills another human being; or
- (2) kills a fetus that has attained viability (as defined in IC 16-18-2-365);

while acting under sudden heat commits voluntary manslaughter, a Class B felony. However, the offense is a Class A felony if it is committed by means of a deadly weapon.

(b) The existence of sudden heat is a mitigating factor that reduces what otherwise would be murder under section 1(1) of this chapter to voluntary manslaughter.

As added by Acts 1976, P.L.148, SEC.2. Amended by Acts 1977, P.L.340, SEC.27; P.L.321-1987, SEC.1; P.L.261-1997, SEC.4.

IC 35-42-1-4 Involuntary manslaughter

Sec. 4. (a) As used in this section, "child care provider" means a person who provides child care in or on behalf of:

- (1) a child care center (as defined in IC 12-7-2-28.4); or
- (2) a child care home (as defined in IC 12-7-2-28.6);

regardless of whether the child care center or child care home is licensed.

(b) As used in this section, "fetus" means a fetus that has attained viability (as defined in IC 16-18-2-365).

(c) A person who kills another human being while committing or attempting to commit:

- (1) a Class C or Class D felony that inherently poses a risk of serious bodily injury;
- (2) a Class A misdemeanor that inherently poses a risk of serious bodily injury; or
- (3) battery;

commits involuntary manslaughter, a Class C felony. However, if the killing results from the operation of a vehicle, the offense is a Class D felony.

(d) A person who kills a fetus while committing or attempting to commit:

- (1) a Class C or Class D felony that inherently poses a risk of serious bodily injury;
- (2) a Class A misdemeanor that inherently poses a risk of serious bodily injury; or
- (3) battery;

commits involuntary manslaughter, a Class C felony. However, if the killing results from the operation of a vehicle, the offense is a Class D felony.

(e) If:

- (1) a child care provider recklessly supervises a child; and
- (2) the child dies as a result of the child care provider's reckless supervision;

the child care provider commits involuntary manslaughter, a Class D felony.

As added by Acts 1976, P.L.148, SEC.2. Amended by Acts 1977, P.L.340, SEC.28; P.L.261-1997, SEC.5; P.L.133-2002, SEC.65.

IC 35-42-1-5 Reckless homicide

Sec. 5. A person who recklessly kills another human being commits reckless homicide, a Class C felony.

As added by Acts 1976, P.L.148, SEC.2. Amended by Acts 1977, P.L.340, SEC.29; Acts 1980, P.L.83, SEC.6.

IC 35-42-1-6 Feticide

Sec. 6. A person who knowingly or intentionally terminates a human pregnancy with an intention other than to produce a live birth or to remove a dead fetus commits feticide, a Class B felony. This section does not apply to an abortion performed in compliance with:

- (1) IC 16-34; or
- (2) IC 35-1-58.5 (before its repeal).

As added by Acts 1979, P.L.153, SEC.3. Amended by P.L.2-1995, SEC.126; P.L.40-2009, SEC.1.

IC 35-42-1-7 Transferring contaminated body fluids

Sec. 7. (a) As used in this section, "component" means plasma, platelets, or serum of a human being.

(b) A person who recklessly, knowingly, or intentionally donates, sells, or transfers blood, a blood component, or semen for artificial insemination (as defined in IC 16-41-14-2) that contains the human immunodeficiency virus (HIV) commits transferring contaminated body fluids, a Class C felony.

(c) However, the offense is a Class A felony if it results in the transmission of the human immunodeficiency virus (HIV) to any person other than the defendant.

(d) This section does not apply to:

(1) a person who, for reasons of privacy, donates, sells, or transfers blood or a blood component at a blood center (as defined in IC 16-41-12-3) after the person has notified the blood center that the blood or blood component must be disposed of and may not be used for any purpose; or

(2) a person who transfers blood, a blood component, semen, or another body fluid that contains the human immunodeficiency virus (HIV) for research purposes.

As added by P.L.123-1988, SEC.30. Amended by P.L.184-1989, SEC.27; P.L.2-1993, SEC.184.

IC 35-42-1-8 Sale or distribution of HIV testing equipment

Sec. 8. (a) The sale or distribution of:

- (1) diagnostic testing equipment or apparatus; or
- (2) a blood collection kit;

intended for home use to diagnose or confirm human immunodeficiency virus (HIV) infection or disease is prohibited unless the testing equipment, apparatus, or kit has been approved for such use by the federal Food and Drug Administration.

(b) A person who violates this section commits a Class A misdemeanor.

As added by P.L.184-1989, SEC.28.

IC 35-42-1-9 Failure of carriers of dangerous communicable diseases to warn persons at risk

Sec. 9. (a) Except as provided in this section, a person who recklessly violates or fails to comply with IC 16-41-7 commits a Class B misdemeanor.

(b) A person who knowingly or intentionally violates or fails to comply with IC 16-41-7-1 commits a Class D felony.

(c) Each day a violation described in this section continues constitutes a separate offense.

As added by P.L.31-1998, SEC.2.

IC 35-42-2
Chapter 2. Battery and Related Offenses

IC 35-42-2-1 Battery

Sec. 1. (a) A person who knowingly or intentionally touches another person in a rude, insolent, or angry manner commits battery, a Class B misdemeanor. However, the offense is:

(1) a Class A misdemeanor if:

(A) it results in bodily injury to any other person;

(B) it is committed against a law enforcement officer or against a person summoned and directed by the officer while the officer is engaged in the execution of the officer's official duty;

(C) it is committed against an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71) while the employee is engaged in the execution of the employee's official duty;

(D) it is committed against a firefighter (as defined in IC 9-18-34-1) while the firefighter is engaged in the execution of the firefighter's official duty;

(E) it is committed against a community policing volunteer:

(i) while the volunteer is performing the duties described in IC 35-41-1-4.7; or

(ii) because the person is a community policing volunteer; or

(F) it is committed against the state chemist or the state chemist's agent while the state chemist or the state chemist's agent is performing a duty under IC 15-16-5;

(2) a Class D felony if it results in bodily injury to:

(A) a law enforcement officer or a person summoned and directed by a law enforcement officer while the officer is engaged in the execution of the officer's official duty;

(B) a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;

(C) a person of any age who has a mental or physical disability and is committed by a person having the care of the person with a mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation;

(D) the other person and the person who commits the battery was previously convicted of a battery in which the victim was the other person;

(E) an endangered adult (as defined in IC 12-10-3-2);

(F) an employee of the department of correction while the employee is engaged in the execution of the employee's official duty;

(G) an employee of a school corporation while the employee is engaged in the execution of the employee's official duty;

(H) a correctional professional while the correctional professional is engaged in the execution of the correctional professional's official duty;

(I) a person who is a health care provider (as defined in IC 16-18-2-163) while the health care provider is engaged in the execution of the health care provider's official duty;

(J) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71) while the employee is engaged in the execution of the employee's official duty;

(K) a firefighter (as defined in IC 9-18-34-1) while the firefighter is engaged in the execution of the firefighter's official duty;

(L) a community policing volunteer:

(i) while the volunteer is performing the duties described in IC 35-41-1-4.7; or

(ii) because the person is a community policing volunteer;

(M) a family or household member (as defined in IC 35-41-1-10.6) if the person who committed the offense:

(i) is at least eighteen (18) years of age; and

(ii) committed the offense in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense; or

(N) a department of child services employee while the employee is engaged in the execution of the employee's official duty;

(3) a Class C felony if it results in serious bodily injury to any other person or if it is committed by means of a deadly weapon;

(4) a Class B felony if it results in serious bodily injury to a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;

(5) a Class A felony if it results in the death of a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;

(6) a Class C felony if it results in serious bodily injury to an endangered adult (as defined in IC 12-10-3-2);

(7) a Class B felony if it results in the death of an endangered adult (as defined in IC 12-10-3-2); and

(8) a Class C felony if it results in bodily injury to a pregnant woman and the person knew the woman was pregnant.

(b) For purposes of this section:

(1) "law enforcement officer" includes an alcoholic beverage enforcement officer; and

(2) "correctional professional" means a:

- (A) probation officer;
- (B) parole officer;
- (C) community corrections worker; or
- (D) home detention officer.

As added by Acts 1976, P.L.148, SEC.2. Amended by Acts 1977, P.L.340, SEC.30; Acts 1979, P.L.298, SEC.1; Acts 1979, P.L.83, SEC.10; Acts 1981, P.L.299, SEC.1; P.L.185-1984, SEC.1; P.L.205-1986, SEC.1; P.L.322-1987, SEC.1; P.L.164-1993, SEC.10; P.L.59-1995, SEC.2; P.L.31-1996, SEC.20; P.L.32-1996, SEC.20; P.L.255-1996, SEC.25; P.L.212-1997, SEC.1; P.L.37-1997, SEC.2; P.L.56-1999, SEC.1; P.L.188-1999, SEC.5; P.L.43-2000, SEC.1; P.L.222-2001, SEC.4; P.L.175-2003, SEC.2; P.L.281-2003, SEC.3; P.L.2-2005, SEC.125; P.L.99-2007, SEC.209; P.L.164-2007, SEC.1; P.L.120-2008, SEC.93; P.L.131-2009, SEC.73.

IC 35-42-2-1.3 Domestic battery

Sec. 1.3. (a) A person who knowingly or intentionally touches an individual who:

- (1) is or was a spouse of the other person;
- (2) is or was living as if a spouse of the other person as provided in subsection (c); or
- (3) has a child in common with the other person;

in a rude, insolent, or angry manner that results in bodily injury to the person described in subdivision (1), (2), or (3) commits domestic battery, a Class A misdemeanor.

(b) However, the offense under subsection (a) is a Class D felony if the person who committed the offense:

(1) has a previous, unrelated conviction:

(A) under this section (or IC 35-42-2-1(a)(2)(E) before its repeal); or

(B) in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the elements described in this section; or

(2) committed the offense in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.

(c) In considering whether a person is or was living as a spouse of another individual in subsection (a)(2), the court shall review the following:

- (1) the duration of the relationship;
- (2) the frequency of contact;
- (3) the financial interdependence;
- (4) whether the two (2) individuals are raising children together;
- (5) whether the two (2) individuals have engaged in tasks directed toward maintaining a common household; and
- (6) other factors the court considers relevant.

As added by P.L.188-1999, SEC.6. Amended by P.L.47-2000, SEC.3; P.L.221-2003, SEC.18; P.L.129-2006, SEC.1.

IC 35-42-2-1.5 Aggravated battery

Sec. 1.5. A person who knowingly or intentionally inflicts injury on a person that creates a substantial risk of death or causes:

- (1) serious permanent disfigurement;
- (2) protracted loss or impairment of the function of a bodily member or organ; or
- (3) the loss of a fetus;

commits aggravated battery, a Class B felony.

As added by P.L.213-1991, SEC.2. Amended by P.L.261-1997, SEC.6.

IC 35-42-2-2 Criminal recklessness; element of hazing; liability barred for good faith report or judicial participation

Sec. 2. (a) As used in this section, "hazing" means forcing or requiring another person:

- (1) with or without the consent of the other person; and
- (2) as a condition of association with a group or organization;

to perform an act that creates a substantial risk of bodily injury.

(b) A person who recklessly, knowingly, or intentionally performs:

- (1) an act that creates a substantial risk of bodily injury to another person; or
- (2) hazing;

commits criminal recklessness. Except as provided in subsection (c), criminal recklessness is a Class B misdemeanor.

(c) The offense of criminal recklessness as defined in subsection (b) is:

- (1) a Class A misdemeanor if the conduct includes the use of a vehicle;
- (2) a Class D felony if:

- (A) it is committed while armed with a deadly weapon; or
 - (B) the person committed aggressive driving (as defined in IC 9-21-8-55) that results in serious bodily injury to another person; or
- (3) a Class C felony if:

- (A) it is committed by shooting a firearm into an inhabited dwelling or other building or place where people are likely to gather; or
- (B) the person committed aggressive driving (as defined in IC 9-21-8-55) that results in the death of another person.

(d) A person who recklessly, knowingly, or intentionally:

- (1) inflicts serious bodily injury on another person; or
- (2) performs hazing that results in serious bodily injury to a person;

commits criminal recklessness, a Class D felony. However, the offense is a Class C felony if committed by means of a deadly weapon.

(e) A person, other than a person who has committed an offense under this section or a delinquent act that would be an offense under this section if the violator was an adult, who:

- (1) makes a report of hazing in good faith;
- (2) participates in good faith in a judicial proceeding resulting from a report of hazing;
- (3) employs a reporting or participating person described in subdivision (1) or (2); or
- (4) supervises a reporting or participating person described in subdivision (1) or (2);

is not liable for civil damages or criminal penalties that might otherwise be imposed because of the report or participation.

(f) A person described in subsection (e)(1) or (e)(2) is presumed to act in good faith.

(g) A person described in subsection (e)(1) or (e)(2) may not be treated as acting in bad faith solely because the person did not have probable cause to believe that a person committed:

- (1) an offense under this section; or
- (2) a delinquent act that would be an offense under this section if the offender was an adult.

As added by Acts 1976, P.L.148, SEC.2. Amended by Acts 1977, P.L.340, SEC.31; Acts 1981, P.L.300, SEC.1; P.L.323-1987, SEC.1; P.L.216-1996, SEC.17; P.L.1-2003, SEC.94; P.L.75-2006, SEC.3.

IC 35-42-2-3 Provocation

Sec. 3. A person who recklessly, knowingly, or intentionally engages in conduct that is likely to provoke a reasonable man to commit battery commits provocation, a Class C infraction.

As added by Acts 1976, P.L.148, SEC.2. Amended by Acts 1977, P.L.340, SEC.32.

IC 35-42-2-4 Obstruction of traffic

Sec. 4. (a) A person who recklessly, knowingly, or intentionally obstructs vehicular or pedestrian traffic commits obstruction of traffic, a Class B misdemeanor.

(b) The offense described in subsection (a) is:

- (1) a Class A misdemeanor if the offense includes the use of a motor vehicle; and
- (2) a Class D felony if the offense results in serious bodily injury.

As added by P.L.92-1988, SEC.7.

IC 35-42-2-5 Overpass mischief

Sec. 5. (a) As used in this section, "overpass" means a bridge or other structure designed to carry vehicular or pedestrian traffic over any roadway, railroad track, or waterway.

(b) A person who knowingly, intentionally, or recklessly:

- (1) drops, causes to drop, or throws an object from an overpass; or
- (2) with intent that the object fall, places on an overpass an object that falls off the overpass;

causing bodily injury to another person commits overpass mischief, a Class C felony. However, the offense is a Class B felony if it results in serious bodily injury to another person.

As added by P.L.297-1995, SEC.1.

IC 35-42-2-5.5 Railroad mischief

Sec. 5.5. A person who recklessly, knowingly, or intentionally:

- (1) removes an appurtenance from a railroad signal system, resulting in damage or impairment of the operation of the railroad signal system, including a train control system, centralized dispatching system, or highway-railroad grade crossing warning signal on a railroad owned, leased, or operated by a railroad carrier without consent of the railroad carrier involved;
- (2) tampers with or obstructs a switch, a frog, a rail, a roadbed, a crosstie, a viaduct, a bridge, a trestle, a culvert, an embankment, a structure, or an appliance pertaining to or connected with a railroad carrier without consent of the railroad carrier involved; or
- (3) steals, removes, alters, or interferes with a journal bearing, a brass, a waste, a packing, a triple valve, a pressure cock, a brake, an

air hose, or another part of the operating mechanism of a locomotive, an engine, a tender, a coach, a car, a caboose, or a motor car used or capable of being used by a railroad carrier in Indiana without consent of the railroad carrier; commits railroad mischief, a Class D felony. However, the offense is a Class C felony if it results in serious bodily injury to another person and a Class B felony if it results in the death of another person.

As added by P.L.259-1999, SEC.2.

IC 35-42-2-6 Battery by body waste

Sec. 6. (a) As used in this section, "corrections officer" includes a person employed by:

- (1) the department of correction;
- (2) a law enforcement agency;
- (3) a probation department;
- (4) a county jail; or
- (5) a circuit, superior, county, probate, city, or town court.

(b) As used in this section, "firefighter" means a person who is a:

- (1) full-time, salaried firefighter;
- (2) part-time, paid firefighter; or
- (3) volunteer firefighter (as defined in IC 36-8-12-2).

(c) As used in this section, "first responder" means a person who:

(1) is certified under IC 16-31 and who meets the Indiana emergency medical services commission's standards for first responder certification; and

(2) responds to an incident requiring emergency medical services.

(d) As used in this section, "human immunodeficiency virus (HIV)" includes acquired immune deficiency syndrome (AIDS) and AIDS related complex.

(e) A person who knowingly or intentionally in a rude, insolent, or angry manner places blood or another body fluid or waste on a law enforcement officer, firefighter, first responder, corrections officer, or department of child services employee, identified as such and while engaged in the performance of official duties, or coerces another person to place blood or another body fluid or waste on the law enforcement officer, firefighter, first responder, corrections officer, or department of child services employee, commits battery by body waste, a Class D felony. However, the offense is:

(1) a Class C felony if the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with:

- (A) hepatitis B or hepatitis C;
- (B) HIV; or
- (C) tuberculosis;

(2) a Class B felony if:

(A) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with hepatitis B or hepatitis C and the offense results in the transmission of hepatitis B or hepatitis C to the other person; or

(B) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with tuberculosis and the offense results in the transmission of tuberculosis to the other person; and

(3) a Class A felony if:

- (A) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with HIV; and
- (B) the offense results in the transmission of HIV to the other person.

(f) A person who knowingly or intentionally in a rude, insolent, or an angry manner places human blood, semen, urine, or fecal waste on another person commits battery by body waste, a Class A misdemeanor. However, the offense is:

(1) a Class D felony if the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with:

- (A) hepatitis B or hepatitis C;
- (B) HIV; or
- (C) tuberculosis;

(2) a Class C felony if:

(A) the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with hepatitis B or hepatitis C and the offense results in the transmission of hepatitis B or hepatitis C to the other person; or

(B) the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with tuberculosis and the offense results in the transmission of tuberculosis to the other person; and

(3) a Class B felony if:

- (A) the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with HIV; and
- (B) the offense results in the transmission of HIV to the other person.

As added by P.L.298-1995, SEC.1. Amended by P.L.88-2002, SEC.1; P.L.85-2004, SEC.53; P.L.178-2007, SEC.3; P.L.131-2009, SEC.74.

IC 35-42-2-7 Tattooing or body piercing a minor

Sec. 7. (a) As used in this section, "tattoo" means:

- (1) any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments; or
- (2) any design, letter, scroll, figure, or symbol done by scarring;

upon or under the skin.

(b) As used in this section, "body piercing" means the perforation of any human body part other than an earlobe for the purpose of inserting jewelry or other decoration or for some other nonmedical purpose.

(c) Except as provided in subsection (e), a person who provides a tattoo to a person who is less than eighteen (18) years of age commits tattooing a minor, a Class A misdemeanor.

(d) This subsection does not apply to an act of a health care professional (as defined in IC 16-27-2-1) licensed under IC 25 when the act is performed in the course of the health care professional's practice. Except as provided in subsection (e), a person who performs body piercing upon a person who is less than eighteen (18) years of age commits body piercing a minor, a Class A misdemeanor.

(e) A person may provide a tattoo to a person who is less than eighteen (18) years of age or perform body piercing upon a person who is less than eighteen (18) years of age if a parent or legal guardian of the person receiving the tattoo or undergoing the body piercing:

- (1) is present at the time the tattoo is provided or the body piercing is performed; and
- (2) provides written permission for the person to receive the tattoo or undergo the body piercing.

(f) Notwithstanding IC 36-1-3-8(a), a unit (as defined in IC 36-1-2-23) may adopt an ordinance that is at least as restrictive or more restrictive than this section or a rule adopted under IC 16-19-3-4.1 or IC 16-19-3-4.2.

As added by P.L. 181-1997, SEC.3. Amended by P.L. 166-1999, SEC.2.

IC 35-42-2-8 Obstruction of delivery of prescription drug

Sec. 8. (a) The following definitions apply throughout this section:

(1) "Health care provider" refers to a health care provider (as defined in IC 16-18-2-163(a), IC 16-18-2-163(b), or IC 16-18-2-163(c)) or a qualified medication aide as described in IC 16-28-1-11.

(2) "Licensed health professional" has the meaning set forth in IC 25-23-1-27.1.

(3) "Practitioner" has the meaning set forth in IC 16-42-19-5. However, the term does not include a veterinarian.

(4) "Prescription drug" has the meaning set forth in IC 35-48-1-25.

(b) A person who knowingly or intentionally physically interrupts, obstructs, or alters the delivery or administration of a prescription drug:

- (1) prescribed or ordered by a practitioner for a person who is a patient of the practitioner; and
- (2) without the prescription or order of a practitioner;

commits interference with medical services, a Class A misdemeanor. However, the offense is a Class D felony if the offense results in bodily injury to the patient.

(c) However, an offense described in subsection (b) is:

- (1) a Class C felony if it is committed by a person who is a licensed health care provider or licensed health professional;
- (2) a Class B felony if it results in serious bodily injury to the patient; and
- (3) a Class A felony if it results in the death of the patient.

