

CHAPTER 184
INDIVIDUAL AND FAMILY DIRECT SUPPORT

DIVISION I
FAMILY SUPPORT SUBSIDY PROGRAM

PREAMBLE

The purpose of this division is to define and structure the family support subsidy program. This program is designed to assist families in staying together by defraying some of the costs of caring for a child with special needs living at home.

441—184.1(225C) Definitions.

“Department” means the department of human services.

“Family” means a family member and the parent or legal guardian of the family member.

“Family member” means a person less than 18 years of age who by educational determination has a moderate, severe, or profound educational handicap or special health care needs or who otherwise meets the definition of developmental disability in the federal Developmental Disabilities Act, Section 102(5), as codified in 42 U.S.C. 6001(5).

“Home” means the home of the parent or legal guardian of the family member.

“Legal guardian” means a person appointed by a court to exercise powers over a family member.

“Parent” means a biological or adoptive parent.

“Supplemental Security Income (SSI)” means financial assistance provided to individuals pursuant to Title XVI of the federal Social Security Act, 42 U.S.C. Sections 1381 to 1383c.

441—184.2(225C) Eligibility requirements. A child shall be eligible for the family support subsidy program if funds are available and all of the following requirements are met:

184.2(1) The child meets the definition of family member.

184.2(2) Rescinded IAB 6/27/90, effective 7/1/90.

184.2(3) The child is currently residing in the applicant’s home, or there is a discharge plan for the child to return home in the next 60 calendar days.

184.2(4) The family resides in the state of Iowa.

184.2(5) The family’s net taxable income for the calendar year immediately preceding the date of application did not exceed \$40,000 unless it can be verified that their estimated taxable income for the year in which the application is made will be less than \$40,000.

184.2(6) The applicant agrees that, if the child receives Medicaid, the subsidy shall only be used for the cost of services that are not covered by Medicaid. This subsidy is intended to complement but not supplant public assistance or social service benefits that are based on economic need and are available to the family through governmental programs or other means.

184.2(7) Exclusions. Unless a family requests and receives approval from the department for an exception to policy according to rule 441—1.8(17A,217), a family is not eligible to receive the family support subsidy if any of the following are applicable to the family or the family member for whom the application is submitted:

a. The family member is a special needs child who was adopted by the family, and the family is receiving financial assistance under Iowa Code section 600.17.

b. Medicaid home- and community-based waiver services are provided for the family member, and the family lives in a county in which comprehensive family support program services are available.

c. Medicaid home- and community-based waiver services are available to the family member under a consumer choices option.

441—184.3(225C) Application process. Applications for the family support subsidy program may be obtained at the local office of the department in the county in which the family resides. Arrangements shall be made through the local office for the parent or legal guardian to meet with a trained volunteer or staff person to respond to questions.

184.3(1) A parent or legal guardian who wishes to apply shall complete Form 470-2526, Application for Family Support Subsidy, and provide the following verification for each family member for whom application is being made:

a. Verification of the family's net taxable income for the previous calendar year, or estimated income for the current year.

b. Verification of educational or health care needs.

(1) If the child has undergone an educational evaluation and by educational determination has a moderate, severe, or profound educational handicap or special health care needs, either the child's school principal, local superintendent of schools or the director of special education for the area education association, or any person so designated by the above individuals, shall complete the educational sign-off portion of Form 470-2526, Application for Family Support Subsidy.

(2) If the child has not undergone an educational evaluation and, therefore, the parents or guardians are unable to obtain signatures on the educational sign-off portion of Form 470-2526, then the medical sign-off portion of Form 470-2526 shall be utilized. When using the medical sign-off portion of Form 470-2526, the doctor completing the form shall be familiar with the child and the definition of developmental disability as defined in the federal Developmental Disabilities Act, Section 102(5), as codified in 42 U.S.C. 6001(5), which is contained on the form itself. In addition, the doctor shall be a doctor of medicine (M.D.) or a doctor of osteopathic medicine and surgery (D.O.) and licensed to practice in the doctor's state of residence.

(3) The application shall identify the age at which the family member's eligibility shall end. The age identified is subject to approval by the department.

184.3(2) The date of application is the date that Form 470-2526 and all verifications specified in subrule 184.3(1) are received in the local office of the department. Application materials shall be processed in the office within two working days of receipt. Obtaining verifications is the responsibility of the applicant.

184.3(3) A determination of eligibility shall be made within 15 working days after the completed application and required verification are received by the department.

184.3(4) After funds appropriated for this purpose are obligated, pending applications will be denied.

a. A denial shall require a notice of decision to be mailed within ten calendar days following the determination that funds have been obligated. The notice shall state that the applicant meets eligibility requirements but no funds are available and that the applicant will be placed on the waiting list, or that the applicant does not meet eligibility requirements.

b. Applicants not awarded funding who meet the eligibility requirements will be placed on a statewide waiting list according to the order in which the completed applications and verification were received by the local office. In the event that more than one application is received at one time, families shall be entered on the waiting list on the basis of the day of the month of the child's birthday, the lowest number being first on the waiting list. Any subsequent tie shall be decided by the month of birth, January being month one and the lowest number.

