

CHAPTER 133
IV-A EMERGENCY ASSISTANCE PROGRAM

PREAMBLE

This chapter defines and structures the department of human services' IV-A emergency assistance program. This program is designed to extend a menu of services to children who are victims or at risk of abuse or neglect, at risk of out-of-home placement, or in need of care or treatment. These rules define emergency assistance services as family-centered services, family preservation services, foster care, protective day care and wrap-around services. The rules further outline an application process, eligibility criteria, methods of service provision, and duration of service.

441—133.1(235) Definitions.

“Adolescent monitoring and outreach services” are activities undertaken to provide intensive one-to-one guidance and monitoring of a child with the goal of maintaining the child's accountability and establishing positive behavior patterns for the child in a nonresidential, community-based setting.

“Child” means a person under 18 years of age.

“Department worker” means the worker who is responsible for providing social casework as described in 441—Chapter 131.

“Emergency assistance” means any one or more of the following services provided in response to a IV-A emergency assistance application:

1. Family-centered services as set forth in 441—Chapters 182 and 185.
2. Family preservation services as set forth in 441—Chapters 181 and 185.
3. Foster care as set forth in 441—Chapters 185 and 202.
4. Protective day care as set forth in 441—Chapter 170.
5. Wrap-around services as set forth in 441—Chapter 179.
6. Adolescent monitoring and evaluation as set forth in 441—Chapter 151, Division II.

“Family” includes the following members:

1. Legal spouses (including common law) who reside in the same household.
2. Natural, adoptive, or stepmother or stepfather, and children who reside in the same household.
3. An individual or child who lives alone or who resides with a person, or persons, not legally responsible for the child's support.

“Family assistance fund” means a fund allocated to the department's regional offices which can be used by family preservation program service providers to purchase goods or services for families receiving family preservation treatment services. The family assistance fund provides assistance in meeting basic needs of a child and a child's family such as housing, which may be needed to prevent homelessness, transportation, clothing and food.

“Family-centered services” means services which utilize a comprehensive approach to address the problems of individual family members within the context of the family. These services are adapted to the individual needs of a family in the intensity and duration of service delivery and are intended to improve overall family functioning. Family-centered services may consist of both rehabilitative treatment and supportive services.

“*Family-centered supportive services*” means supervision services and respite care services as defined at rule 441—182.1(234).

“*Family preservation services*” means treatment services and supportive services provided in the family preservation program that have duration limited to 60 calendar days, but are expected to last an average of 45 calendar days.

“*Foster care*” shall mean substitute care furnished on a 24-hour-a-day basis to an eligible child, in a licensed foster care facility or approved shelter care facility, by a person or agency other than the child’s parent or guardian, but does not include care provided in a family home through an informal agreement for a period of less than 30 days. Child foster care shall include, but is not limited to, the provision of food, lodging, training, education, supervision, and health care.

“*Protective day care*” means day care provided to children to prevent or alleviate child abuse or neglect.

“*Wrap-around services or support funds*” means individualized and community-based services or support funds which enable group foster care placement to be prevented or the length of stay reduced. Wrap-around services include concrete supports, such as housing, which may be needed to prevent homelessness, transportation, clothing and food for eligible clients.

441—133.2(235) Application. An application for emergency assistance shall be made according to 441—Chapter 130 on Form SS-1120-0, Application for Social Services/IV-A Emergency Assistance. An application shall be completed anytime a decision is made to provide emergency assistance or when an adult family member requests emergency assistance on behalf of a child.

The application shall be filed by a parent, except where both parents are absent or unwilling to apply on behalf of a child who meets all other eligibility conditions, in which case another adult member of the family with whom the child resides or has resided within the past six months acting on behalf of the child may file the application.

If the application is made on behalf of a child for whom the department has legal custody, the department worker may sign the application on behalf of the child.

441—133.3(235) Eligibility. To be eligible for emergency assistance, the family shall meet all of the following criteria:

133.3(1) Existence of an emergency. An emergency situation shall exist. An emergency exists when one of the following situations exists:

- a. Abuse, neglect, or abandonment of a child exists, or risk of same.
- b. Children are in imminent danger where continued presence in the home is not in the best interests of the child.
- c. Children have been removed from the home or are at risk of removal from the home because of abuse, neglect, which may include homelessness, or inability of parents to provide needed care or treatment or to control the behavior of the child.

133.3(2) No refusal to accept employment or training. The emergency situation did not arise out of an applicant’s or applicant’s family’s refusal without good cause to accept employment or training for employment within 30 days of the date of the application.

133.3(3) Residence. The child is living, or within six months prior to the month in which assistance is requested has been living, with one or both parents, or a grandparent, adoptive parent, stepparent, sibling, aunt, uncle or cousin in a place of residence maintained as the child’s own home.

133.3(4) Service need. The applicant must demonstrate a need for one or more of the emergency assistance services as follows:

- a. Family-centered services as established at rules 441—182.2(234) and 441—185.2(234).
- b. Family preservation services as established at rules 441—181.2(234) and 441—185.2(234).
- c. Foster care as established at rules 441—202.2(234) and 441—185.2(234).
- d. Protective day care as established at rule 441—170.2(234).
- e. Wrap-around funding as established at rule 441—179.2(234).
- f. Adolescent monitoring and evaluation as established at rule 441—151.22(235).

133.3(5) Receipt of assistance. An application for IV-A emergency assistance was not previously approved within 12 months of the current application for IV-A emergency assistance.

133.3(6) Financial eligibility. The applicant family is receiving FIP, SSI, food stamp benefits, or Medicaid in the month of the application, or does not have cash to provide needed emergency care or services as evidenced by the applicant family having an income which does not exceed 800 percent of the poverty guidelines established by the Office of Management and Budget.

441—133.4(235) Method of service provision. Except for wrap-around services, services shall be provided through department workers or through purchase of service agreements with providers approved by the department as qualified to provide specified services and who have a current contract with the department of human services to provide services. Organizations or persons selected by the department to provide services and support pursuant to an approved application for wrap-around funding shall be considered eligible providers.

441—133.5(235) Duration of services. Services to families and children provided through the emergency assistance program as a result of a single application may be provided for either a period not to exceed 12 months, or until there is no longer a need for services according to eligibility criteria for the specified services, whichever occurs first. Family-centered supportive services, family assistance fund services, and wrap-around services shall be discontinued when the funds allocated to those services are obligated or expended as set forth at rules 441—182.3(234), 441—181.3(234), and 441—179.11(234).

441—133.6(235) Discontinuance of the program. The program shall be discontinued when federal funds have been exhausted.

These rules are intended to implement Iowa Code section 235.2.

[Filed emergency 9/15/94—published 10/12/94, effective 10/1/94]

[Filed emergency 12/14/94—published 1/4/95, effective 12/14/94]

[Filed 2/16/95, Notices 10/12/94, 1/4/95—published 3/15/95, effective 5/1/95]

[Filed emergency 3/20/95—published 4/12/95, effective 4/1/95]

[Filed 6/7/95, Notice 4/12/95—published 7/5/95, effective 9/1/95]

[Filed without Notice 6/10/98—published 7/1/98, effective 8/15/98]

[Filed 8/12/98, Notice 7/1/98—published 9/9/98, effective 11/1/98]