(d) A person is justified in engaging in conduct otherwise prohibited under this section if the conduct was performed by:

(1) a health care provider or licensed health professional who acted in good faith within the scope of the person's practice or employment; or

(2) a person who was rendering emergency care at the scene of an emergency or accident in a good faith attempt to avoid or minimize serious bodily injury to the patient.

As added by P.L. 154-2001, SEC.1.

IC 35-42-2-9 Strangulation

Sec. 9. (a) This section does not apply to a medical procedure.

(b) A person who, in a rude, angry, or insolent manner, knowingly or intentionally:

- (1) applies pressure to the throat or neck of another person; or
- (2) obstructs the nose or mouth of the another person;

in a manner that impedes the normal breathing or the blood circulation of the other person commits strangulation, a Class D felony.

As added by P.L. 129-2006, SEC.2.

IC 35-42-3
Chapter 3. Kidnapping and Confinement

IC 35-42-3-1 Definition

Sec. 1. As used in this chapter, "confine" means to substantially interfere with the liberty of a person.
As added by Acts 1976, P.L.148, SEC.2. Amended by Acts 1977, P.L.340, SEC.33.

IC 35-42-3-2 Kidnapping

Sec. 2. (a) A person who knowingly or intentionally confines another person:

- (1) with intent to obtain ransom;
- (2) while hijacking a vehicle;
- (3) with intent to obtain the release, or intent to aid in the escape, of any person from lawful detention; or
- (4) with intent to use the person confined as a shield or hostage;

commits kidnapping, a Class A felony.

(b) A person who knowingly or intentionally removes another person, by fraud, enticement, force, or threat of force, from one place to another:

- (1) with intent to obtain ransom;
- (2) while hijacking a vehicle;
- (3) with intent to obtain the release, or intent to aid in the escape, of any person from lawful detention; or
- (4) with intent to use the person removed as a shield or hostage;

commits kidnapping, a Class A felony.

As added by Acts 1976, P.L.148, SEC.2. Amended by Acts 1977, P.L.340, SEC.34; Acts 1978, P.L.144, SEC.4.

IC 35-42-3-3 Criminal confinement

Sec. 3. (a) A person who knowingly or intentionally:

- (1) confines another person without the other person's consent; or
- (2) removes another person, by fraud, enticement, force, or threat of force, from one (1) place to another;

commits criminal confinement. Except as provided in subsection (b), the offense of criminal confinement is a Class D felony.

(b) The offense of criminal confinement defined in subsection (a) is:

- (1) a Class C felony if:
 - (A) the person confined or removed is less than fourteen (14) years of age and is not the confining or removing person's child;
 - (B) it is committed by using a vehicle; or
 - (C) it results in bodily injury to a person other than the confining or removing person; and
- (2) a Class B felony if it:
 - (A) is committed while armed with a deadly weapon;
 - (B) results in serious bodily injury to a person other than the confining or removing person; or
 - (C) is committed on an aircraft.

As added by Acts 1976, P.L.148, SEC.2. Amended by Acts 1977, P.L.340, SEC.35; Acts 1979, P.L.299, SEC.1; P.L.183-1984, SEC.2; P.L.278-1985, SEC.8; P.L.49-1989, SEC.21; P.L.59-2002, SEC.2; P.L.70-2006, SEC.1.

IC 35-42-3-4 Interference with custody

Sec. 4. (a) A person who, with the intent to deprive another person of child custody rights, knowingly or intentionally:

(1) removes another person who is less than eighteen (18) years of age to a place outside Indiana when the removal violates a child custody order of a court; or

(2) violates a child custody order of a court by failing to return a person who is less than eighteen (18) years of age to Indiana; commits interference with custody, a Class D felony. However, the offense is a Class C felony if the other person is less than fourteen (14) years of age and is not the person's child, and a Class B felony if the offense is committed while armed with a deadly weapon or results in serious bodily injury to another person.

(b) A person who with the intent to deprive another person of custody or parenting time rights:

- (1) knowingly or intentionally takes;
- (2) knowingly or intentionally detains; or
- (3) knowingly or intentionally conceals;

a person who is less than eighteen (18) years of age commits interference with custody, a Class C misdemeanor. However, the offense is a Class B misdemeanor if the taking, concealment, or detention is in violation of a court order.

(c) With respect to a violation of this section, a court may consider as a mitigating circumstance the accused person's return of the

other person in accordance with the child custody order or parenting time order within seven (7) days after the removal.

(d) The offenses described in this section continue as long as the child is concealed or detained or both.

(e) If a person is convicted of an offense under this section, a court may impose against the defendant reasonable costs incurred by a parent or guardian of the child because of the taking, detention, or concealment of the child.

(g) It is a defense to a prosecution under this section that the accused person:

(1) was threatened; or

(2) reasonably believed the child was threatened;

which resulted in the child not being timely returned to the other parent resulting in a violation of a child custody order.

As added by P.L. 49-1989, SEC.22. Amended by P.L. 162-1990, SEC.1; P.L. 68-2005, SEC.60; P.L. 164-2007, SEC.2.

IC 35-42-3.5
Chapter 3.5. Human and Sexual Trafficking

IC 35-42-3.5-1 Promotion of human trafficking; sexual trafficking of a minor; human trafficking

Sec. 1. (a) A person who knowingly or intentionally recruits, harbors, or transports another person by force, threat of force, or fraud:

- (1) to engage the other person in:
 - (A) forced labor; or
 - (B) involuntary servitude; or
- (2) to force the other person into:
 - (A) marriage; or
 - (B) prostitution;

commits promotion of human trafficking, a Class B felony.

(b) A parent, guardian, or custodian of a child less than eighteen (18) years of age who knowingly or intentionally sells or transfers custody of the child for the purpose of prostitution commits sexual trafficking of a minor, a Class A felony.

(c) A person who knowingly or intentionally pays, offers to pay, or agrees to pay money or other property to another person for an individual who the person knows has been forced into:

- (1) forced labor;
- (2) involuntary servitude; or
- (3) prostitution;

commits human trafficking, a Class C felony.

As added by P.L. 173-2006, SEC. 52.

IC 35-42-3.5-2 Restitution orders

Sec. 2. In addition to any sentence or fine imposed for a conviction of an offense under section 1 of this chapter, the court shall order the person convicted to make restitution to the victim of the crime under IC 35-50-5-3.

As added by P.L. 173-2006, SEC. 52.

IC 35-42-3.5-3 Civil cause of action

Sec. 3. (a) If a person is convicted of an offense under section 1 of this chapter, the victim of the offense:

- (1) has a civil cause of action against the person convicted of the offense; and
- (2) may recover the following from the person in the civil action:
 - (A) Actual damages.
 - (B) Court costs.
 - (C) Punitive damages, when determined to be appropriate by the court.
 - (D) Reasonable attorney's fees.

(b) An action under this section must be brought not more than two (2) years after the date the person is convicted of the offense under section 1 of this chapter.

As added by P.L. 173-2006, SEC. 52.

IC 35-42-3.5-4 Rights of alleged victims

Sec. 4. (a) An alleged victim of an offense under section 1 of this chapter:

- (1) may not be detained in a facility that is inappropriate to the victim's status as a crime victim;
- (2) may not be jailed, fined, or otherwise penalized due to having been the victim of the offense; and
- (3) shall be provided protection if the victim's safety is at risk or if there is danger of additional harm by recapture of the victim by the person who allegedly committed the offense, including:

(A) taking measures to protect the alleged victim and the victim's family members from intimidation and threats of reprisals and reprisals from the person who allegedly committed the offense or the person's agent; and

(B) ensuring that the names and identifying information of the alleged victim and the victim's family members are not disclosed to the public.

This subsection shall be administered by law enforcement agencies and the Indiana criminal justice institute as appropriate.

(b) Not more than fifteen (15) days after the date a law enforcement agency first encounters an alleged victim of an offense under section 1 of this chapter, the law enforcement agency shall provide the alleged victim with a completed Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (LEA Declaration, Form I-914 Supplement B) in accordance with 8 CFR 214.11(f)(1). However, if the law enforcement agency finds that the grant of an LEA Declaration is not appropriate for the alleged victim, the law

enforcement agency shall, not more than fifteen (15) days after the date the agency makes the finding, provide the alleged victim with a letter explaining the grounds for the denial of the LEA Declaration. After receiving a denial letter, the alleged victim may submit additional evidence to the law enforcement agency. If the alleged victim submits additional evidence, the law enforcement agency shall reconsider the denial of the LEA Declaration not more than seven (7) days after the date the agency receives the additional evidence.

As added by P.L. 173-2006, SEC.52. Amended by P.L. 130-2009, SEC.27.

IC 35-42-4
Chapter 4. Sex Crimes

IC 35-42-4-1 Rape

Sec. 1. (a) Except as provided in subsection (b), a person who knowingly or intentionally has sexual intercourse with a member of the opposite sex when:

- (1) the other person is compelled by force or imminent threat of force;
- (2) the other person is unaware that the sexual intercourse is occurring; or
- (3) the other person is so mentally disabled or deficient that consent to sexual intercourse cannot be given;

commits rape, a Class B felony.

(b) An offense described in subsection (a) is a Class A felony if:

- (1) it is committed by using or threatening the use of deadly force;
- (2) it is committed while armed with a deadly weapon;
- (3) it results in serious bodily injury to a person other than a defendant; or
- (4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

As added by Acts 1976, P.L.148, SEC.2. Amended by Acts 1977, P.L.340, SEC.36; P.L.320-1983, SEC.23; P.L.16-1984, SEC.19; P.L.297-1989, SEC.1; P.L.31-1998, SEC.3.

IC 35-42-4-2 Criminal deviate conduct

Sec. 2. (a) A person who knowingly or intentionally causes another person to perform or submit to deviate sexual conduct when:

- (1) the other person is compelled by force or imminent threat of force;
- (2) the other person is unaware that the conduct is occurring; or
- (3) the other person is so mentally disabled or deficient that consent to the conduct cannot be given;

commits criminal deviate conduct, a Class B felony.

(b) An offense described in subsection (a) is a Class A felony if:

- (1) it is committed by using or threatening the use of deadly force;
- (2) it is committed while armed with a deadly weapon;
- (3) it results in serious bodily injury to any person other than a defendant; or
- (4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

As added by Acts 1976, P.L.148, SEC.2. Amended by Acts 1977, P.L.340, SEC.37; P.L.320-1983, SEC.24; P.L.183-1984, SEC.3; P.L.31-1998, SEC.4.

IC 35-42-4-3 Child molesting

Sec. 3. (a) A person who, with a child under fourteen (14) years of age, performs or submits to sexual intercourse or deviate sexual conduct commits child molesting, a Class B felony. However, the offense is a Class A felony if:

- (1) it is committed by a person at least twenty-one (21) years of age;
- (2) it is committed by using or threatening the use of deadly force or while armed with a deadly weapon;
- (3) it results in serious bodily injury; or

(4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(b) A person who, with a child under fourteen (14) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits child molesting, a Class C felony. However, the offense is a Class A felony if:

- (1) it is committed by using or threatening the use of deadly force;
- (2) it is committed while armed with a deadly weapon; or

(3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(c) It is a defense that the accused person reasonably believed that the child was sixteen (16) years of age or older at the time of the conduct, unless:

- (1) the offense is committed by using or threatening the use of deadly force or while armed with a deadly weapon;
- (2) the offense results in serious bodily injury; or
- (3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

As added by Acts 1976, P.L.148, SEC.2. Amended by Acts 1977, P.L.340, SEC.38; Acts 1978, P.L.82, SEC.2; Acts 1981, P.L.301, SEC.1; P.L.79-1994, SEC.12; P.L.33-1996, SEC.8; P.L.216-1996, SEC.18; P.L.31-1998, SEC.5; P.L.216-2007, SEC.42.

IC 35-42-4-4 Child exploitation; possession of child pornography; violation classification; exemption; definitions

Sec. 4. (a) As used in this section:

"Disseminate" means to transfer possession for free or for a consideration.

"Matter" has the same meaning as in IC 35-49-1-3.

"Performance" has the same meaning as in IC 35-49-1-7.

"Sexual conduct" means sexual intercourse, deviate sexual conduct, exhibition of the uncovered genitals intended to satisfy or arouse the sexual desires of any person, sadomasochistic abuse, sexual intercourse or deviate sexual conduct with an animal, or any fondling or touching of a child by another person or of another person by a child intended to arouse or satisfy the sexual desires of either the child or the other person.

(b) A person who knowingly or intentionally:

(1) manages, produces, sponsors, presents, exhibits, photographs, films, videotapes, or creates a digitized image of any performance or incident that includes sexual conduct by a child under eighteen (18) years of age;

(2) disseminates, exhibits to another person, offers to disseminate or exhibit to another person, or sends or brings into Indiana for dissemination or exhibition matter that depicts or describes sexual conduct by a child under eighteen (18) years of age; or

(3) makes available to another person a computer, knowing that the computer's fixed drive or peripheral device contains matter that depicts or describes sexual conduct by a child less than eighteen (18) years of age;

commits child exploitation, a Class C felony.

(c) A person who knowingly or intentionally possesses:

(1) a picture;

(2) a drawing;

(3) a photograph;

(4) a negative image;

(5) undeveloped film;

(6) a motion picture;

(7) a videotape;

(8) a digitized image; or

(9) any pictorial representation;

that depicts or describes sexual conduct by a child who the person knows is less than sixteen (16) years of age or who appears to be less than sixteen (16) years of age, and that lacks serious literary, artistic, political, or scientific value commits possession of child pornography, a Class D felony.

(d) Subsections (b) and (c) do not apply to a bona fide school, museum, or public library that qualifies for certain property tax exemptions under IC 6-1.1-10, or to an employee of such a school, museum, or public library acting within the scope of the employee's employment when the possession of the listed materials is for legitimate scientific or educational purposes.

As added by Acts 1978, P.L.148, SEC.5. Amended by P.L.325-1983, SEC.1; P.L.206-1986, SEC.1; P.L.37-1990, SEC.25; P.L.59-1995, SEC.3; P.L.216-1996, SEC.19; P.L.3-2002, SEC.2; P.L.216-2007, SEC.43.

IC 35-42-4-5 Vicarious sexual gratification; sexual conduct in presence of a minor

Sec. 5. (a) A person eighteen (18) years of age or older who knowingly or intentionally directs, aids, induces, or causes a child under the age of sixteen (16) to touch or fondle himself or another child under the age of sixteen (16) with intent to arouse or satisfy the sexual desires of a child or the older person commits vicarious sexual gratification, a Class D felony. However, the offense is:

(1) a Class C felony if a child involved in the offense is under the age of fourteen (14);

(2) a Class B felony if:

(A) the offense is committed by using or threatening the use of deadly force or while armed with a deadly weapon; or

(B) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and

(3) a Class A felony if it results in serious bodily injury.

(b) A person eighteen (18) years of age or older who knowingly or intentionally directs, aids, induces, or causes a child under the age of sixteen (16) to:

- (1) engage in sexual intercourse with another child under sixteen (16) years of age;
- (2) engage in sexual conduct with an animal other than a human being; or
- (3) engage in deviate sexual conduct with another person;

with intent to arouse or satisfy the sexual desires of a child or the older person commits vicarious sexual gratification, a Class C felony. However, the offense is a Class B felony if any child involved in the offense is less than fourteen (14) years of age, and it is a Class A felony if the offense is committed by using or threatening the use of deadly force, if it is committed while armed with a deadly weapon, if it results in serious bodily injury, or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(c) A person eighteen (18) years of age or older who knowingly or intentionally:

- (1) engages in sexual intercourse;
- (2) engages in deviate sexual conduct; or
- (3) touches or fondles the person's own body;

in the presence of a child less than fourteen (14) years of age with the intent to arouse or satisfy the sexual desires of the child or the older person commits performing sexual conduct in the presence of a minor, a Class D felony.

As added by P.L.183-1984, SEC.4. Amended by P.L.79-1994, SEC.13; P.L.31-1998, SEC.6; P.L.118-2002, SEC.1; P.L.123-2003, SEC.1.

IC 35-42-4-6 Child solicitation

Sec. 6. (a) As used in this section, "solicit" means to command, authorize, urge, incite, request, or advise an individual:

- (1) in person;
- (2) by telephone;
- (3) in writing;
- (4) by using a computer network (as defined in IC 35-43-2-3(a));
- (5) by advertisement of any kind; or
- (6) by any other means;

to perform an act described in subsection (b) or (c).

(b) A person eighteen (18) years of age or older who knowingly or intentionally solicits a child under fourteen (14) years of age, or an individual the person believes to be a child under fourteen (14) years of age, to engage in:

- (1) sexual intercourse;
- (2) deviate sexual conduct; or
- (3) any fondling or touching intended to arouse or satisfy the sexual desires of either the child or the older person;

commits child solicitation, a Class D felony. However, the offense is a Class C felony if it is committed by using a computer network (as defined in IC 35-43-2-3(a)), and a Class B felony if the person commits the offense by using a computer network (as defined in IC 35-43-2-3(a)) and has a previous unrelated conviction for committing the offense by using a computer network (as defined in IC 35-43-2-3(a)).

(c) A person at least twenty-one (21) years of age who knowingly or intentionally solicits a child at least fourteen (14) years of age but less than sixteen (16) years of age, or an individual the person believes to be a child at least fourteen (14) years of age but less than sixteen (16) years of age, to engage in:

- (1) sexual intercourse;
- (2) deviate sexual conduct; or
- (3) any fondling or touching intended to arouse or satisfy the sexual desires of either the child or the older person;

commits child solicitation, a Class D felony. However, the offense is a Class C felony if it is committed by using a computer network (as defined in IC 35-43-2-3(a)), and a Class B felony if the person commits the offense by using a computer network (as defined in IC 35-43-2-3(a)) and has a previous unrelated conviction for committing the offense by using a computer network (as defined in IC 35-43-2-3(a)).

(d) In a prosecution under this section, including a prosecution for attempted solicitation, the state is not required to prove that the person solicited the child to engage in an act described in subsection (b) or (c) at some immediate time.

As added by P.L.183-1984, SEC.5. Amended by P.L.11-1994, SEC.16; P.L.79-1994, SEC.14; P.L.216-1996, SEC.20; P.L.118-2002, SEC.2; P.L.124-2005, SEC.1; P.L.216-2007, SEC.44.

IC 35-42-4-7 Child seduction

Sec. 7. (a) As used in this section, "adoptive parent" has the meaning set forth in IC 31-9-2-6.

(b) As used in this section, "adoptive grandparent" means the parent of an adoptive parent.

(c) As used in this section, "charter school" has the meaning set forth in IC 20-18-2-2.5.

(d) As used in this section, "child care worker" means a person who:

(1) provides care, supervision, or instruction to a child within the scope of the person's employment in a shelter care facility;

(2) is employed by a:

(A) school corporation;

(B) charter school;

(C) nonpublic school; or

(D) special education cooperative;

attended by a child who is the victim of a crime under this chapter; or

(3) is:

(A) affiliated with a:

(i) school corporation;

(ii) charter school;

(iii) nonpublic school; or

(iv) special education cooperative;

attended by a child who is the victim of a crime under this chapter, regardless of how or whether the person is compensated;

(B) in a position of trust in relation to a child who attends the school or cooperative;

(C) engaged in the provision of care or supervision to a child who attends the school or cooperative; and

(D) at least four (4) years older than the child who is the victim of a crime under this chapter.

The term does not include a student who attends the school or cooperative.

(e) As used in this section, "custodian" means any person who resides with a child and is responsible for the child's welfare.

(f) As used in this section, "military recruiter" means a member

of the armed forces of the United States (as defined in IC 20-33-10-2) or the Indiana National Guard whose primary job function, classification, or specialty is recruiting individuals to enlist with the armed forces of the United States or the Indiana National Guard.

(g) As used in this section, "nonpublic school" has the meaning set forth in IC 20-18-2-12.

(h) As used in this section, "school corporation" has the meaning set forth in IC 20-18-2-16.

(i) As used in this section, "special education cooperative" has the meaning set forth in IC 20-35-5-1.

(j) As used in this section, "stepparent" means an individual who is married to a child's custodial or noncustodial parent and is not the child's adoptive parent.

(k) If a person who:

(1) is at least eighteen (18) years of age; and

(2) is:

(A) the:

(i) guardian, adoptive parent, adoptive grandparent, custodian, or stepparent of; or

(ii) child care worker for; or

(B) a military recruiter who is attempting to enlist;

a child at least sixteen (16) years of age but less than eighteen (18) years of age;

engages with the child in sexual intercourse, deviate sexual conduct (as defined in IC 35-41-1-9), or any fondling or touching with the intent to arouse or satisfy the sexual desires of either the child or the adult, the person commits child seduction, a Class D felony.

As added by P.L.158-1987, SEC.4. Amended by P.L.1-1997, SEC.148; P.L.71-1998, SEC.5; P.L.228-2001, SEC.5; P.L.161-2003, SEC.10; P.L.1-2005, SEC.228; P.L.125-2009, SEC.7.

IC 35-42-4-8 Sexual battery

Sec. 8. (a) A person who, with intent to arouse or satisfy the person's own sexual desires or the sexual desires of another person, touches another person when that person is:

(1) compelled to submit to the touching by force or the imminent threat of force; or

(2) so mentally disabled or deficient that consent to the touching cannot be given;

commits sexual battery, a Class D felony.