441—184.4(225C) Family support services plan.

184.4(1) The special needs of the child and the family for the subsidy, and the resources available to meet those needs shall be identified on the application form.

184.4(2) The applicant shall agree that the subsidy will be used to meet the special needs identified in the plan or other special needs of the child and family.

184.4(3) Families shall retain the greatest possible flexibility in determining use of the subsidy, except a parent or legal guardian who receives family investment program benefits shall not use the subsidy to meet the basic needs of the family as defined in 441—subrule 41.28(2) or the special needs

as defined in 441—subrule 41.28(3). In addition, if the child receives Medicaid, the subsidy shall only be used for the cost of services which are not covered by Medicaid.

441—184.5(225C) Approval. Rescinded IAB 6/27/90, effective 7/1/90. Subrule 184.5(3) transferred to 184.3(4).

441—184.6(225C) Amount of subsidy payment.

184.6(1) Monthly payment. Families approved for payment shall receive an ongoing monthly payment that is determined by dividing the amount appropriated by the legislature by the number of available subsidy slots designated by the legislature for each state fiscal year. The number of slots and amount requested by the department shall be determined after consultation with the comprehensive family support council.

184.6(2) Advance payment. In addition, a one-time lump-sum advance payment of twice the monthly amount may be paid to the parent or legal guardian whose family member will be returning home for the purpose of preparing for in-home care.

184.6(3) Effective date. An approved subsidy shall be payable as of the first of the month following approval. A notice of decision stating that the application is approved shall be sent within two working days of the approval. The notice shall state the date payments will begin, the amount of monthly payments, and, if different, the amount of the first payment.

441—184.7(225C) Redetermination of eligibility.

184.7(1) The department shall send an application packet, which shall include instructions and necessary forms for verification of continuing eligibility, to all recipients of subsidy payments at least 30 calendar days prior to the deadline date for annual redetermination of eligibility. The completed Form 470-2526, Application for Family Support Subsidy, and required verification materials shall be submitted annually to the Department of Human Services, Division of MH/MR/DD, Hoover State Office Building, Des Moines, Iowa 50319-0114. If the signed application and verification of continuing eligibility are not received by the division by the last working day of the renewal month, the family's subsidy shall be terminated.

184.7(2) When funding allows additional individuals to be added to the subsidy program, they shall be taken from the statewide waiting list, and their eligibility shall be redetermined at that time. An application packet, which includes instructions and necessary forms for verification of continuing eligibility, shall be sent to these families for completion and returned to the Department of Human Services, Division of MH/MR/DD, Hoover State Office Building, Des Moines, Iowa 50319-0114, within timelines specified by the department. If the signed application and verification of continuing eligibility are not received by the timeline specified by the department, the family's name shall be dropped from consideration for receipt of the subsidy payments.

441—184.8(225C) Termination of subsidy payments.

184.8(1) The family support subsidy shall terminate at the end of the month in which any of the following occur and a notice shall be sent which states the reason for the termination:

- a. The family member dies.
- b. The family no longer meets one or more of the eligibility criteria outlined in rule 441—184.2(225C).
- c. The parent or legal guardian has failed to provide information required for redetermination of eligibility as outlined in rule 441—184.7(225C).
- d. No funds appropriated for this purpose are available.

184.8(2) The parent or legal guardian is required to report to the local office within ten working days any changes which may affect eligibility. Failure to do so may result in responsibility for repayment of funds and termination of the subsidy.

184.8(3) If funds are not sufficient to cover payments for all persons on the subsidy, persons will be terminated from the subsidy in inverse order to the dates they began receiving payments, i.e., the last

person to be added on to the subsidy being the first person to be removed. The person terminated will move back to the waiting list with the person's original application date dictating the person's position as stated in subrule 184.3(4). The division of MH/MR/DD is responsible for notifying the persons who will be removed from the subsidy for this reason.

441—184.9(225C) Appeals. The parent or legal guardian of the child may appeal a denial of an application or termination of the subsidy payment pursuant to 441—Chapter 7. **EXCEPTION:** When the parent or guardian appeals the termination of benefits for a child who has attained the age of 18 or who will attain the age of 18 during the appeal, subsidy payments shall not be paid during the appeal after the child has turned 18. If there is a final decision in favor of the parent or legal guardian, subsidy payments shall be made consistent with the ruling.

These rules are intended to implement Iowa Code sections 225C.35 to 225C.42.

441—184.10 to 184.20 Reserved.