(b) An offense described in subsection (a) is a Class C felony if:

(1) it is committed by using or threatening the use of deadly force;

(2) it is committed while armed with a deadly weapon; or

(3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

As added by P.L.322-1987, SEC.2. Amended by P.L.31-1998, SEC.7.

IC 35-42-4-9 Sexual misconduct with a minor

Sec. 9. (a) A person at least eighteen (18) years of age who, with a child at least fourteen (14) years of age but less than sixteen (16) years of age, performs or submits to sexual intercourse or deviate sexual conduct commits sexual misconduct with a minor, a Class C felony. However, the offense is:

(1) a Class B felony if it is committed by a person at least twenty-one (21) years of age; and

(2) a Class A felony if it is committed by using or threatening the use of deadly force, if it is committed while armed with a deadly weapon, if it results in serious bodily injury, or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(b) A person at least eighteen (18) years of age who, with a child at least fourteen (14) years of age but less than sixteen (16) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits sexual misconduct with a minor, a Class D felony. However, the offense is:

(1) a Class C felony if it is committed by a person at least twenty-one (21) years of age; and

(2) a Class B felony if it is committed by using or threatening the use of deadly force, while armed with a deadly weapon, or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(c) It is a defense that the accused person reasonably believed that the child was at least sixteen (16) years of age at the time of the conduct. However, this subsection does not apply to an offense described in subsection (a)(2) or (b)(2).

(d) It is a defense that the child is or has ever been married. However, this subsection does not apply to an offense described in subsection (a)(2) or (b)(2).

(e) It is a defense to a prosecution under this section if all the following apply:

(1) The person is not more than four (4) years older than the victim.

(2) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.

(3) The crime:

(A) was not committed by a person who is at least twenty-one (21) years of age;

(B) was not committed by using or threatening the use of deadly force;

(C) was not committed while armed with a deadly weapon;

(D) did not result in serious bodily injury;

(E) was not facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and

(F) was not committed by a person having a position of authority or substantial influence over the victim.

(4) The person has not committed another sex offense (as defined in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person.

As added by P.L. 79-1994, SEC.15. Amended by P.L.33-1996, SEC.9; P.L.216-1996, SEC.21; P.L.31-1998, SEC.8; P.L.266-2003, SEC.1; P.L.216-2007, SEC.45.

IC 35-42-4-10 Unlawful employment near children

Sec. 10. (a) As used in this section, "offender against children" means a person who is an offender against children under IC 35-42-4-11.

(b) As used in this section, "sexually violent predator" means a person who is a sexually violent predator under IC 35-38-1-7.5.

(c) A sexually violent predator or an offender against children who knowingly or intentionally works for compensation or as a volunteer:

(1) on school property;

(2) at a youth program center; or

(3) at a public park;

commits unlawful employment near children by a sexual predator, a Class D felony. However, the offense is a Class C felony if the person has a prior unrelated conviction based on the person's failure to comply with any requirement imposed on an offender under IC 11-8-8.

As added by P.L.6-2006, SEC.3; P.L.140-2006, SEC.31 and P.L.173-2006, SEC.31. Amended by P.L.1-2007, SEC.231; P.L.216-2007, SEC.46.

IC 35-42-4-11 Sex offender residency restrictions

Sec. 11. (a) As used in this section, and except as provided in subsection (d), "offender against children" means a person required to register as a sex or violent offender under IC 11-8-8 who has been:

- (1) found to be a sexually violent predator under IC 35-38-1-7.5; or
- (2) convicted of one (1) or more of the following offenses:

- (A) Child molesting (IC 35-42-4-3).
- (B) Child exploitation (IC 35-42-4-4(b)).
- (C) Child solicitation (IC 35-42-4-6).
- (D) Child seduction (IC 35-42-4-7).
- (E) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age and the person is not the child's parent or guardian.

(F) Attempt to commit or conspiracy to commit an offense listed in clauses (A) through (E).

(G) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (F).

A person is an offender against children by operation of law if the person meets the conditions described in subdivision (1) or (2) at any time.

(b) As used in this section, "reside" means to spend more than three (3) nights in:

- (1) a residence; or
- (2) if the person does not reside in a residence, a particular location;

in any thirty (30) day period.

(c) An offender against children who knowingly or intentionally:

- (1) resides within one thousand (1,000) feet of:
 - (A) school property, not including property of an institution providing post-secondary education;
 - (B) a youth program center; or
 - (C) a public park; or
- (2) establishes a residence within one (1) mile of the residence of the victim of the offender's sex offense;

commits a sex offender residency offense, a Class D felony.

(d) This subsection does not apply to an offender against children who has two (2) or more unrelated convictions for an offense described in subsection (a). A person who is an offender against children may petition the court to consider whether the person should no longer be considered an offender against children. The person may file a petition under this subsection not earlier than ten (10) years after the person is released from incarceration, probation, or parole, whichever occurs last. A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered an offender against children. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person should no longer be considered an offender against children. If a court finds that the person should no longer be considered an offender against children, the court shall send notice to the department of correction that the person is no longer considered an offender against children.

As added by P.L. 6-2006, SEC. 8. Amended by P.L. 140-2006, SEC. 32 and P.L. 173-2006, SEC. 32; P.L. 216-2007, SEC. 47.

IC 35-42-4-12 Sex offender internet offense

Sec. 12. (a) This section does not apply to a person to whom all of the following apply:

(1) The person is not more than:

- (A) four (4) years older than the victim if the offense was committed after June 30, 2007; or
- (B) five (5) years older than the victim if the offense was committed before July 1, 2007.

(2) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.

(3) The crime:

- (A) was not committed by a person who is at least twenty-one (21) years of age;
- (B) was not committed by using or threatening the use of deadly force;
- (C) was not committed while armed with a deadly weapon;
- (D) did not result in serious bodily injury;
- (E) was not facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and

(F) was not committed by a person having a position of authority or substantial influence over the victim.

(b) This section applies only to a person required to register as a sex or violent offender under IC 11-8-8 who has been:

(1) found to be a sexually violent predator under IC 35-38-1-7.5; or

(2) convicted of one (1) or more of the following offenses:

(A) Child molesting (IC 35-42-4-3).

(B) Child exploitation (IC 35-42-4-4(b)).

(C) Possession of child pornography (IC 35-42-4-4(c)).

(D) Vicarious sexual gratification (IC 35-42-4-5(a) or IC 35-42-4-5(b)).

(E) Sexual conduct in the presence of a minor (IC 35-42-4-5(c)).

(F) Child solicitation (IC 35-42-4-6).

(G) Child seduction (IC 35-42-4-7).

(H) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age and the person is not the child's parent or guardian.

(I) Attempt to commit or conspiracy to commit an offense listed in clauses (A) through (H).

(J) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (H).

(c) As used in this section, "instant messaging or chat room program" means a software program that requires a person to register or create an account, a username, or a password to become a member or registered user of the program and allows two (2) or more members or authorized users to communicate over the Internet in real time using typed text. The term does not include an electronic mail program or message board program.

(d) As used in this section, "social networking web site" means an Internet web site that:

(1) facilitates the social introduction between two (2) or more persons;

(2) requires a person to register or create an account, a username, or a password to become a member of the web site and to communicate with other members;

(3) allows a member to create a web page or a personal profile; and

(4) provides a member with the opportunity to communicate with another person.

The term does not include an electronic mail program or message board program.

(e) A person described in subsection (b) who knowingly or intentionally uses:

(1) a social networking web site; or

(2) an instant messaging or chat room program;

that the offender knows allows a person who is less than eighteen (18) years of age to access or use the web site or program commits a sex offender Internet offense, a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this section.

(f) It is a defense to a prosecution under this section that the person:

(1) did not know that the web site or program allowed a person who is less than eighteen (18) years of age to access or use the web site or program; and

(2) upon discovering that the web site or program allows a person who is less than eighteen (18) years of age to access or use the web site or program, immediately ceased further use or access of the web site or program.

As added by P.L. 119-2008, SEC. 18.

IC 35-42-4-13 Inappropriate communication with a child

Sec. 13. (a) This section does not apply to the following:

(1) A parent, guardian, or custodian of a child.

(2) A person who acts with the permission of a child's parent, guardian, or custodian.

(3) A person to whom a child makes a report of abuse or neglect.

(4) A person to whom a child reports medical symptoms that relate to or may relate to sexual activity.

(b) As used in this section, "sexual activity" means sexual intercourse, deviate sexual conduct, or the fondling or touching of the buttocks, genitals, or female breasts.

(c) A person at least twenty-one (21) years of age who knowingly or intentionally communicates with an individual whom the person believes to be a child less than fourteen (14) years of age concerning sexual activity with the intent to gratify the sexual desires of the person or the individual commits inappropriate communication with a child, a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person commits the offense by using a computer network (as defined in IC 35-43-2-3(a)).

As added by P.L. 119-2008, SEC. 19.

IC 35-42-5
Chapter 5. Robbery

IC 35-42-5-1 Robbery

Sec. 1. A person who knowingly or intentionally takes property from another person or from the presence of another person:

(1) by using or threatening the use of force on any person; or

(2) by putting any person in fear;

commits robbery, a Class C felony. However, the offense is a Class B felony if it is committed while armed with a deadly weapon or results in bodily injury to any person other than a defendant, and a Class A felony if it results in serious bodily injury to any person other than a defendant.

As added by Acts 1977, P.L.340, SEC.39. Amended by Acts 1982, P.L.204, SEC.34; P.L.186-1984, SEC.1.

IC 35-42-5-2 Carjacking

Sec. 2. A person who knowingly or intentionally takes a motor vehicle from another person or from the presence of another person:

(1) by using or threatening the use of force on any person; or

(2) by putting any person in fear;

commits carjacking, a Class B felony.

As added by P.L.230-1993, SEC.3.

IC 35-43
ARTICLE 43. OFFENSES AGAINST PROPERTY

IC 35-43-1

Chapter 1. Arson, Mischief, and Tampering

IC 35-43-1-1 Arson

Sec. 1. (a) A person who, by means of fire, explosive, or destructive device, knowingly or intentionally damages:

- (1) a dwelling of another person without the other person's consent;
- (2) property of any person under circumstances that endanger human life;
- (3) property of another person without the other person's consent if the pecuniary loss is at least five thousand dollars (\$5,000); or
- (4) a structure used for religious worship without the consent of the owner of the structure;

commits arson, a Class B felony. However, the offense is a Class A felony if it results in either bodily injury or serious bodily injury to any person other than a defendant.

(b) A person who commits arson for hire commits a Class B felony. However, the offense is a Class A felony if it results in bodily injury to any other person.

(c) A person who, by means of fire, explosive, or destructive device, knowingly or intentionally damages property of any person with intent to defraud commits arson, a Class C felony.

(d) A person who, by means of fire, explosive, or destructive device, knowingly or intentionally damages property of another person without the other person's consent so that the resulting pecuniary loss is at least two hundred fifty dollars (\$250) but less than five thousand dollars (\$5,000) commits arson, a Class D felony.

As added by Acts 1976, P.L.148, SEC.3. Amended by Acts 1977, P.L.340, SEC.40; Acts 1980, P.L.159, SEC.4; Acts 1981, P.L.302, SEC.1; Acts 1982, P.L.204, SEC.35; P.L.88-1999, SEC.1; P.L.123-2002, SEC.36.

IC 35-43-1-2 Criminal mischief; penalties

Sec. 2. (a) A person who:

- (1) recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent; or
- (2) knowingly or intentionally causes another to suffer pecuniary loss by deception or by an expression of intention to injure another person or to damage the property or to impair the rights of another person;

commits criminal mischief, a Class B misdemeanor. However, the offense is:

(A) a Class A misdemeanor if:

- (i) the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500);
- (ii) the property damaged was a moving motor vehicle;
- (iii) the property damaged contained data relating to a person required to register as a sex or violent offender under IC 11-8-8 and the person is not a sex or violent offender or was not required to register as a sex or violent offender;
- (iv) the property damaged was a locomotive, a railroad car, a train, or equipment of a railroad company being operated on a railroad right-of-way;

(v) the property damaged was a part of any railroad signal system, train control system, centralized dispatching system, or highway railroad grade crossing warning signal on a railroad right-of-way owned, leased, or operated by a railroad company;

(vi) the property damaged was any rail, switch, roadbed, viaduct, bridge, trestle, culvert, or embankment on a right-of-way owned, leased, or operated by a railroad company; or

(vii) the property damage or defacement was caused by paint or other markings; and

(B) a Class D felony if:

- (i) the pecuniary loss is at least two thousand five hundred dollars (\$2,500);
- (ii) the damage causes a substantial interruption or impairment of utility service rendered to the public;
- (iii) the damage is to a public record;
- (iv) the property damaged contained data relating to a person required to register as a sex or violent offender under IC 11-8-8 and the person is a sex or violent offender or was required to register as a sex or violent offender;
- (v) the damage causes substantial interruption or impairment of work conducted in a scientific research facility;
- (vi) the damage is to a law enforcement animal (as defined in IC 35-46-3-4.5); or
- (vii) the damage causes substantial interruption or impairment of work conducted in a food processing facility.

(b) A person who recklessly, knowingly, or intentionally damages:

- (1) a structure used for religious worship;
- (2) a school or community center;
- (3) the grounds:

(A) adjacent to; and

(B) owned or rented in common with;
a structure or facility identified in subdivision (1) or (2); or
(4) personal property contained in a structure or located at a facility identified in subdivision (1) or (2);
without the consent of the owner, possessor, or occupant of the property that is damaged, commits institutional criminal mischief, a Class A misdemeanor. However, the offense is a Class D felony if the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500), and a Class C felony if the pecuniary loss is at least two thousand five hundred dollars (\$2,500).

(c) If a person is convicted of an offense under this section that involves the use of graffiti, the court may, in addition to any other penalty, order that the person's operator's license be suspended or invalidated by the bureau of motor vehicles for not more than one (1) year.

(d) The court may rescind an order for suspension or invalidation under subsection (c) and allow the person to receive a license or permit before the period of suspension or invalidation ends if the court determines that:

(1) the person has removed or painted over the graffiti or has made other suitable restitution; and

(2) the person who owns the property damaged or defaced by the criminal mischief or institutional criminal mischief is satisfied with the removal, painting, or other restitution performed by the person.

As added by Acts 1976, P.L. 148, SEC.3. Amended by Acts 1977, P.L.340, SEC.41; P.L.326-1983, SEC.1; P.L.319-1985, SEC.1; P.L.151-1989, SEC.11; P.L.180-1991, SEC.6; P.L.94-1996, SEC.5; P.L.213-1997, SEC.1; P.L.100-1999, SEC.2; P.L.108-2002, SEC.1; P.L.116-2002, SEC.24; P.L.123-2002, SEC.37; P.L.1-2003, SEC.95; P.L.140-2006, SEC.33 and P.L.173-2006, SEC.33; P.L.216-2007, SEC.48.

IC 35-43-1-2.1 Cemetery mischief

Sec. 2.1. (a) This section does not apply to the following:

(1) A person who acts in a proper and acceptable manner as authorized by IC 14-21 other than a person who disturbs the earth for an agricultural purpose under the exemption to IC 14-21 that is provided in IC 14-21-1-24.

(2) A person who acts in a proper and acceptable manner as authorized by IC 23-14.

(b) A person who recklessly, knowingly, or intentionally:

(1) damages a cemetery, a burial ground (as defined in IC 14-21-1-3), or a facility used for memorializing the dead;

(2) damages the grounds owned or rented by a cemetery or facility used for memorializing the dead; or

(3) disturbs, defaces, or damages a cemetery monument, grave marker, grave artifact, grave ornamentation, or cemetery enclosure; commits cemetery mischief, a Class A misdemeanor. However, the offense is a Class D felony if the pecuniary loss is at least two thousand five hundred dollars (\$2,500).

As added by P.L.100-1999, SEC.3. Amended by P.L.177-2001, SEC.4.

IC 35-43-1-3 Unlawful acts relating to caves; offense

Sec. 3. (a) As used in this section:

"Cave" means any naturally occurring subterranean cavity, including a cavern, pit, pothole, sinkhole, well, grotto, and tunnel whether or not it has a natural entrance.

"Owner" means the person who holds title to or is in possession of the land on or under which a cave is located, or his lessee, or agent.

"Scientific purposes" means exploration and research conducted by persons affiliated with recognized scientific organizations with the intent to advance knowledge and with the intent to publish the results of said exploration or research in an appropriate medium.

(b) A person who knowingly and without the express consent of the cave owner:

(1) disfigures, destroys, or removes any stalagmite, stalactite, or other naturally occurring mineral deposit or formation, or archaeological or paleontological artifact in a cave, for other than scientific purposes;

(2) breaks any lock, gate, fence, or other structure designed to control or prevent access to a cave;

(3) deposits trash, rubbish, chemicals, or other litter in a cave; or

(4) destroys, injures, removes, or harasses any cave-dwelling animal for other than scientific purposes;

commits a Class A misdemeanor.

As added by P.L.177-1983, SEC.2.

IC 35-43-1-4 Computer tampering

Sec. 4. (a) As used in this section:

"Computer network" and "computer system" have the meanings set forth in IC 35-43-2-3.

"Computer program" means an ordered set of instructions or statements that, when executed by a computer, causes the computer to process data.

"Data" means a representation of information, facts, knowledge, concepts, or instructions that:

- (1) may take any form, including computer printouts, magnetic storage media, punched cards, or stored memory;
- (2) has been prepared or is being prepared; and
- (3) has been processed, is being processed, or will be processed;

in a computer system or computer network.

(b) A person who knowingly or intentionally alters or damages a computer program or data, which comprises a part of a computer system or computer network without the consent of the owner of the computer system or computer network commits computer tampering, a Class D felony. However, the offense is a:

- (1) Class C felony if the offense is committed for the purpose of terrorism; and
- (2) Class B felony if the offense is committed for the purpose of terrorism and results in serious bodily injury to a person.

As added by P.L.35-1986, SEC.2. Amended by P.L.156-2001, SEC.11.

IC 35-43-1-5 Tampering with a water supply; poisoning

Sec. 5. (a) A person who, with the intent to cause serious bodily injury, tampers with a:

- (1) water supply;
- (2) water treatment plant (as defined in IC 13-11-2-264); or
- (3) water distribution system (as defined in IC 13-11-2-259);

commits tampering with a water supply, a Class B felony. However, the offense is a Class A felony if it results in the death of any person.

(b) A person who recklessly, knowingly, or intentionally poisons a public water supply with the intent to cause serious bodily injury commits poisoning, a Class B felony.

As added by P.L.137-2007, SEC.35. Amended by P.L.231-2007, SEC.3.

IC 35-43-2
Chapter 2. Burglary and Trespass

IC 35-43-2-1 Burglary

Sec. 1. A person who breaks and enters the building or structure of another person, with intent to commit a felony in it, commits burglary, a Class C felony. However, the offense is:

- (1) a Class B felony if:
 - (A) it is committed while armed with a deadly weapon; or
 - (B) the building or structure is a:
 - (i) dwelling; or
 - (ii) structure used for religious worship; and
- (2) a Class A felony if it results in:
 - (A) bodily injury; or
 - (B) serious bodily injury;to any person other than a defendant.

As added by Acts 1976, P.L.148, SEC.3. Amended by Acts 1977, P.L.340, SEC.42; Acts 1982, P.L.204, SEC.36; P.L.88-1999, SEC.2.

IC 35-43-2-1.5 Residential entry

Sec. 1.5. A person who knowingly or intentionally breaks and enters the dwelling of another person commits residential entry, a Class D felony.

As added by P.L.215-1991, SEC.1.

IC 35-43-2-2 Criminal trespass; denial of entry; permission to enter; exceptions

Sec. 2. (a) A person who:

- (1) not having a contractual interest in the property, knowingly or intentionally enters the real property of another person after having been denied entry by the other person or that person's agent;
 - (2) not having a contractual interest in the property, knowingly or intentionally refuses to leave the real property of another person after having been asked to leave by the other person or that person's agent;
 - (3) accompanies another person in a vehicle, with knowledge that the other person knowingly or intentionally is exerting unauthorized control over the vehicle;
 - (4) knowingly or intentionally interferes with the possession or use of the property of another person without the person's consent;
 - (5) not having a contractual interest in the property, knowingly or intentionally enters the dwelling of another person without the person's consent;
 - (6) knowingly or intentionally:
 - (A) travels by train without lawful authority or the railroad carrier's consent; and
 - (B) rides on the outside of a train or inside a passenger car, locomotive, or freight car, including a boxcar, flatbed, or container without lawful authority or the railroad carrier's consent;
 - (7) not having a contractual interest in the property, knowingly or intentionally enters or refuses to leave the property of another person after having been prohibited from entering or asked to leave the property by a law enforcement officer when the property is:
 - (A) vacant or designated by a municipality or county enforcement authority to be abandoned property; and
 - (B) subject to abatement under IC 32-30-6, IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36; or
 - (8) knowingly or intentionally enters the property of another person after being denied entry by a court order that has been issued to the person or issued to the general public by conspicuous posting on or around the premises in areas where a person can observe the order when the property:
 - (A) has been designated by a municipality or county enforcement authority to be a vacant property or an abandoned property; and
 - (B) is subject to an abatement order under IC 32-30-6, IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36;commits criminal trespass, a Class A misdemeanor. However, the offense is a Class D felony if it is committed on a scientific research facility, on a key facility, on a facility belonging to a public utility (as defined in IC 32-24-1-5.9(a)), on school property, or on a school bus or the person has a prior unrelated conviction for an offense under this section concerning the same property.
- (b) A person has been denied entry under subdivision (a)(1) of this section when the person has been denied entry by means of:
- (1) personal communication, oral or written;
 - (2) posting or exhibiting a notice at the main entrance in a manner that is either prescribed by law or likely to come to the atten-

tion of the public; or

(3) a hearing authority or court order under IC 32-30-6, IC 32-30-7, IC 32-30-8, IC 36-7-9, or IC 36-7-36.

(c) A law enforcement officer may not deny entry to property or ask a person to leave a property under subsection (a)(7) unless there is reasonable suspicion that criminal activity has occurred or is occurring.

(d) A person described in subsection (a)(7) violates subsection (a)(7) unless the person has the written permission of the owner, owner's agent, enforcement authority, or court to come onto the property for purposes of performing maintenance, repair, or demolition.

(e) A person described in subsection (a)(8) violates subsection (a)(8) unless the court that issued the order denying the person entry grants permission for the person to come onto the property.

(f) Subsections (a), (b), and (e) do not apply to the following:

(1) A passenger on a train.

(2) An employee of a railroad carrier while engaged in the performance of official duties.

(3) A law enforcement officer, firefighter, or emergency response personnel while engaged in the performance of official duties.

(4) A person going on railroad property in an emergency to rescue a person or animal from harm's way or to remove an object that the person reasonably believes poses an imminent threat to life or limb.

(5) A person on the station grounds or in the depot of a railroad carrier:

(A) as a passenger; or

(B) for the purpose of transacting lawful business.

(6) A:

(A) person; or

(B) person's:

(i) family member;

(ii) invitee;

(iii) employee;

(iv) agent; or

(v) independent contractor;

going on a railroad's right-of-way for the purpose of crossing at a private crossing site approved by the railroad carrier to obtain access to land that the person owns, leases, or operates.

(7) A person having written permission from the railroad carrier to go on specified railroad property.

(8) A representative of the Indiana department of transportation while engaged in the performance of official duties.

(9) A representative of the federal Railroad Administration while engaged in the performance of official duties.

(10) A representative of the National Transportation Safety Board while engaged in the performance of official duties.

As added by Acts 1976, P.L. 148, SEC.3. Amended by Acts 1977, P.L.340, SEC.43; P.L.151-1989, SEC.12; P.L.242-1993, SEC.2; P.L.164-1993, SEC.11; P.L.1-1994, SEC.168; P.L.259-1999, SEC.3; P.L.158-2009, SEC.7; P.L.88-2009, SEC.4.

IC 35-43-2-3 Computer trespass; computer hoarding programs

Sec. 3. (a) As used in this section:

"Access" means to:

(1) approach;

(2) instruct;

(3) communicate with;

(4) store data in;

(5) retrieve data from; or

(6) make use of resources of;

a computer, computer system, or computer network.

"Computer network" means the interconnection of communication lines or wireless telecommunications with a computer or wireless telecommunication device through:

(1) remote terminals;

(2) a complex consisting of two (2) or more interconnected computers; or

(3) a worldwide collection of interconnected networks operating as the Internet.

"Computer system" means a set of related computer equipment, software, or hardware.

"Hoarding program" means a computer program designed to bypass or neutralize a security measure, access control system, or similar system used by the owner of a computer network or computer system to limit the amount of merchandise that one (1) person may purchase by means of a computer network.

(b) A person who knowingly or intentionally accesses:

(1) a computer system;

(2) a computer network; or

(3) any part of a computer system or computer network;

without the consent of the owner of the computer system or computer network, or the consent of the owner's licensee, commits computer trespass, a Class A misdemeanor.

(c) A person who knowingly or intentionally uses a hoarding program to purchase merchandise by means of a computer network commits computer merchandise hoarding, a Class A misdemeanor. It is a defense to a prosecution under this subsection that the person used the hoarding program with the permission of the person selling the merchandise.

(d) A person who knowingly or intentionally sells, purchases, or distributes a hoarding program commits unlawful distribution of a hoarding program, a Class A misdemeanor. It is a defense to a prosecution under this subsection that the hoarding program was sold, purchased, or distributed for legitimate scientific or educational purposes.

As added by P.L.35-1986, SEC.3. Amended by P.L.29-2001, SEC.1; P.L.79-2009, SEC.1.

IC 35-43-4

Chapter 4. Theft, Conversion, and Receiving Stolen Property

IC 35-43-4-1 Definitions

Sec. 1. (a) As used in this chapter, "exert control over property" means to obtain, take, carry, drive, lead away, conceal, abandon, sell, convey, encumber, or possess property, or to secure, transfer, or extend a right to property.

(b) Under this chapter, a person's control over property of another person is "unauthorized" if it is exerted:

- (1) without the other person's consent;
- (2) in a manner or to an extent other than that to which the other person has consented;
- (3) by transferring or encumbering other property while failing to disclose a lien, adverse claim, or other legal impediment to the enjoyment of that other property;
- (4) by creating or confirming a false impression in the other person;
- (5) by failing to correct a false impression that the person knows is influencing the other person, if the person stands in a relationship of special trust to the other person;
- (6) by promising performance that the person knows will not be performed;
- (7) by expressing an intention to damage the property or impair the rights of any other person; or
- (8) by transferring or reproducing:
 - (A) recorded sounds; or
 - (B) a live performance;

without consent of the owner of the master recording or the live performance, with intent to distribute the reproductions for a profit.

(c) As used in this chapter, "receiving" means acquiring possession or control of or title to property, or lending on the security of property.

As added by Acts 1976, P.L.148, SEC.3. Amended by Acts 1977, P.L.340, SEC.44; Acts 1979, P.L.300, SEC.1; P.L.180-1991, SEC.7.

IC 35-43-4-2 Theft; receiving stolen property

Sec. 2. (a) A person who knowingly or intentionally exerts unauthorized control over property of another person, with intent to deprive the other person of any part of its value or use, commits theft, a Class D felony. However, the offense is a Class C felony if:

- (1) the fair market value of the property is at least one hundred thousand dollars (\$100,000); or
- (2) the property that is the subject of the theft is a valuable metal (as defined in IC 25-37.5-1-1) and:
 - (A) relates to transportation safety;
 - (B) relates to public safety; or
 - (C) is taken from a:
 - (i) hospital or other health care facility;
 - (ii) telecommunications provider;
 - (iii) public utility (as defined in IC 32-24-1-5.9(a)); or
 - (iv) key facility;

and the absence of the property creates a substantial risk of bodily injury to a person.

(b) A person who knowingly or intentionally receives, retains, or disposes of the property of another person that has been the subject of theft commits receiving stolen property, a Class D felony. However, the offense is a Class C felony if:

- (1) the fair market value of the property is at least one hundred thousand dollars (\$100,000); or
- (2) the property that is the subject of the theft is a valuable metal (as defined in IC 25-37.5-1-1) and:
 - (A) relates to transportation safety;
 - (B) relates to public safety; or
 - (C) is taken from a:
 - (i) hospital or other health care facility;
 - (ii) telecommunications provider;
 - (iii) public utility (as defined in IC 32-24-1-5.9(a)); or
 - (iv) key facility;

and the absence of the property creates a substantial risk of bodily injury to a person.

As added by Acts 1976, P.L.148, SEC.3. Amended by Acts 1977, P.L.340, SEC.45; Acts 1979, P.L.300, SEC.2; P.L.320-1985, SEC.1; P.L.158-2009, SEC.8.

IC 35-43-4-2.3 Dealing in altered property

Sec. 2.3. (a) As used in this section, "dealer" means a person who buys or sells, or offers to buy or sell, personal property. The term does not include the original retailer of personal property.

(b) A dealer who recklessly, knowingly, or intentionally buys or sells personal property in which the identification number or manufacturer's serial number has been removed, altered, obliterated, or defaced commits dealing in altered property, a Class A misdemeanor. However the offense is a Class D felony if the dealer has a prior conviction of an offense under this chapter or if the fair market value of the property is at least one thousand dollars (\$1,000).

As added by P.L.294-1989, SEC.2.

IC 35-43-4-2.5 Auto theft; receiving stolen auto parts

Sec. 2.5. (a) As used in this section, "motor vehicle" has the meaning set forth in IC 9-13-2-105(a).

(b) A person who knowingly or intentionally exerts unauthorized control over the motor vehicle of another person, with intent to deprive the owner of:

- (1) the vehicle's value or use; or
- (2) a component part (as defined in IC 9-13-2-34) of the vehicle;

commits auto theft, a Class D felony. However, the offense is a Class C felony if the person has a prior conviction of an offense under this subsection or subsection (c).

(c) A person who knowingly or intentionally receives, retains, or disposes of a motor vehicle or any part of a motor vehicle of another person that has been the subject of theft commits receiving stolen auto parts, a Class D felony. However, the offense is a Class C felony if the person has a prior conviction of an offense under this subsection or subsection (b).

As added by P.L.321-1985, SEC.1. Amended by P.L.136-1987, SEC.6; P.L.2-1991, SEC.106.

IC 35-43-4-2.7 Unlawful entry of motor vehicle; defense; rebuttable presumption

Sec. 2.7. (a) This section does not apply to the following:

(1) A public safety officer (as defined in IC 35-47-4.5-3) or state police motor carrier inspector acting within the scope of the officer's or inspector's duties.

(2) A motor vehicle that must be moved because the motor vehicle is abandoned, inoperable, or improperly parked.

(3) An employee or agent of an entity that possesses a valid lien on a motor vehicle who is expressly authorized by the lienholder to repossess the motor vehicle based upon the failure of the owner or lessee of the motor vehicle to abide by the terms and conditions of the loan or lease agreement.

(b) As used in this section, "authorized operator" means a person who is authorized to operate a motor vehicle by an owner or a lessee of the motor vehicle.

(c) As used in this section, "motor vehicle" has the meaning set forth in IC 9-13-2-105(a).

(d) A person who:

(1) enters a motor vehicle knowing that the person does not have the permission of an owner, a lessee, or an authorized operator of the motor vehicle to enter the motor vehicle; and

(2) does not have a contractual interest in the motor vehicle;

commits unauthorized entry of a motor vehicle, a Class B misdemeanor.

(e) The offense under subsection (d) is:

(1) a Class A misdemeanor if the motor vehicle has visible steering column damage or ignition switch alteration as a result of an act described in subsection (d)(1); or

(2) a Class D felony if a person occupies the motor vehicle while the motor vehicle is used to further the commission of a crime, if the person knew or should have known that a person intended to use the motor vehicle in the commission of a crime.

(f) It is a defense to a prosecution under this section that the accused person reasonably believed that the person's entry into the vehicle was necessary to prevent bodily injury or property damage.

(g) There is a rebuttable presumption that the person did not have the permission of an owner, a lessee, or an authorized operator of the motor vehicle to enter the motor vehicle if the motor vehicle has visible steering column damage or ignition switch alteration.

As added by P.L.143-2005, SEC.1.

IC 35-43-4-3 Conversion

Sec. 3. (a) A person who knowingly or intentionally exerts unauthorized control over property of another person commits criminal conversion, a Class A misdemeanor.

(b) The offense under subsection (a) is a Class D felony if committed by a person who exerts unauthorized control over the motor vehicle of another person with the intent to use the motor vehicle to assist the person in the commission of a crime.

(c) The offense under subsection (a) is a Class C felony if:

- (1) committed by a person who exerts unauthorized control over the motor vehicle of another person; and
- (2) the person uses the motor vehicle to assist the person in the commission of a felony.

As added by Acts 1976, P.L.148, SEC.3. Amended by Acts 1977, P.L.340, SEC.46; P.L.143-2005, SEC.2.

IC 35-43-4-3.5 Failure to return or pay for articles borrowed from library, gallery, museum, collection, or exhibition

Sec. 3.5. (a) If a person:

- (1) borrows any article which belongs to or is in the care of any library, gallery, museum, collection, or exhibition;
- (2) borrows the article under an agreement to return the article within a specified period of time; and
- (3) fails to return the article within that specified period of time;

then the lender shall comply with subsection (b).

(b) If a person commits those acts specified in subsection (a), the lender shall:

- (1) send written notification of the violation of the agreement to the borrower;
- (2) attach a copy of this section to the notice;
- (3) include in the notice a request for return of the article within fifteen (15) days of receipt of the notice; and
- (4) mail the notice to the last known address of the borrower or deliver it to the borrower in person.

The lender shall send the notice required by this subsection by certified or registered mail, return receipt requested.

(c) If the borrower willfully or knowingly fails to return the article, or reimburse the lender for the value of the article, within thirty (30) days of receipt of the notice required in subsection (b), he commits a Class C infraction.

(d) A person who commits an offense under this section may not be charged with an offense under section 2 or 3 of this chapter for the same act.

As added by Acts 1980, P.L.206, SEC.1.

IC 35-43-4-4 Evidence

Sec. 4. (a) The price tag or price marking on property displayed or offered for sale constitutes prima facie evidence of the value and ownership of the property.

(b) Evidence that a person:

(1) altered, substituted, or transferred a universal product code (UPC) or another product identification code, label, price tag, or price marking on property displayed or offered for sale or hire; or

(2) transferred property displayed or offered for sale or hire from the package, bag, or container in or on which the property was displayed or offered to another package, bag, or container;

constitutes prima facie evidence of intent to deprive the owner of the property of a part of its value and that the person exerted unauthorized control over the property.

(c) Evidence that a person:

(1) concealed property displayed or offered for sale or hire; and

(2) removed the property from any place within the business premises at which it was displayed or offered to a point beyond that at which payment should be made;

constitutes prima facie evidence of intent to deprive the owner of the property of a part of its value and that the person exerted unauthorized control over the property.

(d) Except as provided in subsection (e) of this section, evidence of failure to perform as promised, by itself, does not constitute evidence that the promisor knew that the promise would not be performed.

(e) Except as provided in section 5(b) of this chapter, a person who has insufficient funds in or no account with a drawee credit institution and who makes, draws, or utters a check, draft, or order for payment on the credit institution may be inferred:

(1) to have known that the credit institution would refuse payment upon presentment in the usual course of business; and

(2) to have intended to deprive the owner of any property acquired by making, drawing, or uttering the check, draft, or order for payment of a part of the value of that property.

(f) Evidence that a person, after renting or leasing any property under a written agreement providing for the return of the property to a particular place at a particular time, failed to return the property to the place within seventy-two (72) hours after the agreed time constitutes prima facie evidence that he exerted unauthorized control over the property.

(g) A judge may find that a photograph of property over which a person is alleged to have exerted unauthorized control or to have otherwise obtained unlawfully is competent evidence, if the photograph:

(1) will serve the purpose of demonstrating the nature of the property; and

(2) is otherwise admissible into evidence under all other rules of law governing the admissibility of photographs into evidence.

The fact that it is impractical to introduce into evidence the actual property for any reason, including its size, weight, or unavailability, need not be established for a judge to find a photograph of that property to be competent evidence. If a photograph is found to be competent evidence under this subsection, it is admissible into evidence in place of the property and to the same extent as the property itself.

(h) A law enforcement agency that is holding as evidence property over which a person is alleged to have exerted unauthorized control or to have otherwise obtained unlawfully, may return that property to its owner if:

(1) the property has been photographed in a manner that will serve the purpose of demonstrating the nature of the property, and if these photographs are filed with or retained by the law enforcement agency in place of the property;

(2) receipt for the property is obtained from the owner upon delivery by the law enforcement agency;

(3) the prosecuting attorney who is prosecuting a case that involves the property has not requested the law enforcement agency to decline requests for return of the property to its owner; and

(4) the property may be lawfully possessed by the owner.

As added by Acts 1976, P.L.148, SEC.3. Amended by Acts 1977, P.L.340, SEC.47; Acts 1980, P.L.200, SEC.2; P.L.322-1985, SEC.1; P.L.84-2001, SEC.1.

IC 35-43-4-5 Defenses

Sec. 5. (a) An owner in possession of encumbered property does not commit a crime under this chapter, as against a person having only a security interest in the property, by removing or otherwise dealing with the property contrary to the terms of the security agreement, even if title is in the credit institution under a mortgage, conditional sales contract, or bailment lease.

(b) It is a defense under this chapter if a maker or drawer:

(1) who has an account in a credit institution but does not have sufficient funds in that account; and

(2) who makes, draws, or utters a check, draft, or order for payment on the credit institution;

pays the credit institution the amount due, together with protest fees, within ten (10) days after receiving notice that the check, draft, or order has not been paid by the credit institution. Notice sent to either (i) the address printed or written on the check, draft, or order or (ii) the address given in writing to the recipient at the time the check, draft, or order was issued or delivered constitutes notice that the check, draft, or order has not been paid by the credit institution.

(c) A person who transfers or reproduces recorded sounds in connection with a broadcast or telecast, or for archival purposes, does not commit a crime under this chapter, even if he does not have the consent of the owner of the master recording.

(d) A person who receives, retains, or disposes of personal property that has been the subject of theft with the purpose of restoring it to the owner, does not commit a crime under this chapter.

As added by Acts 1976, P.L.148, SEC.3. Amended by Acts 1977, P.L.340, SEC.48; Acts 1979, P.L.300, SEC.3; P.L.323-1985, SEC.1.

IC 35-43-4-6 Unauthorized control over property of benefit provider; prima facie evidence

Sec. 6. (a) As used in this section:

"Benefit" includes any accident, sickness, or other health care or reimbursement therefore to which a person is entitled.

"Benefit identification card" means a writing that identifies a person, his spouse, or his dependent as being entitled to a benefit.

"Benefit provider" includes an employer, insurer, or health care provider who has agreed to provide or has provided a benefit to a person who has a benefit identification card.

(b) Evidence that a person:

(1) permitted a person who was not entitled to a benefit to use his benefit identification card to obtain a benefit; or

(2) uses his benefit identification card to obtain a benefit for a person who was not entitled to the benefit;

constitutes prima facie evidence that such person exerted unauthorized control over property of the benefit provider.

As added by P.L.327-1983, SEC.1.

IC 35-43-4-7 Vending machine vandalism

Sec. 7. (a) As used in this section, "vending machine" means a mechanical or an electronic device or a receptacle designed:

(1) to receive a coin, bill, or token made for that purpose; and

(2) to automatically dispense goods, wares, merchandise, or other property in return for the insertion or deposit of a coin, bill, or token.

(b) A person who knowingly or intentionally:

(1) damages a vending machine; or

(2) removes goods, wares, merchandise, or other property from a vending machine without:

(A) inserting or depositing a coin, bill, or token made for that purpose; or

(B) the consent of the owner or operator of the vending machine;

commits vending machine vandalism, a Class B misdemeanor. However, the offense is a Class A misdemeanor if the amount of the damage or the value of the goods, wares, merchandise, or other property removed from the vending machine is at least two hundred fifty dollars (\$250).

As added by P.L.299-1995, SEC.1.

IC 35-43-4-8 Suspension of driving privileges for fuel theft

Sec. 8. (a) A conviction for an offense under section 2 of this chapter or section 3 of this chapter that involves exerting unauthorized control over gasoline or motor vehicle fuel:

(1) by operation of a motor vehicle to leave the premises of an establishment at which gasoline or motor vehicle fuel is offered for sale after the gasoline or motor vehicle fuel has been dispensed into the fuel tank of the motor vehicle; and

(2) without payment or authorization of payment by a credit card, debit card, charge card, or similar method of payment; shall result in the suspension of the driving privileges of the person.

(b) The court imposing sentence for a violation under subsection (a) shall issue an order to the bureau of motor vehicles:

(1) stating that the person has been convicted of an offense under section 2 of this chapter or section 3 of this chapter involving the unauthorized taking of gasoline or motor vehicle fuel; and

(2) ordering the suspension of the person's driving privileges under IC 9-25-6-21.

The suspension of a person's driving privileges under this section is in addition to other penalties prescribed by IC 35-50-3-2 for a Class A misdemeanor or by IC 35-50-2-7 for a Class D felony.

As added by P.L. 117-2001, SEC. 6.

IC 35-43-5
Chapter 5. Forgery, Fraud, and Other Deceptions

IC 35-43-5-1 Definitions

Sec. 1. (a) The definitions set forth in this section apply throughout this chapter.

(b) "Claim statement" means an insurance policy, a document, or a statement made in support of or in opposition to a claim for payment or other benefit under an insurance policy, or other evidence of expense, injury, or loss. The term includes statements made orally, in writing, or electronically, including the following:

- (1) An account.
- (2) A bill for services.
- (3) A bill of lading.
- (4) A claim.
- (5) A diagnosis.
- (6) An estimate of property damages.
- (7) A hospital record.
- (8) An invoice.
- (9) A notice.
- (10) A proof of loss.
- (11) A receipt for payment.
- (12) A physician's records.
- (13) A prescription.
- (14) A statement.
- (15) A test result.
- (16) X-rays.

(c) "Coin machine" means a coin box, vending machine, or other mechanical or electronic device or receptacle designed:

- (1) to receive a coin, bill, or token made for that purpose; and
- (2) in return for the insertion or deposit of a coin, bill, or token automatically:
 - (A) to offer, provide, or assist in providing; or
 - (B) to permit the acquisition of;

some property.

(d) "Credit card" means an instrument or device (whether known as a credit card or charge plate, or by any other name) issued by an issuer for use by or on behalf of the credit card holder in obtaining property.