DIVISION II
COMPREHENSIVE FAMILY SUPPORT PROGRAM

PREAMBLE

The purpose of this division is to define and structure the comprehensive family support program, known as “children at home.” This program is designed to assist families raising a child with a disability in obtaining needed services and supports. This program provides families with assistance in locating resources and with funding when other sources of support are not available. It is the intent of the legislature that families maintain control over decision making regarding what is best for their children. Services and support provided under the children at home program shall not be used to supplant other services and supports available to the family of an individual with disabilities but shall be used to meet family needs that would not be met without the program.

441—184.21(225C) Definitions.

“*Comprehensive family support*” means the array of services and supports that assist families who are caring for a family member with a disability. Services and supports include, but are not limited to, programs, services, parent-to-parent support, assistive devices, and various adaptations that allow children with disabilities to participate more fully in family and community life.

“*Family*” means a group of interdependent persons living in the same household. A family may consist of an individual with a disability and any of the following:

1. The individual's parent.
2. The individual's sibling.
3. The individual's grandparent, aunt, or uncle.
4. The individual's legal custodian.
5. A person who is providing short-term foster care to the individual subject to a case permanency plan that provides for reunification between the individual and the individual's parent.

“*Family*” does not include a person who is employed to provide services to an individual with a disability in an out-of-home setting, including but not limited to a hospital, nursing facility, personal care home, board and care home, group foster care home, or other institutional setting.

“*Individual with a disability*” means a person who is less than 22 years of age and meets the definition of developmental disability in 42 U.S.C. § 6001.

“*Services and support*” means services or other assistance intended to enable an individual with a disability to control the individual's environment, to remain living with the individual's family, to function more independently, and to integrate into the individual's community. Services and support may include, but are not limited to, funding for:

1. Purchase of equipment, respite care, supplies, or assistive technology; and
2. Payment of other costs attributable to the individual's disability that are identified by the individual's family.

441—184.22(225C) Eligibility. Eligibility for the children at home program is limited to families who meet all the following conditions:

184.22(1) The family resides in the state of Iowa.

184.22(2) The family includes an individual with a disability.

184.22(3) The family expresses an intent for the individual with a disability to remain living in the family's home.

184.22(4) The family's net taxable income in the most recently completed tax year is less than \$60,000.

441—184.23(225C) Application. A family may apply to the department or to a local children at home contractor for assistance using Form 470-4399, Application for Children at Home Services. The local children at home contractor shall determine eligibility for services in accordance with the provisions of this division.

441—184.24(225C) Contractor selection and duties. Whenever possible, the department shall contract with local agencies to implement the children at home program.

184.24(1) Selection. Contractors shall be selected through competitive bidding and a demonstrated ability to provide disability-related services and supports.

184.24(2) Duties. The local children at home contractor shall agree to perform the following activities:

a. Provide a single entry point for applicants to learn about and connect with a variety of needed services and supports.

b. Assist families in identifying and applying for services they believe will help meet the needs of their family.

c. Develop and disseminate a brochure describing the services available.

d. Provide services and support in a timely manner.

e. Inform families of emergency access to needed services and support, as needed.

f. Survey parents annually to determine how the program is helping parents meet the needs of individuals with disabilities and include the survey results in the annual report to the department.

g. Submit quarterly and annual reports to the department. The reports shall contain:

(1) A summary of the number of applications and services provided;

(2) An unduplicated count of children and families served; and

(3) Any other items listed in the contract with the department.

441—184.25(225C) Direct assistance. Each local children at home contractor shall, with the advice and assistance of the parent advisory council described in rule 441—184.27(225C), develop procedures for providing direct financial assistance for supports and services that cannot be funded through other programs or means. Local policies shall be submitted to and approved by the department.

441—184.26(225C) Appeals. A process is available to appeal the department's or the local children at home contractor's decisions involving families that apply for the children at home program and are denied services and support under the program. Families, contractors, and the department shall follow the appeal procedures outlined in 441—Chapter 7.

441—184.27(225C) Parent advisory council. Each local children at home contractor shall establish a local advisory council of at least five members to advise the children at home program coordinator in developing local policies and procedures.

184.27(1) *Membership.* A majority of the advisory council members shall be parents of an individual with a disability. Other members shall be recruited from agencies and organizations that have expertise in serving families and children with special needs.

184.27(2) *Role.* The role of the council is to ensure that the views and best interests of individuals with disabilities and their families are represented in the policy discussions with the program coordinator. Council members may attend meetings of the comprehensive family support council established in Iowa Code section 225C.48 as amended by 2006 Iowa Acts, Senate File 2217, section 22. Final decisions regarding funding of specific requests are the responsibility of the contracting agency that is responsible for the children at home program.

These rules are intended to implement Iowa Code section 225C.47 as amended by 2006 Iowa Acts, Senate File 2217, division VI.

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