(e) "Credit card holder" means the person to whom or for whose benefit the credit card is issued by an issuer.

(f) "Customer" means a person who receives or has contracted for a utility service.

(g) "Drug or alcohol screening test" means a test that:

- (1) is used to determine the presence or use of alcohol, a controlled substance, or a drug in a person's bodily substance; and
- (2) is administered in the course of monitoring a person who is:
 - (A) incarcerated in a prison or jail;
 - (B) placed in a community corrections program;
 - (C) on probation or parole;
 - (D) participating in a court ordered alcohol or drug treatment program; or
 - (E) on court ordered pretrial release.

(h) "Entrusted" means held in a fiduciary capacity or placed in charge of a person engaged in the business of transporting, storing, lending on, or otherwise holding property of others.

(i) "Identifying information" means information that identifies a person, including a person's:

- (1) name, address, date of birth, place of employment, employer identification number, mother's maiden name, Social Security number, or any identification number issued by a governmental entity;
- (2) unique biometric data, including the person's fingerprint, voice print, or retina or iris image;
- (3) unique electronic identification number, address, or routing code;
- (4) telecommunication identifying information; or
- (5) telecommunication access device, including a card, a plate, a code, a telephone number, an account number, a personal identification number, an electronic serial number, a mobile identification number, or another telecommunications service or device or means of account access that may be used to:
 - (A) obtain money, goods, services, or any other thing of value; or
 - (B) initiate a transfer of funds.

(j) "Insurance policy" includes the following:

- (1) An insurance policy.
- (2) A contract with a health maintenance organization (as defined in IC 27-13-1-19) or a limited service health maintenance organization (as defined in IC 27-13-1-27).
- (3) A written agreement entered into under IC 27-1-25.
- (k) "Insurer" has the meaning set forth in IC 27-1-2-3(x). The term also includes the following:
 - (1) A reinsurer.
 - (2) A purported insurer or reinsurer.
 - (3) A broker.
 - (4) An agent of an insurer, a reinsurer, a purported insurer or reinsurer, or a broker.
 - (5) A health maintenance organization.
 - (6) A limited service health maintenance organization.
- (l) "Manufacturer" means a person who manufactures a recording. The term does not include a person who manufactures a medium upon which sounds or visual images can be recorded or stored.
- (m) "Make" means to draw, prepare, complete, counterfeit, copy or otherwise reproduce, or alter any written instrument in whole or in part.
- (n) "Metering device" means a mechanism or system used by a utility to measure or record the quantity of services received by a customer.
- (o) "Public relief or assistance" means any payment made, service rendered, hospitalization provided, or other benefit extended to a person by a governmental entity from public funds and includes township assistance, food stamps, direct relief, unemployment compensation, and any other form of support or aid.
- (p) "Recording" means a tangible medium upon which sounds or visual images are recorded or stored. The term includes the following:
 - (1) An original:
 - (A) phonograph record;
 - (B) compact disc;
 - (C) wire;
 - (D) tape;
 - (E) audio cassette;
 - (F) video cassette; or
 - (G) film.
 - (2) Any other medium on which sounds or visual images are or can be recorded or otherwise stored.
 - (3) A copy or reproduction of an item in subdivision (1) or (2) that duplicates an original recording in whole or in part.
- (q) "Slug" means an article or object that is capable of being deposited in a coin machine as an improper substitute for a genuine coin, bill, or token.
- (r) "Synthetic identifying information" means identifying information that identifies:
 - (1) a false or fictitious person;
 - (2) a person other than the person who is using the information; or
 - (3) a combination of persons described under subdivisions (1) and (2).
- (s) "Utility" means a person who owns or operates, for public use, any plant, equipment, property, franchise, or license for the production, storage, transmission, sale, or delivery of electricity, water, steam, telecommunications, information, or gas.
- (t) "Written instrument" means a paper, a document, or other instrument containing written matter and includes money, coins, tokens, stamps, seals, credit cards, badges, trademarks, medals, retail sales receipts, labels or markings (including a universal product code (UPC) or another product identification code), or other objects or symbols of value, right, privilege, or identification. *As added by Acts 1976, P.L.148, SEC.3. Amended by Acts 1977, P.L.340, SEC.49; P.L.321-1983, SEC.4; P.L.182-1984, SEC.3; P.L.180-1991, SEC.8; P.L.216-1991, SEC.1; P.L.193-1991, SEC.2; P.L.247-1993, SEC.1; P.L.150-1994, SEC.2; P.L.2-1995, SEC.127; P.L.84-2001, SEC.2; P.L.180-2001, SEC.1; P.L.22-2003, SEC.1; P.L.160-2003, SEC.27; P.L.73-2005, SEC.170; P.L.171-2005, SEC.1; P.L.181-2005, SEC.5; P.L.137-2009, SEC.13.*

IC 35-43-5-2 Forgery; counterfeiting; application fraud

Sec. 2. (a) A person who knowingly or intentionally:

- (1) makes or utters a written instrument in such a manner that it purports to have been made:
 - (A) by another person;
 - (B) at another time;
 - (C) with different provisions; or
 - (D) by authority of one who did not give authority; or
- (2) possesses more than one (1) written instrument knowing that the written instruments were made in a manner that they pur-

port to have been made:

- (A) by another person;
- (B) at another time;
- (C) with different provisions; or
- (D) by authority of one who did not give authority;

commits counterfeiting, a Class D felony.

(b) A person who, with intent to defraud, makes, utters, or possesses a written instrument in such a manner that it purports to have been made:

- (1) by another person;
- (2) at another time;
- (3) with different provisions; or
- (4) by authority of one who did not give authority;

commits forgery, a Class C felony.

(c) This subsection applies to a person who applies for a driver's license (as defined in IC 9-13-2-48). A person who:

(1) knowingly or intentionally uses a false or fictitious name or gives a false or fictitious address in an application for a driver's license or for a renewal or a duplicate of a driver's license; or

(2) knowingly or intentionally makes a false statement or conceals a material fact or otherwise commits fraud in an application for a driver's license;

commits application fraud, a Class D felony.

(d) This subsection applies to a person who applies for a state identification card (as issued under IC 9-24-16). A person who:

(1) knowingly or intentionally uses false information in an application for an identification card or for a renewal or duplicate of an identification card; or

(2) knowingly or intentionally makes a false statement or otherwise commits fraud in an application for an identification card;

commits application fraud, a Class D felony.

As added by Acts 1976, P.L.148, SEC.3. Amended by Acts 1977, P.L.340, SEC.50; P.L.45-2005, SEC.2; P.L.106-2006, SEC.3.

IC 35-43-5-2.5 False government issued identification

Sec. 2.5. A person who knowingly or intentionally possesses, produces, or distributes a document not issued by a government entity that purports to be a government issued identification commits a Class A misdemeanor.

As added by P.L.109-2006, SEC.1.

IC 35-43-5-3 Deception

Sec. 3. (a) A person who:

(1) being an officer, manager, or other person participating in the direction of a credit institution, knowingly or intentionally receives or permits the receipt of a deposit or other investment, knowing that the institution is insolvent;

(2) knowingly or intentionally makes a false or misleading written statement with intent to obtain property, employment, or an educational opportunity;

(3) misapplies entrusted property, property of a governmental entity, or property of a credit institution in a manner that the person knows is unlawful or that the person knows involves substantial risk of loss or detriment to either the owner of the property or to a person for whose benefit the property was entrusted;

(4) knowingly or intentionally, in the regular course of business, either:

(A) uses or possesses for use a false weight or measure or other device for falsely determining or recording the quality or quantity of any commodity; or

(B) sells, offers, or displays for sale or delivers less than the represented quality or quantity of any commodity;

(5) with intent to defraud another person furnishing electricity, gas, water, telecommunication, or any other utility service, avoids a lawful charge for that service by scheme or device or by tampering with facilities or equipment of the person furnishing the service;

(6) with intent to defraud, misrepresents the identity of the person or another person or the identity or quality of property;

(7) with intent to defraud an owner of a coin machine, deposits a slug in that machine;

(8) with intent to enable the person or another person to deposit a slug in a coin machine, makes, possesses, or disposes of a slug;

(9) disseminates to the public an advertisement that the person knows is false, misleading, or deceptive, with intent to promote the purchase or sale of property or the acceptance of employment;

(10) with intent to defraud, misrepresents a person as being a physician licensed under IC 25-22.5; or

(11) knowingly and intentionally defrauds another person furnishing cable TV service by avoiding paying compensation for that service by any scheme or device or by tampering with facilities or equipment of the person furnishing the service;

commits deception, a Class A misdemeanor.

(b) In determining whether an advertisement is false, misleading, or deceptive under subsection (a)(9), there shall be considered, among other things, not only representations contained or suggested in the advertisement, by whatever means, including device or sound, but also the extent to which the advertisement fails to reveal material facts in the light of the representations.

As added by Acts 1976, P.L.148, SEC.3. Amended by Acts 1977, P.L.340, SEC.51; Acts 1978, P.L.144, SEC.5; P.L.182-1984, SEC.4; P.L.237-1989, SEC.2; P.L.247-1993, SEC.2; P.L.222-1996, SEC.1.

IC 35-43-5-3.5 Identity deception

Sec. 3.5. (a) Except as provided in subsection (c), a person who knowingly or intentionally obtains, possesses, transfers, or uses the identifying information of another person, including the identifying information of a person who is deceased:

- (1) without the other person's consent; and
- (2) with intent to:
 - (A) harm or defraud another person;
 - (B) assume another person's identity; or
 - (C) profess to be another person;

commits identity deception, a Class D felony.

(b) However, the offense defined in subsection (a) is a Class C felony if:

- (1) a person obtains, possesses, transfers, or uses the identifying information of more than one hundred (100) persons;
- (2) the fair market value of the fraud or harm caused by the offense is at least fifty thousand dollars (\$50,000); or
- (3) a person obtains, possesses, transfers, or uses the identifying information of a person who is less than eighteen (18) years of

age and is:

- (A) the person's son or daughter;
- (B) a dependent of the person;
- (C) a ward of the person; or
- (D) an individual for whom the person is a guardian.

(c) The conduct prohibited in subsections (a) and (b) does not apply to:

- (1) a person less than twenty-one (21) years of age who uses the identifying information of another person to acquire an alcoholic beverage (as defined in IC 7.1-1-3-5);
- (2) a minor (as defined in IC 35-49-1-4) who uses the identifying information of another person to acquire:
 - (A) a cigarette or tobacco product (as defined in IC 6-7-2-5);
 - (B) a periodical, a videotape, or other communication medium that contains or depicts nudity (as defined in IC 35-49-1-5);
 - (C) admittance to a performance (live or film) that prohibits the attendance of the minor based on age; or
 - (D) an item that is prohibited by law for use or consumption by a minor; or
- (3) any person who uses the identifying information for a lawful purpose.

(d) It is not a defense in a prosecution under subsection (a) or (b) that no person was harmed or defrauded.

As added by P.L.180-2001, SEC.2. Amended by P.L.22-2003, SEC.2; P.L.125-2006, SEC.9; P.L.137-2009, SEC.14.

IC 35-43-5-3.6 Terroristic deception

Sec. 3.6. A person who knowingly or intentionally obtains, possesses, transfers, or uses the identifying information of another person with intent to:

- (1) commit terrorism; or
- (2) obtain or transport a weapon of mass destruction;

commits terroristic deception, a Class C felony.

As added by P.L.123-2002, SEC.38.

IC 35-43-5-3.7 Notario publico deception

Sec. 3.7. A person who violates IC 33-42-2-10 commits notario publico deception, a Class A misdemeanor.

As added by P.L.85-2007, SEC.3.

IC 35-43-5-3.8 Synthetic identity deception

Sec. 3.8. (a) A person who knowingly or intentionally obtains, possesses, transfers, or uses the synthetic identifying information:

- (1) with intent to harm or defraud another person;
- (2) with intent to assume another person's identity; or
- (3) with intent to profess to be another person;

commits synthetic identity deception, a Class D felony.

(b) The offense under subsection (a) is a Class C felony if:

- (1) a person obtains, possesses, transfers, or uses the synthetic identifying information of more than one hundred (100) persons; or
- (2) the fair market value of the fraud or harm caused by the offense is at least fifty thousand dollars (\$50,000).
- (c) The conduct prohibited in subsections (a) and (b) does not apply to:
 - (1) a person less than twenty-one (21) years of age who uses the synthetic identifying information of another person to acquire an alcoholic beverage (as defined in IC 7.1-1-3-5); or
 - (2) a minor (as defined in IC 35-49-1-4) who uses the synthetic identifying information of another person to acquire:
 - (A) a cigarette or tobacco product (as defined in IC 6-7-2-5);
 - (B) a periodical, a videotape, or other communication medium that contains or depicts nudity (as defined in IC 35-49-1-5);
 - (C) admittance to a performance (live or on film) that prohibits the attendance of the minor based on age; or
 - (D) an item that is prohibited by law for use or consumption by a minor.
- (d) It is not a defense in a prosecution under subsection (a) or (b) that no person was harmed or defrauded.

As added by P.L.137-2009, SEC.15.

IC 35-43-5-4 Fraud

Sec. 4. A person who:

- (1) with intent to defraud, obtains property by:
 - (A) using a credit card, knowing that the credit card was unlawfully obtained or retained;
 - (B) using a credit card, knowing that the credit card is forged, revoked, or expired;
 - (C) using, without consent, a credit card that was issued to another person;
 - (D) representing, without the consent of the credit card holder, that the person is the authorized holder of the credit card; or
 - (E) representing that the person is the authorized holder of a credit card when the card has not in fact been issued;
- (2) being authorized by an issuer to furnish property upon presentation of a credit card, fails to furnish the property and, with intent to defraud the issuer or the credit card holder, represents in writing to the issuer that the person has furnished the property;
- (3) being authorized by an issuer to furnish property upon presentation of a credit card, furnishes, with intent to defraud the issuer or the credit card holder, property upon presentation of a credit card, knowing that the credit card was unlawfully obtained or retained or that the credit card is forged, revoked, or expired;
- (4) not being the issuer, knowingly or intentionally sells a credit card;
- (5) not being the issuer, receives a credit card, knowing that the credit card was unlawfully obtained or retained or that the credit card is forged, revoked, or expired;
- (6) with intent to defraud, receives a credit card as security for debt;
- (7) receives property, knowing that the property was obtained in violation of subdivision (1) of this section;
- (8) with intent to defraud the person's creditor or purchaser, conceals, encumbers, or transfers property;
- (9) with intent to defraud, damages property; or
- (10) knowingly or intentionally:
 - (A) sells;
 - (B) rents;
 - (C) transports; or
 - (D) possesses;

a recording for commercial gain or personal financial gain that does not conspicuously display the true name and address of the manufacturer of the recording;

commits fraud, a Class D felony.

As added by Acts 1976, P.L.148, SEC.3. Amended by Acts 1977, P.L.340, SEC.52; Acts 1978, P.L.82, SEC.3; P.L.180-1991, SEC.9; P.L.193-1991, SEC.3; P.L.1-1992, SEC.180; P.L.180-2001, SEC.3; P.L.181-2005, SEC.6.

IC 35-43-5-4.3 Unlawful possession of a card skimming device

Sec. 4.3. (a) As used in this section, "card skimming device" means a device that is designed to read information encoded on a credit card. The term includes a device designed to read, record, or transmit information encoded on a credit card:

- (1) directly from a credit card; or
- (2) from another device that reads information directly from a credit card.

(b) A person who possesses a card skimming device with intent to commit:

- (1) identity deception (IC 35-43-5-3.5);
- (2) synthetic identity deception (IC 35-43-5-3.8);
- (3) fraud (IC 35-43-5-4); or
- (4) terroristic deception (IC 35-43-5-3.6);

commits unlawful possession of a card skimming device. Unlawful possession of a card skimming device under subdivision (1), (2),

or (3) is a Class D felony. Unlawful possession of a card skimming device under subdivision (4) is a Class C felony.
As added by P.L. 125-2006, SEC. 10. Amended by P.L. 137-2009, SEC. 16.

IC 35-43-5-4.5 Insurance fraud; insurance application fraud

Sec. 4.5. (a) A person who, knowingly and with intent to defraud:

(1) makes, utters, presents, or causes to be presented to an insurer or an insurance claimant, a claim statement that contains false, incomplete, or misleading information concerning the claim;

(2) presents, causes to be presented, or prepares with knowledge or belief that it will be presented to or by an insurer, an oral, a written, or an electronic statement that the person knows to contain materially false information as part of, in support of, or concerning a fact that is material to:

- (A) the rating of an insurance policy;
- (B) a claim for payment or benefit under an insurance policy;
- (C) premiums paid on an insurance policy;
- (D) payments made in accordance with the terms of an insurance policy;
- (E) an application for a certificate of authority;
- (F) the financial condition of an insurer; or
- (G) the acquisition of an insurer;

or conceals any information concerning a subject set forth in clauses (A) through (G);

(3) solicits or accepts new or renewal insurance risks by or for an insolvent insurer or other entity regulated under IC 27;

(4) removes:

- (A) the assets;
- (B) the record of assets, transactions, and affairs; or
- (C) a material part of the assets or the record of assets, transactions, and affairs;

of an insurer or another entity regulated under IC 27, from the home office, other place of business, or place of safekeeping of the insurer or other regulated entity, or conceals or attempts to conceal from the department of insurance assets or records referred to in clauses (A) through (B); or

(5) diverts funds of an insurer or another person in connection with:

- (A) the transaction of insurance or reinsurance;
- (B) the conduct of business activities by an insurer or another entity regulated under IC 27; or
- (C) the formation, acquisition, or dissolution of an insurer or another entity regulated under IC 27;

commits insurance fraud. Except as provided in subsection (b), insurance fraud is a Class D felony.

(b) An offense described in subsection (a) is a Class C felony if:

- (1) the person who commits the offense has a prior unrelated conviction under this section; or
- (2) the:

- (A) value of property, services, or other benefits obtained or attempted to be obtained by the person as a result of the offense; or
- (B) economic loss suffered by another person as a result of the offense;

is at least two thousand five hundred dollars (\$2,500).

(c) A person who knowingly and with intent to defraud makes a material misstatement in support of an application for the issuance of an insurance policy commits insurance application fraud, a Class A misdemeanor.

As added by P.L. 181-2005, SEC. 7.

IC 35-43-5-5 Check deception

Sec. 5. (a) A person who knowingly or intentionally issues or delivers a check, a draft, or an order on a credit institution for the payment of or to acquire money or other property, knowing that it will not be paid or honored by the credit institution upon presentment in the usual course of business, commits check deception, a Class A misdemeanor. However, the offense is a Class D felony if the amount of the check, draft, or order is at least two thousand five hundred dollars (\$2,500) and the property acquired by the person was a motor vehicle.

(b) An unpaid and dishonored check, a draft, or an order that has the drawee's refusal to pay and reason printed, stamped, or written on or attached to it constitutes prima facie evidence:

- (1) that due presentment of it was made to the drawee for payment and dishonor thereof; and
- (2) that it properly was dishonored for the reason stated.

(c) The fact that a person issued or delivered a check, a draft, or an order, payment of which was refused by the drawee, constitutes prima facie evidence that the person knew that it would not be paid or honored. In addition, evidence that a person had insufficient funds in or no account with a drawee credit institution constitutes prima facie evidence that the person knew that the check, draft, or order would not be paid or honored.

(d) The following two (2) items constitute prima facie evidence of the identity of the maker of a check, draft, or order if at the time of

its acceptance they are obtained and recorded, either on the check, draft, or order itself or on file, by the payee:

(1) Name and residence, business, or mailing address of the maker.

(2) Motor vehicle operator's license number, Social Security number, home telephone number, or place of employment of the maker.

(e) It is a defense under subsection (a) if a person who:

(1) has an account with a credit institution but does not have sufficient funds in that account; and

(2) issues or delivers a check, a draft, or an order for payment on that credit institution;

pays the payee or holder the amount due, together with protest fees and any service fee or charge, which may not exceed the greater of twenty-seven dollars and fifty cents (\$27.50) or five percent (5%) (but not more than two hundred fifty dollars (\$250)) of the amount due, that may be charged by the payee or holder, within ten (10) days after the date of mailing by the payee or holder of notice to the person that the check, draft, or order has not been paid by the credit institution. Notice sent in the manner set forth in IC 26-2-7-3 constitutes notice to the person that the check, draft, or order has not been paid by the credit institution. The payee or holder of a check, draft, or order that has been dishonored incurs no civil or criminal liability for sending notice under this subsection.

(f) A person does not commit a crime under subsection (a) when:

(1) the payee or holder knows that the person has insufficient funds to ensure payment or that the check, draft, or order is post-dated; or

(2) insufficiency of funds or credit results from an adjustment to the person's account by the credit institution without notice to the person.

As added by Acts 1978, P.L.144, SEC.6. Amended by Acts 1981, P.L.303, SEC.1; P.L.268-1983, SEC.2; P.L.328-1983, SEC.1; P.L.298-1989, SEC.1; P.L.42-1993, SEC.96; P.L.300-1995, SEC.1; P.L.85-2003, SEC.1.

IC 35-43-5-6 Utilizing a device or scheme to avoid being assessed for full amount of services received from utility or cable TV service provider

Sec. 6. (a) A customer who utilizes any device or scheme to avoid being assessed for the full amount of services received from a utility or a cable TV service provider commits a Class B infraction.

(b) Evidence that a customer's metering device has been altered, removed, or bypassed without the knowledge of or notification to the utility is prima facie evidence that the customer has utilized a device or scheme to avoid being assessed for the full amount of services received from the utility.

(c) Evidence that access to services of a utility or a cable TV service provider has been obtained without authority from the utility or the cable TV service provider constitutes prima facie evidence that the person benefiting from the access has utilized a device or scheme to avoid being assessed for the full amount of services received from the utility or the cable TV service provider.

As added by P.L.321-1983, SEC.5. Amended by P.L.324-1985, SEC.1.

IC 35-43-5-6.5 Sale of kit or device for unauthorized use of cable television system services

Sec. 6.5. (a) A person who manufactures, distributes, sells, leases, or offers for sale or lease:

(1) a device; or

(2) a kit of parts to construct a device;

designed in whole or in part to intercept, unscramble, or decode a transmission by a cable television system with the intent that the device or kit be used to obtain cable television system services without full payment to the cable television system commits a Class D felony.

(b) The sale or distribution by a person of:

(1) any device; or

(2) a kit of parts to construct a device;

described in subsection (a) constitutes prima facie evidence of a violation of subsection (a) if, before or at the time of sale or distribution, the person advertised or indicated that the device or the assembled kit will enable a person to receive cable television system service without making full payment to the cable television system.

As added by P.L.222-1996, SEC.2.

IC 35-43-5-7 Welfare fraud

Sec. 7. (a) A person who knowingly or intentionally:

(1) obtains public relief or assistance by means of impersonation, fictitious transfer, false or misleading oral or written statement, fraudulent conveyance, or other fraudulent means;

(2) acquires, possesses, uses, transfers, sells, trades, issues, or disposes of:

(A) an authorization document to obtain public relief or assistance; or
(B) public relief or assistance;
except as authorized by law;
(3) uses, transfers, acquires, issues, or possesses a blank or incomplete authorization document to participate in public relief or assistance programs, except as authorized by law;
(4) counterfeits or alters an authorization document to receive public relief or assistance, or knowingly uses, transfers, acquires, or possesses a counterfeit or altered authorization document to receive public relief or assistance; or
(5) conceals information for the purpose of receiving public relief or assistance to which he is not entitled;
commits welfare fraud, a Class A misdemeanor, except as provided in subsection (b).

(b) The offense is:

(1) a Class D felony if:

(A) the amount of public relief or assistance involved is more than two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500); or

(B) the amount involved is not more than two hundred fifty dollars (\$250) and the person has a prior conviction of welfare fraud under this section; and

(2) a Class C felony if the amount of public relief or assistance involved is two thousand five hundred dollars (\$2,500) or more, regardless of whether the person has a prior conviction of welfare fraud under this section.

(c) Whenever a person is convicted of welfare fraud under this section, the clerk of the sentencing court shall certify to the appropriate state agency and the appropriate agency of the county of the defendant's residence:

(1) his conviction; and

(2) whether the defendant is placed on probation and restitution is ordered under IC 35-38-2.

As added by P.L.182-1984, SEC.5.

IC 35-43-5-7.1 Medicaid fraud

Sec. 7.1. (a) Except as provided in subsection (b), a person who knowingly or intentionally:

(1) files a Medicaid claim, including an electronic claim, in violation of IC 12-15;

(2) obtains payment from the Medicaid program under IC 12-15 by means of a false or misleading oral or written statement or other fraudulent means;

(3) acquires a provider number under the Medicaid program except as authorized by law;

(4) alters with the intent to defraud or falsifies documents or records of a provider (as defined in 42 CFR 1000.30) that are required to be kept under the Medicaid program; or

(5) conceals information for the purpose of applying for or receiving unauthorized payments from the Medicaid program;
commits Medicaid fraud, a Class D felony.

(b) The offense described in subsection (a) is a Class C felony if the fair market value of the offense is at least one hundred thousand dollars (\$100,000).

As added by P.L.10-1994, SEC.8. Amended by P.L.273-1999, SEC.179; P.L.1-2006, SEC.531.

IC 35-43-5-7.2 Insurance fraud

Sec. 7.2. (a) Except as provided in subsection (b), a person who knowingly or intentionally:

(1) files a children's health insurance program claim, including an electronic claim, in violation of IC 12-17.6;

(2) obtains payment from the children's health insurance program under IC 12-17.6 by means of a false or misleading oral or written statement or other fraudulent means;

(3) acquires a provider number under the children's health insurance program except as authorized by law;

(4) alters with intent to defraud or falsifies documents or records of a provider (as defined in 42 CFR 1002.301) that are required to be kept under the children's health insurance program; or

(5) conceals information for the purpose of applying for or receiving unauthorized payments from the children's health insurance program;
commits insurance fraud, a Class D felony.

(b) The offense described in subsection (a) is a Class C felony if the fair market value of the offense is at least one hundred thousand dollars (\$100,000).

As added by P.L.273-1999, SEC.180.

IC 35-43-5-7.3 Repealed

(Repealed by P.L.255-2003, SEC.55.)

IC 35-43-5-8 Fraud on financial institutions

Sec. 8. (a) A person who knowingly executes, or attempts to execute, a scheme or artifice:

(1) to defraud a state or federally chartered or federally insured financial institution; or
(2) to obtain any of the money, funds, credits, assets, securities, or other property owned by or under the custody or control of a state or federally chartered or federally insured financial institution by means of false or fraudulent pretenses, representations, or promises; commits a Class C felony.

(b) As used in this section, the term "state or federally chartered or federally insured financial institution" means:

(1) an institution with accounts insured by the Federal Deposit Insurance Corporation;
(2) a credit union with accounts insured by the National Credit Union Administration Board;
(3) a federal home loan bank or a member, as defined in Section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422), as in effect on December 31, 1990, of the Federal Home Loan Bank System; or
(4) a bank, banking association, land bank, intermediate credit bank, bank for cooperatives, production credit association, land bank association, mortgage association, trust company, savings bank, or other banking or financial institution organized or operating under the laws of the United States or of the state.

The term does not include a lender licensed under IC 24-4.5.

As added by P.L. 187-1984, SEC.1. Amended by P.L. 8-1991, SEC.35; P.L. 10-2006, SEC.80 and P.L. 57-2006, SEC.80.

IC 35-43-5-9 Falsely representing entity as disadvantaged or women owned business enterprise

Sec. 9. (a) A person who knowingly or intentionally falsely represents any entity as a disadvantaged business enterprise (as defined in IC 5-16-6.5-1) or a women owned business enterprise (as defined in IC 5-16-6.5-3) in order to qualify for certification as such an enterprise under a program conducted by a public agency (as defined in IC 5-16-6.5-2) designed to assist disadvantaged business enterprises or women owned business enterprises in obtaining contracts with public agencies for the provision of goods and services commits a Class D felony.

(b) A person who knowingly or intentionally falsely represents an entity with which the person will subcontract all or part of a contract with a public agency (as defined in IC 5-16-6.5-2) as a disadvantaged business enterprise (as defined in IC 5-16-6.5-1) or a women owned enterprise (as defined in IC 5-16-6.5-3) in order to qualify for certification as an eligible bidder under a program conducted by a public agency designed to assist disadvantaged business enterprises or women owned enterprises in obtaining contracts with public agencies for the provision of goods and services commits a Class D felony.

As added by P.L. 70-1987, SEC.2. Amended by P.L. 71-1989, SEC.3.

IC 35-43-5-10 Repealed

(Repealed by P.L. 247-1993, SEC.3.)

IC 35-43-5-11 Government contract procurement through false information

Sec. 11. A person who knowingly or intentionally provides false

information to a governmental entity to obtain a contract from the governmental entity commits a Class A misdemeanor. However, the offense is a Class D felony if the provision of false information results in financial loss to the governmental entity.

As added by P.L. 29-1993, SEC.5.

IC 35-43-5-12 Check fraud

Sec. 12. (a) As used in this section, "financial institution" refers to a state or federally chartered bank, savings bank, savings association, or credit union.

(b) A person who knowingly or intentionally obtains property, through a scheme or artifice, with intent to defraud:

(1) by issuing or delivering a check, a draft, an electronic debit, or an order on a financial institution:
(A) knowing that the check, draft, order, or electronic debit will not be paid or honored by the financial institution upon presentation in the usual course of business;
(B) using false or altered evidence of identity or residence;
(C) using a false or an altered account number; or
(D) using a false or an altered check, draft, order or electronic instrument;
(2) by:
(A) depositing the minimum initial deposit required to open an account; and
(B) either making no additional deposits or making insufficient additional deposits to insure debits to the account; or
(3) by opening accounts with more than one (1) financial institution in either a consecutive or concurrent time period;
commits check fraud, a Class D felony. However, the offense is a Class C felony if the person has a prior unrelated conviction under

this section or the aggregate amount of property obtained is at least twenty-five thousand dollars (\$25,000).
As added by P.L. 161-1994, SEC. 1. Amended by P.L. 79-1998, SEC. 105.

IC 35-43-5-13 Deception involving out of hospital do not resuscitate declarations

Sec. 13. Certain offenses concerning forgery and other deceptions involving out of hospital do not resuscitate declarations and orders are described in IC 16-36-5.

As added by P.L. 148-1999, SEC. 13.

IC 35-43-5-14 Possession of a fraudulent sales document

Sec. 14. (a) A person who, with intent to defraud, possesses:

- (1) a retail sales receipt;
- (2) a label or other item with a universal product code (UPC); or
- (3) a label or other item that contains a product identification code that applies to an item other than the items to which the

label or other item applies;

commits possession of a fraudulent sales document, a Class A misdemeanor.

(b) The offense under subsection (a) is a Class D felony if the person possesses at least fifteen (15):

- (1) retail sales receipts;
- (2) labels containing a universal product code (UPC);
- (3) labels containing another product identification code; or
- (4) of any combination of the items described in subdivisions (1) through (3).

As added by P.L. 84-2001, SEC. 3.

IC 35-43-5-15 Possession of a fraudulent sales document manufacturing device

Sec. 15. A person who, with intent to defraud, possesses a device to make retail sales receipts, universal product codes (UPC), or other product identification codes, commits possession of a fraudulent sales document manufacturing device, a Class A misdemeanor.

As added by P.L. 84-2001, SEC. 4.

IC 35-43-5-16 Making a false sales document

Sec. 16. A person who, with intent to defraud:

(1) makes or puts a false universal product code (UPC) or another product identification code on property displayed or offered for sale; or

(2) makes a false sales receipt;

commits making a false sales document, a Class D felony.

As added by P.L. 84-2001, SEC. 5.

IC 35-43-5-17 Delivery of a false sales document

Sec. 17. A person who, with intent to defraud, delivers a:

(1) false sales receipt;

(2) duplicate of a sales receipt; or

(3) label or other item with a false universal product code (UPC) or other product identification code;

to another person commits delivery of a false sales document, a Class D felony.

As added by P.L. 84-2001, SEC. 6.

IC 35-43-5-18 Possession of device or substance to interfere with drug or alcohol screening test

Sec. 18. A person who knowingly or intentionally possesses a:

(1) device; or

(2) substance;

designed or intended to be used to interfere with a drug or alcohol screening test commits possession of a device or substance used to interfere with a drug or alcohol screening test, a Class B misdemeanor.

As added by P.L. 171-2005, SEC. 2.

IC 35-43-5-19 Interfering with drug or alcohol screening test

Sec. 19. A person who interferes with or attempts to interfere with a drug or alcohol screening test by:

- (1) using a:
 - (A) device; or
 - (B) substance;
- (2) substituting a human bodily substance that is tested in a drug or alcohol screening test; or
- (3) adulterating a substance used in a drug or alcohol screening test;

commits interfering with a drug or alcohol screening test, a Class B misdemeanor.

As added by P.L.171-2005, SEC.3.

IC 35-43-5-20 Inmate fraud

Sec. 20. (a) As used in this section, "inmate" means a person who is confined in:

- (1) the custody of:
 - (A) the department of correction; or
 - (B) a sheriff;
- (2) a county jail; or
- (3) a secure juvenile facility.

(b) An inmate who, with the intent of obtaining money or other property from a person who is not an inmate, knowingly or intentionally:

- (1) makes a misrepresentation to a person who is not an inmate and obtains or attempts to obtain money or other property from the person who is not an inmate; or
- (2) obtains or attempts to obtain money or other property from the person who is not an inmate through a misrepresentation made by another person;

commits inmate fraud, a Class C felony.

As added by P.L.81-2008, SEC.5.

IC 35-45-4
Chapter 4. Indecent Acts and Prostitution

IC 35-45-4-1 Public indecency

Sec. 1. (a) A person who knowingly or intentionally, in a public place:

- (1) engages in sexual intercourse;
- (2) engages in deviate sexual conduct;
- (3) appears in a state of nudity with the intent to arouse the sexual desires of the person or another person; or
- (4) fondles the person's genitals or the genitals of another person;

commits public indecency, a Class A misdemeanor.

(b) A person at least eighteen (18) years of age who knowingly or intentionally, in a public place, appears in a state of nudity with the intent to be seen by a child less than sixteen (16) years of age commits public indecency, a Class A misdemeanor.

(c) However, the offense under subsection (a) or subsection (b) is a Class D felony if the person who commits the offense has a prior unrelated conviction:

- (1) under subsection (a) or (b); or
- (2) in another jurisdiction, including a military court, that is substantially equivalent to an offense described in subsection (a) or (b).

(d) As used in this section, "nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of covered male genitals in a discernibly turgid state.

(e) A person who, in a place other than a public place, with the intent to be seen by persons other than invitees and occupants of that place:

- (1) engages in sexual intercourse;
- (2) engages in deviate sexual conduct;
- (3) fondles the person's genitals or the genitals of another person; or
- (4) appears in a state of nudity;

where the person can be seen by persons other than invitees and occupants of that place commits indecent exposure, a Class C misdemeanor.

As added by Acts 1976, P.L.148, SEC.5. Amended by Acts 1977, P.L.340, SEC.76; P.L.189-1984, SEC.1; P.L.215-1997, SEC.1; P.L.121-2000, SEC.1; P.L.123-2003, SEC.2.

IC 35-45-4-1.5 Public nudity

Sec. 1.5. (a) As used in this section, "nudity" has the meaning set forth in section 1(d) of this chapter.

(b) A person who knowingly or intentionally appears in a public place in a state of nudity commits public nudity, a Class C misdemeanor.

(c) A person who knowingly or intentionally appears in a public place in a state of nudity with the intent to be seen by another person commits a Class B misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this subsection or under subsection (d).

(d) A person who knowingly or intentionally appears in a state of nudity:

- (1) in or on school grounds;
- (2) in a public park; or
- (3) with the intent to arouse the sexual desires of the person or another person, in a department of natural resources owned or managed property;

commits a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this subsection or under subsection (c).

As added by P.L.123-2003, SEC.3.

IC 35-45-4-2 Prostitution

Sec. 2. A person who knowingly or intentionally:

- (1) performs, or offers or agrees to perform, sexual intercourse or deviate sexual conduct; or
- (2) fondles, or offers or agrees to fondle, the genitals of another person;

for money or other property commits prostitution, a Class A misdemeanor. However, the offense is a Class D felony if the person has two (2) prior convictions under this section.

As added by Acts 1976, P.L.148, SEC.5. Amended by Acts 1977, P.L.340, SEC.77; Acts 1979, P.L.301, SEC.1; P.L.310-1983, SEC.3.

IC 35-45-4-3 Patronizing a prostitute

Sec. 3. A person who knowingly or intentionally pays, or offers or agrees to pay, money or other property to another person:

(1) for having engaged in, or on the understanding that the other person will engage in, sexual intercourse or deviate sexual conduct with the person or with any other person; or

(2) for having fondled, or on the understanding that the other person will fondle, the genitals of the person or any other person; commits patronizing a prostitute, a Class A misdemeanor. However, the offense is a Class D felony if the person has two (2) prior convictions under this section.

As added by Acts 1976, P.L. 148, SEC.5. Amended by Acts 1977, P.L.340, SEC. 78; Acts 1979, P.L.301, SEC.2; P.L.310-1983, SEC.4.

IC 35-45-4-4 Promoting prostitution

Sec. 4. A person who:

(1) knowingly or intentionally entices or compels another person to become a prostitute;

(2) knowingly or intentionally procures, or offers or agrees to procure, a person for another person for the purpose of prostitution;

(3) having control over the use of a place, knowingly or intentionally permits another person to use the place for prostitution;

(4) receives money or other property from a prostitute, without lawful consideration, knowing it was earned in whole or in part from prostitution; or

(5) knowingly or intentionally conducts or directs another person to a place for the purpose of prostitution; commits promoting prostitution, a Class C felony. However, the offense is a Class B felony under subdivision (1) if the person enticed or compelled is under eighteen (18) years of age.

As added by Acts 1976, P.L. 148, SEC.5. Amended by Acts 1977, P.L.340, SEC. 79; Acts 1978, P.L.148, SEC. 6.

IC 35-45-4-5 Voyeurism; "peep" defined

Sec. 5. (a) A person:

(1) who:

(A) peeps; or

(B) goes upon the land of another with the intent to peep; into an occupied dwelling of another person; or

(2) who peeps into an area where an occupant of the area reasonably can be expected to disrobe, including:

(A) restrooms;

(B) baths;

(C) showers; and

(D) dressing rooms;

without the consent of the other person, commits voyeurism, a Class B misdemeanor.

(b) However, the offense under subsection (a) is a Class D felony if:

(1) it is knowingly or intentionally committed by means of a camera, a video camera, or any other type of video recording device; or

(2) the person who commits the offense has a prior unrelated conviction:

(A) under this section; or

(B) in another jurisdiction, including a military court, for an offense that is substantially similar to an offense described in this section.

(c) "Peep" means any looking of a clandestine, surreptitious, prying, or secretive nature.

As added by P.L.311-1983, SEC.31. Amended by P.L.301-1995, SEC.1; P.L.215-1997, SEC.2; P.L.7-2005, SEC.1.

IC 35-46-1
Chapter 1. Offenses Against the Family

IC 35-46-1-1 Definitions

Sec. 1. As used in this chapter:

"Dependent" means:

- (1) an unemancipated person who is under eighteen (18) years of age; or
- (2) a person of any age who has a mental or physical disability.

"Endangered adult" has the meaning set forth in IC 12-10-3-2.

"Support" means food, clothing, shelter, or medical care.

"Tobacco business" means a sole proprietorship, corporation, partnership, or other enterprise in which:

- (1) the primary activity is the sale of tobacco, tobacco products, and tobacco accessories; and
- (2) the sale of other products is incidental.

As added by Acts 1976, P.L.148, SEC.6. Amended by Acts 1977, P.L.340, SEC.84; P.L.185-1984, SEC.2; P.L.208-1986, SEC.1; P.L.41-1987, SEC.19; P.L.2-1992, SEC.881; P.L.256-1996, SEC.10; P.L.99-2007, SEC.210.

IC 35-46-1-1.7 "Tobacco" defined

Sec. 1.7. As used in this chapter, "tobacco" includes:

- (1) chewing tobacco;
- (2) cigars, cigarettes, and snuff that contain tobacco; and
- (3) pipe tobacco.

As added by P.L.318-1987, SEC.2.

IC 35-46-1-2 Bigamy

Sec. 2. (a) A person who, being married and knowing that his spouse is alive, marries again commits bigamy, a Class D felony.

(b) It is a defense that the accused person reasonably believed that he was eligible to remarry.

As added by Acts 1976, P.L.148, SEC.6. Amended by Acts 1977, P.L.340, SEC.85.

IC 35-46-1-3 Incest

Sec. 3. (a) A person eighteen (18) years of age or older who engages in sexual intercourse or deviate sexual conduct with another person, when the person knows that the other person is related to the person biologically as a parent, child, grandparent, grandchild, sibling, aunt, uncle, niece, or nephew, commits incest, a Class C felony. However, the offense is a Class B felony if the other person is less than sixteen (16) years of age.

(b) It is a defense that the accused person's otherwise incestuous relation with the other person was based on their marriage, if it was valid where entered into.

As added by Acts 1976, P.L.148, SEC.6. Amended by Acts 1977, P.L.340, SEC.86; P.L.158-1987, SEC.5; P.L.79-1994, SEC.16.

IC 35-46-1-4 Neglect of a dependent; child selling

Sec. 4. (a) A person having the care of a dependent, whether assumed voluntarily or because of a legal obligation, who knowingly or intentionally:

- (1) places the dependent in a situation that endangers the dependent's life or health;
- (2) abandons or cruelly confines the dependent;
- (3) deprives the dependent of necessary support; or
- (4) deprives the dependent of education as required by law;

commits neglect of a dependent, a Class D felony.

(b) However, the offense is:

(1) a Class C felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and:

(A) results in bodily injury; or

(B) is:

(i) committed in a location where a person is violating IC 35-48-4-1 (delivery, financing, or manufacture of cocaine, methamphetamine, or a narcotic drug); or

(ii) the result of a violation of IC 35-48-4-1 (delivery, financing, or manufacture of cocaine, methamphetamine, or a narcotic drug);

(2) a Class B felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) and results in serious bodily injury;

(3) a Class A felony if it is committed under subsection (a)(1), (a)(2), or (a)(3) by a person at least eighteen (18) years of age and

results in the death of a dependent who is less than fourteen (14) years of age; and

(4) a Class C felony if it is committed under subsection (a)(2) and consists of cruel confinement or abandonment that:

(A) deprives a dependent of necessary food, water, or sanitary facilities;

(B) consists of confinement in an area not intended for human habitation; or

(C) involves the unlawful use of handcuffs, a rope, a cord, tape, or a similar device to physically restrain a dependent.

(c) It is a defense to a prosecution based on an alleged act under this section that:

(1) the accused person left a dependent child who was, at the time the alleged act occurred, not more than thirty (30) days of age with an emergency medical provider who took custody of the child under IC 31-34-2.5 when:

(A) the prosecution is based solely on the alleged act of leaving the child with the emergency medical services provider; and

(B) the alleged act did not result in bodily injury or serious bodily injury to the child; or

(2) the accused person, in the legitimate practice of the accused person's religious belief, provided treatment by spiritual means through prayer, in lieu of medical care, to the accused person's dependent.

(d) Except for property transferred or received:

(1) under a court order made in connection with a proceeding under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5 or IC 31-6-5 before their repeal); or

(2) under IC 35-46-1-9(b);

a person who transfers or receives any property in consideration for the termination of the care, custody, or control of a person's dependent child commits child selling, a Class D felony.

As added by Acts 1976, P.L.148, SEC.6. Amended by Acts 1977, P.L.340, SEC.87; Acts 1978, P.L.144, SEC.8; Acts 1980, P.L.208, SEC.1; Acts 1981, P.L.299, SEC.2; Acts 1981, P.L.301, SEC.3; P.L.1-1997, SEC.151; P.L.197-1999, SEC.6; P.L.133-2000, SEC.10; P.L.46-2004, SEC.1; P.L.26-2006, SEC.2; P.L.15-2007, SEC.1; P.L.109-2007, SEC.1.

IC 35-46-1-5 Nonsupport of a dependent child

Sec. 5. (a) A person who knowingly or intentionally fails to provide support to the person's dependent child commits nonsupport of a child, a Class D felony. However, the offense is a Class C felony if the total amount of unpaid support that is due and owing for one (1) or more children is at least fifteen thousand dollars (\$15,000).

(b) It is a defense that the child had abandoned the home of his family without the consent of his parent or on the order of a court, but it is not a defense that the child had abandoned the home of his family if the cause of the child's leaving was the fault of his parent.

(c) It is a defense that the accused person, in the legitimate practice of his religious belief, provided treatment by spiritual means through prayer, in lieu of medical care, to his dependent child.

(d) It is a defense that the accused person was unable to provide support.

As added by Acts 1976, P.L.148, SEC.6. Amended by Acts 1977, P.L.340, SEC.88; Acts 1978, P.L.144, SEC.9; P.L.213-1996, SEC.4; P.L.123-2001, SEC.4.

IC 35-46-1-6 Nonsupport of a spouse

Sec. 6. (a) A person who knowingly or intentionally fails to provide support to his spouse, when the spouse needs support, commits nonsupport of a spouse, a Class D felony.

(b) It is a defense that the accused person was unable to provide support.

As added by Acts 1976, P.L.148, SEC.6. Amended by Acts 1977, P.L.340, SEC.89; Acts 1978, P.L.144, SEC.10.

IC 35-46-1-7 Nonsupport of a parent

Sec. 7. (a) A person who knowingly or intentionally fails to provide support to his parent, when the parent is unable to support himself, commits nonsupport of a parent, a Class A misdemeanor.

(b) It is a defense that the accused person had not been supported by the parent during the time he was a dependent child under eighteen (18) years of age, unless the parent was unable to provide support.

(c) It is a defense that the accused person was unable to provide support.

As added by Acts 1976, P.L.148, SEC.6. Amended by Acts 1977, P.L.340, SEC.90; Acts 1978, P.L.144, SEC.11.

IC 35-46-1-8 Contributing to the delinquency of a minor

Sec. 8. (a) A person at least eighteen (18) years of age who knowingly or intentionally encourages, aids, induces, or causes a person less than eighteen (18) years of age to commit an act of delinquency (as defined by IC 31-37-1 or IC 31-37-2) commits contributing to delinquency, a Class A misdemeanor.

(b) However, the offense described in subsection (a) is a Class C felony:

(1) if:

- (A) the person committing the offense is at least twenty-one (21) years of age and knowingly or intentionally furnishes:
 - (i) an alcoholic beverage to a person less than eighteen (18) years of age in violation of IC 7.1-5-7-8 when the person committing the offense knew or reasonably should have known that the person furnished the alcoholic beverage was less than eighteen (18) years of age; or
 - (ii) a controlled substance (as defined in IC 35-48-1-9) or a drug (as defined in IC 9-13-2-49.1) in violation of Indiana law; and
- (B) the consumption, ingestion, or use of the alcoholic beverage, controlled substance, or drug is the proximate cause of the death of any person; or
- (2) if the person committing the offense knowingly or intentionally encourages, aids, induces, or causes a person less than eighteen (18) years of age to commit an act that would be a felony if committed by an adult under any of the following:
 - (A) IC 35-48-4-1.
 - (B) IC 35-48-4-1.1.
 - (C) IC 35-48-4-2.
 - (D) IC 35-48-4-3.
 - (E) IC 35-48-4-4.
 - (F) IC 35-48-4-4.5.
 - (G) IC 35-48-4-4.6.
 - (H) IC 35-48-4-5.

As added by Acts 1976, P.L.148, SEC.6. Amended by Acts 1977, P.L.340, SEC.91; Acts 1978, P.L.144, SEC.12; Acts 1979, P.L.276, SEC.58; P.L.216-1996, SEC.24; P.L.1-1997, SEC.152; P.L.46-2004, SEC.2; P.L.2-2005, SEC.126; P.L.1-2006, SEC.533; P.L.151-2006, SEC.18.

IC 35-46-1-9 Profiting from adoption

Sec. 9. (a) Except as provided in subsection (b), a person who, with respect to an adoption, transfers or receives any property in connection with the waiver of parental rights, the termination of parental rights, the consent to adoption, or the petition for adoption commits profiting from an adoption, a Class D felony.

(b) This section does not apply to the transfer or receipt of:

- (1) reasonable attorney's fees;
- (2) hospital and medical expenses concerning childbirth and pregnancy incurred by the adopted person's birth mother;
- (3) reasonable charges and fees levied by a child placing agency licensed under IC 31-27 or the department of child services;
- (4) reasonable expenses for psychological counseling relating to adoption incurred by the adopted person's birth parents;
- (5) reasonable costs of housing, utilities, and phone service for the adopted person's birth mother during the second or third trimester of pregnancy and not more than six (6) weeks after childbirth;
- (6) reasonable costs of maternity clothing for the adopted person's birth mother;
- (7) reasonable travel expenses incurred by the adopted person's birth mother that relate to the pregnancy or adoption;
- (8) any additional itemized necessary living expenses for the adopted person's birth mother during the second or third trimester of pregnancy and not more than six (6) weeks after childbirth, not listed in subdivisions (5) through (7) in an amount not to exceed one thousand dollars (\$1,000); or

(9) other charges and fees approved by the court supervising the adoption, including reimbursement of not more than actual wages lost as a result of the inability of the adopted person's birth mother to work at her regular, existing employment due to a medical condition, excluding a psychological condition, if:

- (A) the attending physician of the adopted person's birth mother has ordered or recommended that the adopted person's birth mother discontinue her employment; and
- (B) the medical condition and its direct relationship to the pregnancy of the adopted person's birth mother are documented by her attending physician.

In determining the amount of reimbursable lost wages, if any, that are reasonably payable to the adopted person's birth mother under subdivision (9), the court shall offset against the reimbursable lost wages any amounts paid to the adopted person's birth mother under subdivisions (5) and (8) and any unemployment compensation received by or owed to the adopted person's birth mother.

(c) Except as provided in this subsection, payments made under subsection (b)(5) through (b)(9) may not exceed three thousand dollars (\$3,000) and must be disclosed to the court supervising the adoption. The amounts paid under subsection (b)(5) through (b)(9) may exceed three thousand dollars (\$3,000) to the extent that a court in Indiana with jurisdiction over the child who is the subject of the adoption approves the expenses after determining that:

- (1) the expenses are not being offered as an inducement to proceed with an adoption; and
- (2) failure to make the payments may seriously jeopardize the health of either the child or the mother of the child and the direct relationship is documented by a licensed social worker or the attending physician.

(d) The payment limitation under subsection (c) applies to the total amount paid under subsection (b)(5) through (b)(9) in connection with an adoption from all prospective adoptive parents, attorneys, and licensed child placing agencies.

(e) An attorney or licensed child placing agency shall inform a birth mother of the penalties for committing adoption deception under

section 9.5 of this chapter before the attorney or agency transfers a payment for adoption related expenses under subsection (b) in relation to the birth mother.

(f) The limitations in this section apply regardless of the state or country in which the adoption is finalized.

As added by Acts 1980, P.L.208, SEC.2. Amended by P.L.117-1990, SEC.6; P.L.2-1992, SEC.882; P.L.81-1992, SEC.39; P.L.1-1993, SEC.241; P.L.4-1993, SEC.326; P.L.5-1993, SEC.333; P.L.226-1996, SEC.1; P.L.200-1999, SEC.32; P.L.130-2005, SEC.14; P.L.145-2006, SEC.371; P.L.146-2007, SEC.18; P.L.146-2008, SEC.683.

IC 35-46-1-9.5 Adoption deception

Sec. 9.5. A person who is a birth mother, or a woman who holds herself out to be a birth mother, and who knowingly or intentionally benefits from adoption related expenses paid:

(1) when the person knows or should have known that the person is not pregnant;

(2) by or on behalf of a prospective adoptive parent who is unaware that at the same time another prospective adoptive parent is also paying adoption related expenses described under section 9(b) of this chapter in an effort to adopt the same child; or

(3) when the person does not intend to make an adoptive placement;

commits adoption deception, a Class A misdemeanor. In addition to any other penalty imposed under this section, a court may order the person who commits adoption deception to make restitution to a prospective adoptive parent, attorney, or licensed child placing agency that incurs an expense as a result of the offense.

As added by P.L.200-1999, SEC.33. Amended by P.L.61-2003, SEC.21; P.L.146-2007, SEC.19.

IC 35-46-1-10 Sale or distribution of tobacco to minors; defenses

Sec. 10. (a) A person who knowingly:

(1) sells or distributes tobacco to a person less than eighteen (18) years of age; or

(2) purchases tobacco for delivery to another person who is less than eighteen (18) years of age;

commits a Class C infraction. For a sale to take place under this section, the buyer must pay the seller for the tobacco product.

(b) It is not a defense that the person to whom the tobacco was sold or distributed did not smoke, chew, or otherwise consume the tobacco.

(c) The following defenses are available to a person accused of selling or distributing tobacco to a person who is less than eighteen (18) years of age:

(1) The buyer or recipient produced a driver's license bearing the purchaser's or recipient's photograph, showing that the purchaser or recipient was of legal age to make the purchase.

(2) The buyer or recipient produced a photographic identification card issued under IC 9-24-16-1, or a similar card issued under the laws of another state or the federal government, showing that the purchaser or recipient was of legal age to make the purchase.

(3) The appearance of the purchaser or recipient was such that an ordinary prudent person would believe that the purchaser or recipient was not less than the age that complies with regulations promulgated by the federal Food and Drug Administration.

(d) It is a defense that the accused person sold or delivered the tobacco to a person who acted in the ordinary course of employment or a business concerning tobacco:

(1) agriculture;

(2) processing;

(3) transporting;

(4) wholesaling; or

(5) retailing.

(e) As used in this section, "distribute" means to give tobacco to another person as a means of promoting, advertising, or marketing the tobacco to the general public.

(f) Unless a person buys or receives tobacco under the direction of a law enforcement officer as part of an enforcement action, a person who sells or distributes tobacco is not liable for a violation of this section unless the person less than eighteen (18) years of age who bought or received the tobacco is issued a citation or summons under section 10.5 of this chapter.

(g) Notwithstanding IC 34-28-5-4(c), civil penalties collected under this section must be deposited in the Richard D. Doyle youth tobacco education and enforcement fund (IC 7.1-6-2-6).

As added by Acts 1980, P.L.209, SEC.1. Amended by P.L.330-1983, SEC.1; P.L.318-1987, SEC.3; P.L.125-1988, SEC.4; P.L.177-1999, SEC.10; P.L.1-2001, SEC.37; P.L.204-2001, SEC.65; P.L.252-2003, SEC.17.

IC 35-46-1-10.1 Establishment's selling or furnishing alcoholic beverages to minors; civil penalties; defenses

Sec. 10.1. (a) If a permit holder or an agent or employee of a permit holder violates IC 7.1-5-7-8 on the licensed premises, in addition to any other penalty, a civil judgment may be imposed against the permit holder as follows:

(1) If the licensed premises at that specific business location has not been issued a citation or summons for a violation of IC 7.1-5-7-8 in the previous one hundred eighty (180) days, a civil penalty of up to two hundred dollars (\$200).

(2) If the licensed premises at that specific business location has had one (1) citation or summons for a violation of IC 7.1-5-7-8 in the previous one hundred eighty (180) days, a civil penalty of up to four hundred dollars (\$400).

(3) If the licensed premises at that specific business location has had two (2) citations or summonses for a violation of IC 7.1-5-7-8 in the previous one hundred eighty (180) days, a civil penalty of up to seven hundred dollars (\$700).

(4) If the licensed premises at that specific business location has had three (3) or more citations or summonses for a violation of IC 7.1-5-7-8 in the previous one hundred eighty (180) days, a civil penalty of up to one thousand dollars (\$1,000).

(b) The defenses set forth in IC 7.1-5-7-5.1 are available to a permit holder in an action under this section.

(c) Unless a person less than twenty-one (21) years of age buys or receives an alcoholic beverage under the direction of a law enforcement officer as part of an enforcement action, a permit holder that sells alcoholic beverages is not liable under this section unless the person less than twenty-one (21) years of age who bought or received the alcoholic beverage is charged for violating IC 7.1-5-7-7.

(d) All civil penalties collected under this section shall be deposited in the alcohol and tobacco commission's enforcement and administration fund under IC 7.1-4-10.

As added by P.L.94-2008, SEC.61.

IC 35-46-1-10.2 Retail establishment's sale or distribution of tobacco to minors; defenses

Sec. 10.2. (a) A retail establishment that sells or distributes tobacco to a person less than eighteen (18) years of age commits a Class C infraction. For a sale to take place under this section, the buyer must pay the retail establishment for the tobacco product. Notwithstanding IC 34-28-5-4(c), a civil judgment for an infraction committed under this section must be imposed as follows:

(1) If the retail establishment at that specific business location has not been issued a citation or summons for a violation of this section in the previous one hundred eighty (180) days, a civil penalty of up to two hundred dollars (\$200).

(2) If the retail establishment at that specific business location has had one (1) citation or summons issued for a violation of this section in the previous one hundred eighty (180) days, a civil penalty of up to four hundred dollars (\$400).

(3) If the retail establishment at that specific business location has had two (2) citations or summonses issued for a violation of this section in the previous one hundred eighty (180) days, a civil penalty of up to seven hundred dollars (\$700).

(4) If the retail establishment at that specific business location has had three (3) or more citations or summonses issued for a violation of this section in the previous one hundred eighty (180) days, a civil penalty of up to one thousand dollars (\$1,000).

A retail establishment may not be issued a citation or summons for a violation of this section more than once every twenty-four (24) hours for each specific business location.

(b) It is not a defense that the person to whom the tobacco was sold or distributed did not smoke, chew, or otherwise consume the tobacco.

(c) The following defenses are available to a retail establishment accused of selling or distributing tobacco to a person who is less than eighteen (18) years of age:

(1) The buyer or recipient produced a driver's license bearing the purchaser's or recipient's photograph showing that the purchaser or recipient was of legal age to make the purchase.

(2) The buyer or recipient produced a photographic identification card issued under IC 9-24-16-1 or a similar card issued under the laws of another state or the federal government showing that the purchaser or recipient was of legal age to make the purchase.

(3) The appearance of the purchaser or recipient was such that an ordinary prudent person would believe that the purchaser or recipient was not less than the age that complies with regulations promulgated by the federal Food and Drug Administration.

(d) It is a defense that the accused retail establishment sold or delivered the tobacco to a person who acted in the ordinary course of employment or a business concerning tobacco:

(1) agriculture;

(2) processing;

(3) transporting;

(4) wholesaling; or

(5) retailing.

(e) As used in this section, "distribute" means to give tobacco to another person as a means of promoting, advertising, or marketing the tobacco to the general public.

(f) Unless a person buys or receives tobacco under the direction of a law enforcement officer as part of an enforcement action, a retail establishment that sells or distributes tobacco is not liable for a violation of this section unless the person less than eighteen (18) years of age who bought or received the tobacco is issued a citation or summons under section 10.5 of this chapter.

(g) Notwithstanding IC 34-28-5-5(c), civil penalties collected under this section must be deposited in the Richard D. Doyle youth tobacco education and enforcement fund (IC 7.1-6-2-6).

(h) A person who violates subsection (a) at least six (6) times in any one hundred eighty (180) day period commits habitual illegal sale of tobacco, a Class B infraction.

As added by P.L.177-1999, SEC.11. Amended by P.L.14-2000, SEC.72; P.L.1-2001, SEC.38; P.L.250-2003, SEC.17; P.L.252-2003, SEC.18; P.L.94-2008, SEC.62.

IC 35-46-1-10.5 Purchase, acceptance, or possession of tobacco; defenses

Sec. 10.5. (a) A person less than eighteen (18) years of age who:

- (1) purchases tobacco;
- (2) accepts tobacco for personal use; or
- (3) possesses tobacco on his person;

commits a Class C infraction.

(b) It is a defense under subsection (a) that the accused person acted in the ordinary course of employment in a business concerning tobacco:

- (1) agriculture;
- (2) processing;
- (3) transporting;
- (4) wholesaling; or
- (5) retailing.

As added by P.L.125-1988, SEC.5. Amended by P.L.256-1996, SEC.13.

IC 35-46-1-11 Retail sale of tobacco; warning notices required; failure to post; offenses

Sec. 11. (a) A tobacco vending machine that is located in a public place must bear the following conspicuous notices:

(1) A notice:

(A) that reads as follows, with the capitalization indicated: "If you are under 18 years of age, YOU ARE FORBIDDEN by Indiana law to buy tobacco from this machine."; or

(B) that:

- (i) conveys a message substantially similar to the message described in clause (A); and
- (ii) is formatted with words and in a form authorized under the rules adopted by the alcohol and tobacco commission.

(2) A notice that reads as follows, "Smoking by Pregnant Women May Result in Fetal Injury, Premature Birth, and Low Birth Weight."

(3) A notice printed in letters and numbers at least one-half (1/2) inch high that displays a toll free phone number for assistance to callers in quitting smoking, as determined by the state department of health.

(b) A person who owns or has control over a tobacco vending machine in a public place and who:

- (1) fails to post a notice required by subsection (a) on the vending machine; or
- (2) fails to replace a notice within one (1) month after it is removed or defaced;

commits a Class C infraction.

(c) An establishment selling tobacco at retail shall post and maintain in a conspicuous place, at the point of sale, the following:

(1) Signs printed in letters at least one-half (1/2) inch high, reading as follows:

(A) "The sale of tobacco to persons under 18 years of age is forbidden by Indiana law."

(B) "Smoking by Pregnant Women May Result in Fetal Injury, Premature Birth, and Low Birth Weight."

(2) A sign printed in letters and numbers at least one-half (1/2) inch high that displays a toll free phone number for assistance to callers in quitting smoking, as determined by the state department of health.

(d) A person who:

- (1) owns or has control over an establishment selling tobacco at retail; and
- (2) fails to post and maintain the sign required by subsection (c);

commits a Class C infraction.

As added by P.L.330-1983, SEC.2. Amended by P.L.318-1987, SEC.4; P.L.204-2001, SEC.66; P.L.94-2008, SEC.63.

IC 35-46-1-11.2 Operation of tobacco business near school prohibited

Sec. 11.2. (a) This section does not apply to a tobacco business:

- (1) operating as a tobacco business before April 1, 1996; or
- (2) that begins operating as a tobacco business after April 1, 1996, if at the time the tobacco business begins operation the tobacco business is not located in an area prohibited under this section.

(b) A person may not operate a tobacco business within two hundred (200) feet of a public or private elementary or secondary school, as measured between the nearest point of the premises occupied by the tobacco business and the nearest point of a building used by the school for instructional purposes. (c) A person who violates this section commits a Class C misdemeanor.

As added by P.L.256-1996, SEC.11.

IC 35-46-1-11.3 Repealed

(Repealed by P.L.250-2003, SEC.19.)

IC 35-46-1-11.5 Coin machines for sale or distribution of tobacco

Sec. 11.5. (a) Except for a coin machine that is placed in or directly adjacent to an entranceway or an exit, or placed in a hallway, a restroom, or another common area that is accessible to persons who are less than eighteen (18) years of age, this section does not apply to a coin machine that is located in the following:

(1) That part of a licensed premises (as defined in IC 7.1-1-3-20) where entry is limited to persons who are at least eighteen (18) years of age.

(2) Private industrial or office locations that are customarily accessible only to persons who are at least eighteen (18) years of age.

(3) Private clubs if the membership is limited to persons who are at least eighteen (18) years of age.

(4) Riverboats where entry is limited to persons who are at least twenty-one (21) years of age and on which lawful gambling is authorized.

(b) As used in this section, "coin machine" has the meaning set forth in IC 35-43-5-1.

(c) Except as provided in subsection (a), an owner of a retail establishment may not:

(1) distribute or sell tobacco by use of a coin machine; or

(2) install or maintain a coin machine that is intended to be used for the sale or distribution of tobacco.

(d) An owner of a retail establishment who violates this section commits a Class C infraction. A citation or summons issued under this section must provide notice that the coin machine must be moved within two (2) business days. Notwithstanding IC 34-28-5-4(c), a civil judgment for an infraction committed under this section must be imposed as follows:

(1) If the owner of the retail establishment has not been issued a citation or summons for a violation of this section in the previous ninety (90) days, a civil penalty of fifty dollars (\$50).

(2) If the owner of the retail establishment has had one (1) citation or summons issued for a violation of this section in the previous ninety (90) days, a civil penalty of two hundred fifty dollars (\$250).

(3) If the owner of the retail establishment has had two (2) citations or summonses issued for a violation of this section in the previous ninety (90) days for the same machine, the coin machine shall be removed or impounded by a law enforcement officer having jurisdiction where the violation occurs.

An owner of a retail establishment may not be issued a citation or summons for a violation of this section more than once every two (2) business days for each business location.

(e) Notwithstanding IC 34-28-5-5(c), civil penalties collected under this section must be deposited in the Richard D. Doyle youth tobacco education and enforcement fund established under IC 7.1-6-2-6.

As added by P.L.49-1990, SEC.20. Amended by P.L.177-1999, SEC.13; P.L.14-2000, SEC.73; P.L.1-2001, SEC.40; P.L.252-2003, SEC.20.

IC 35-46-1-11.7 Minors prohibited from entering retail establishment that primarily sells tobacco products; posting notices required; civil penalties

Sec. 11.7. (a) A retail establishment that has as its primary purpose the sale of tobacco products may not allow an individual who is less than eighteen (18) years of age to enter the retail establishment.

(b) An individual who is less than eighteen (18) years of age may not enter a retail establishment described in subsection (a).

(c) A retail establishment described in subsection (a) must conspicuously post on all entrances to the retail establishment the following:

(1) A sign in boldface type that states "NOTICE: It is unlawful for a person less than 18 years old to enter this store. "

(2) A sign printed in letters and numbers at least one-half (1/2) inch high that displays a toll free phone number for assistance to callers in quitting smoking, as determined by the state department of health.

(d) A person who violates this section commits a Class C infraction. Notwithstanding IC 34-28-5-4(c), a civil judgment for an infraction committed under this section must be imposed as follows:

(1) If the person has not been cited for a violation of this section in the previous one hundred eighty (180) days, a civil penalty of up to two hundred dollars (\$200).

(2) If the person has had one (1) violation in the previous one hundred eighty (180) days, a civil penalty of up to four hundred dollars (\$400).

(3) If the person has had two (2) violations in the previous one hundred eighty (180) days, a civil penalty of up to seven hundred dollars (\$700).

(4) If the person has had three (3) or more violations in the previous one hundred eighty (180) days, a civil penalty of up to one thousand dollars (\$1,000).

A person may not be cited more than once every twenty-four (24) hours.

(e) Notwithstanding IC 34-28-5-5(c), civil penalties collected under this section must be deposited in the Richard D. Doyle youth tobacco education and enforcement fund established under IC 7.1-6-2-6.

(f) A person who violates subsection (a) at least six (6) times in any one hundred eighty (180) day period commits habitual illegal entrance by a minor, a Class B infraction.

As added by P.L.177-1999, SEC.14. Amended by P.L.14-2000, SEC.74; P.L.1-2001, SEC.41; P.L.252-2003, SEC.21; P.L.94-2008, SEC.64.

IC 35-46-1-11.8 Cigarette self-service displays

Sec. 11.8. (a) As used in this section, "self-service display" means a display that contains cigarettes in an area where a customer:

- (1) is permitted; and
- (2) has access to the cigarettes without assistance from a sales person.

(b) This section does not apply to a self-service display located in a retail establishment that:

- (1) has a primary purpose to sell cigarettes; and
- (2) prohibits entry by persons who are less than eighteen (18) years of age.

(c) The owner of a retail establishment that sells or distributes cigarettes through a self-service display, other than a coin operated machine operated under IC 35-46-1-11 or IC 35-46-1-11.5, commits a Class C infraction.

(d) Notwithstanding IC 34-28-5-5(c), civil penalties collected under this section must be deposited in the Richard D. Doyle youth tobacco education and enforcement fund (IC 7.1-6-2-6).

As added by P.L.37-2007, SEC.1.

IC 35-46-1-12 Exploitation of dependent or endangered adult; financial exploitation of endangered adult; violation classification

Sec. 12. (a) Except as provided in subsection (b), a person who recklessly, knowingly, or intentionally exerts unauthorized use of the personal services or the property of:

- (1) an endangered adult; or
- (2) a dependent eighteen (18) years of age or older;

for the person's own profit or advantage or for the profit or advantage of another person commits exploitation of a dependent or an endangered adult, a Class A misdemeanor.

(b) The offense described in subsection (a) is a Class D felony if:

- (1) the fair market value of the personal services or property is more than ten thousand dollars (\$10,000); or
- (2) the endangered adult or dependent is at least sixty (60) years of age.

(c) Except as provided in subsection (d), a person who recklessly, knowingly, or intentionally deprives an endangered adult or a dependent of the proceeds of the endangered adult's or the dependent's benefits under the Social Security Act or other retirement program that the division of family resources has budgeted for the endangered adult's or dependent's health care commits financial exploitation of an endangered adult or a dependent, a Class A misdemeanor.

(d) The offense described in subsection (c) is a Class D felony if:

- (1) the amount of the proceeds is more than ten thousand dollars (\$10,000); or
- (2) the endangered adult or dependent is at least sixty (60) years of age.

(e) It is not a defense to an offense committed under subsection (b)(2) or (d)(2) that the accused person reasonably believed that the endangered adult or dependent was less than sixty (60) years of age at the time of the offense.

(f) It is a defense to an offense committed under subsection (a), (b), or (c) if the accused person:

(1) has been granted a durable power of attorney or has been appointed a legal guardian to manage the affairs of an endangered adult or a dependent; and

- (2) was acting within the scope of the accused person's fiduciary responsibility.

As added by Acts 1981, P.L.299, SEC.3. Amended by P.L.185-1984, SEC.3; P.L.37-1990, SEC.26; P.L.2-1992, SEC.883; P.L.4-1993, SEC.327; P.L.5-1993, SEC.334; P.L.145-2001, SEC.1; P.L.145-2006, SEC.372; P.L.146-2008, SEC.684.

IC 35-46-1-13 Battery, neglect, or exploitation of endangered adult; failure to report; unlawful disclosure; referrals; retaliation

Sec. 13. (a) A person who:

(1) believes or has reason to believe that an endangered adult is the victim of battery, neglect, or exploitation as prohibited by this chapter, IC 35-42-2-1(a)(2)(C), or IC 35-42-2-1(a)(2)(E); and

(2) knowingly fails to report the facts supporting that belief to the division of disability and rehabilitative services, the division of aging, the adult protective services unit designated under IC 12-10-3, or a law enforcement agency having jurisdiction over battery, neglect, or exploitation of an endangered adult; commits a Class B misdemeanor.

(b) An officer or employee of the division or adult protective services unit who unlawfully discloses information contained in the records of the division of aging under IC 12-10-3-12 through IC 12-10-3-16 commits a Class C infraction.

(c) A law enforcement agency that receives a report that an endangered adult is or may be a victim of battery, neglect, or exploitation as prohibited by this chapter, IC 35-42-2-1(a)(2)(C), or IC 35-42-2-1(a)(2)(E) shall immediately communicate the report to the adult protective services unit designated under IC 12-10-3.

(d) An individual who discharges, demotes, transfers, prepares a negative work performance evaluation, reduces benefits, pay, or work privileges, or takes other action to retaliate against an individual who in good faith makes a report under IC 12-10-3-9 concerning an endangered individual commits a Class A infraction.

As added by Acts 1981, P.L.299, SEC.4. Amended by P.L.185-1984, SEC.4; P.L.39-1985, SEC.3; P.L.41-1987, SEC.20; P.L.42-1987, SEC.14; P.L.2-1992, SEC.884; P.L.4-1993, SEC.328; P.L.5-1993, SEC.335; P.L.2-1997, SEC.75; P.L.281-2003, SEC.4; P.L.141-2006, SEC.112.

IC 35-46-1-14 Reporting or documenting battery, neglect, or exploitation; immunity from civil or criminal liability

Sec. 14. Any person acting in good faith who:

- (1) makes or causes to be made a report of neglect, battery, or exploitation under this chapter, IC 35-42-2-1(a)(2)(C), or IC 35-42-2-1(a)(2)(E);
 - (2) makes or causes to be made photographs or x-rays of a victim of suspected neglect or battery of an endangered adult or a dependent eighteen (18) years of age or older; or
 - (3) participates in any official proceeding or a proceeding resulting from a report of neglect, battery, or exploitation of an endangered adult or a dependent eighteen (18) years of age or older relating to the subject matter of that report;
- is immune from any civil or criminal liability that might otherwise be imposed because of these actions. However, this section does not apply to a person accused of neglect, battery, or exploitation of an endangered adult or a dependent eighteen (18) years of age or older.

As added by Acts 1981, P.L.299, SEC.5. Amended by P.L.185-1984, SEC.5; P.L.2-1997, SEC.76; P.L.2-1998, SEC.81; P.L.2-2005, SEC.127.

IC 35-46-1-15 Repealed

(Repealed by P.L.1-1991, SEC.200.)

IC 35-46-1-15.1 Invasion of privacy; offense; penalties

Sec. 15.1. A person who knowingly or intentionally violates:

- (1) a protective order to prevent domestic or family violence issued under IC 34-26-5 (or, if the order involved a family or household member, under IC 34-26-2 or IC 34-4-5.1-5 before their repeal);
- (2) an ex parte protective order issued under IC 34-26-5 (or, if the order involved a family or household member, an emergency order issued under IC 34-26-2 or IC 34-4-5.1 before their repeal);
- (3) a workplace violence restraining order issued under IC 34-26-6;
- (4) a no contact order in a dispositional decree issued under IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an order issued under IC 31-32-13 (or IC 31-6-7-14 before its repeal) that orders the person to refrain from direct or indirect contact with a child in need of services or a delinquent child;
- (5) a no contact order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion;
- (6) a no contact order issued as a condition of probation;
- (7) a protective order to prevent domestic or family violence issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2 before their repeal);
- (8) a protective order to prevent domestic or family violence issued under IC 31-14-16-1 in a paternity action;
- (9) a no contact order issued under IC 31-34-25 in a child in need of services proceeding or under IC 31-37-25 in a juvenile delinquency proceeding;
- (10) an order issued in another state that is substantially similar to an order described in subdivisions (1) through (9);
- (11) an order that is substantially similar to an order described in subdivisions (1) through (9) and is issued by an Indian:
 - (A) tribe;
 - (B) band;
 - (C) pueblo;
 - (D) nation; or
 - (E) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);
that is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians;
- (12) an order issued under IC 35-33-8-3.2; or
- (13) an order issued under IC 35-38-1-30;

commits invasion of privacy, a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction for an offense under this section.

As added by P.L.1-1991, SEC.201. Amended by P.L.49-1993, SEC.14; P.L.242-1993, SEC.5; P.L.1-1994, SEC.170; P.L.23-1994, SEC.17; P.L.303-1995, SEC.1; P.L.1-1997, SEC.153; P.L.37-1997, SEC.3; P.L.1-1998, SEC.199; P.L.1-2001, SEC.42; P.L.280-2001, SEC.53; P.L.1-2002, SEC.150; P.L.133-2002, SEC.67; P.L.104-2008, SEC.22.

IC 35-46-1-16 Invasion of privacy convictions; record of persons protected by orders

Sec. 16. The law enforcement agency with custody of a person who is sentenced to a term of imprisonment of more than ten (10) days following conviction of a crime under section 15.1 of this chapter shall maintain a confidential record of the:

- (1) name;
- (2) address; and
- (3) telephone number;

of each person that the person convicted under section 15.1 of this chapter is required to refrain from direct or indirect contact with under an order described by section 15.1 of this chapter.

As added by P.L.53-1989, SEC.10. Amended by P.L.1-1991, SEC.202.

IC 35-46-1-17 Persons convicted of invasion of privacy; denial of access to protective order information

Sec. 17. A person convicted of a crime under section 15.1 of this chapter may not have access to the information maintained under section 16 of this chapter.

As added by P.L.53-1989, SEC.11. Amended by P.L.1-1991, SEC.203.

IC 35-46-1-18 Invasion of privacy convictions; release and hearings; notice to persons protected by orders

Sec. 18. The law enforcement agency having custody of a person who is sentenced to a term of imprisonment of more than ten (10) days following conviction of a crime under section 15.1 of this chapter shall:

- (1) provide each person described in section 16 of this chapter with written notification of:

(A) the release of a person convicted of a crime under section 15.1 of this chapter; and

(B) the date, time, and place of any substantive hearing concerning a violation of section 15.1 of this chapter by a person who is sentenced to a term of imprisonment of more than ten (10) days following conviction of a crime under section 15.1 of this chapter; and

- (2) attempt to notify each person described in section 16 of this chapter by telephone to provide the information described in subdivision (1).

As added by P.L.53-1989, SEC.12. Amended by P.L.1-1991, SEC.204.

IC 35-46-1-19 Invasion of privacy convictions; time of notice to persons protected by orders

Sec. 19. The law enforcement agency shall:

- (1) provide written notice; and
- (2) attempt notification by telephone;

under section 18 of this chapter at least twenty-four (24) hours before the release or hearing.

As added by P.L.53-1989, SEC.13.

IC 35-46-1-20 Enforcement of foreign protection orders

Sec. 20. A law enforcement officer shall enforce a foreign protection order (as defined in IC 34-6-2-48.5) in conformity with the procedures in IC 34-26-5-17.

As added by P.L.280-2001, SEC.54. Amended by P.L.133-2002, SEC.68.

IC 35-46-1-21 Unauthorized adoption advertising; telephone directory publisher requirements

Sec. 21. (a) Only a person that is an attorney licensed to practice law or a child placing agency licensed under the laws of any state or the District of Columbia may place a paid advertisement or paid listing of the person's telephone number, on the person's own behalf, in a telephone directory that:

- (1) a child is offered or wanted for adoption; or
- (2) the person is able to place, locate, or receive a child for adoption.

(b) A person that publishes a telephone directory that is distributed in Indiana:

(1) shall include, at the beginning of any classified heading for adoption and adoption services, a statement that informs directory users that only attorneys licensed to practice law and licensed child placing agencies may legally provide adoption services under Indiana law; and

(2) may publish an advertisement described in subsection (a) in the telephone directory only if the advertisement contains the following:

(A) For an attorney licensed to practice law, the person's attorney number.

(B) For a child placing agency licensed under the laws of any state or the District of Columbia, the number on the person's child placing agency license.

(c) A person who knowingly or intentionally violates subsection (a) commits unauthorized adoption advertising, a Class A misdemeanor.

As added by P.L.146-2007, SEC.20.

IC 35-46-1-22 Unauthorized adoption facilitation

Sec. 22. (a) As used in this section, "adoption services" means at least one (1) of the following services that is provided for compensation, an item of value, or reimbursement, either directly or indirectly, and provided either before or after the services are rendered:

- (1) Arranging for the placement of a child.
- (2) Identifying a child for adoption.
- (3) Matching adoptive parents with biological parents.
- (4) Arranging or facilitating an adoption.
- (5) Taking or acknowledging consents or surrenders for termination of parental rights for adoption purposes.
- (6) Performing background studies on:
 - (A) a child who is going to be adopted; or
 - (B) adoptive parents.
- (7) Making determinations concerning the best interests of a child and the appropriateness in placing the child for adoption.
- (8) Postplacement monitoring of a child before the child is adopted.

(b) As used in this section, the term "adoption services" does not include the following:

- (1) Legal services provided by an attorney licensed in Indiana.
- (2) Adoption related services provided by a governmental entity or a person appointed to perform an investigation by the court.
- (3) General education and training on adoption issues.
- (4) Postadoption services, including supportive services to families to promote the well-being of members of adoptive families or birth families.

(c) This section does not apply to the following persons:

- (1) The department of child services, an agency or person authorized to act on behalf of the department of child services, or a similar agency or county office with similar responsibilities in another state.
- (2) The division of family resources, an agency or person authorized to act on behalf of the division of family resources, or a similar agency or county office with similar responsibilities in another state.
- (3) A child placing agency licensed under the laws of Indiana or another state.
- (4) An attorney licensed to practice law in Indiana or another state.
- (5) A prospective biological parent or adoptive parent acting on the individual's own behalf.
- (d) A person who knowingly or intentionally provides, engages in, or facilitates adoption services to a birth parent or prospective adoptive parent who resides in Indiana commits unauthorized adoption facilitation, a Class A misdemeanor.

As added by P.L.146-2007, SEC.21. Amended by P.L.146-2008, SEC.685.

Acronyms

ACT	Assertive Community Treatment
ADA	Americans with Disabilities Act
AFDC	Aid to Families with Dependent Children
ADL	Activities of Daily Living
APSE	APSE - The Network on Employment (formerly known as the Association for Persons in Supported Employment)
BAC	Business Advisory Councils
BDDS	Bureau of Developmental Disabilities Services
BIN	Benefits Information Network
BRS	Bureau of Rehabilitation Services
CAP	Client Assistance Program
CARF	The Rehabilitation Accreditation Commission (formerly known as the Commission on the Accreditation of Rehabilitation Facilities)
CBA/CBE	Community-Based Assessment/Community Based Evaluation
CDR	Continuing Disability Review
CMHC	Community Mental Health Center
CMS	Centers for Medicare and Medicaid Services (formerly known as the Health Care Financing Administration)
CRP	Community Rehabilitation Program
CSP	Community Support Program
CSS	Community Support Services
CWIC	Community Work Incentive Coordinator
DD	Developmental Disability
DDRS	Division of Disability and Rehabilitative Services (formerly the Division of Disability, Aging, and Rehabilitative Services (DDARS))
DMHA	Division of Mental Health and Addiction
DOC	Department of Correction
DOE	Department of Education
DOL	Department of Labor
DSM-IV-TR	Diagnostic and Statistical Manual of Mental Disorders, 4 th Edition, Text Revision
EEOC	Equal Employment Opportunity Commission
ES	Employment Specialist
FBR	Federal Benefit Rate
FLSA	Fair Labor Standards Act
FSSA	Family and Social Services Administration
FY	Fiscal Year
HRJP	Hourly-Rate Job Placement
HUD	Housing and Urban Development
IC	Indiana Code
IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Program
IHCDA	Indiana Housing and Community Development Authority
IHP	Individual Habilitation Plan

IIDC	Indiana Institute on Disability and Community
IMPACT	Indiana Manpower and Comprehensive Training Program
IN-APSE	Indiana Chapter of the APSE - The Network on Employment
INARF	Indiana Association of Rehabilitation Facilities
IPAS	Indiana Protection and Advocacy Services
IPE	Individual Plan for Employment
IRA	Indiana Rehabilitation Association
IRCIL	Indiana Resource Center for Independent Living
IRWE	Impairment-Related Work Expense
ISETT	Indiana Supported Employment Training Team
ITP	Individual Treatment Plan
JCAHO	The Joint Commission on Accreditation of Healthcare Organizations
JTPA	Job Training Partnership Act
MHA	Mental Health Association
MRO	Medicaid Rehabilitation Option
NAMI	National Alliance for the Mentally Ill
NCQA	The National Commission on Quality Assurance
OMPP	Office of Medicaid Policy and Planning
OSERS	Office of Special Education and Rehabilitative Services
P&A	Protection and Advocacy
PASS	Plan for Achieving Self-Support
PBP	Performance-Based Placement
PCP	Person-Centered Plan
PHP	Partial Hospitalization Program
POSA	Purchase of Service Agreement
PSR	Psychosocial Rehabilitation
RSA	Rehabilitation Services Administration
SE	Supported Employment
SECT	Supported Employment Consultation and Training Center
SGA	Substantial Gainful Activity
SSA	Social Security Administration (“A” sometimes refers to “Act”)
SSDAC	Social Security Disabled Adult/Child
SSDI	Social Security Disability Insurance
SSI	Supplemental Security Income
TACE	Technical Assistance and Continuing Education
TANF	Temporary Assistance for Needy Families
USPRA	United States Psychosocial Rehabilitation Association, formerly known as the International Association of Psychosocial Rehabilitation Services
VRC	Vocational Rehabilitation Counselor
VRS	Vocational Rehabilitation Services
WOTC	Work Opportunity Tax Credit
WIA	Workforce Investment Act
WIB	Workforce Investment Board
WIPA	Work Incentives Planning and Assistance
WtW	Welfare-to-Work

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